BILATERAL

MEMORANDUM OF UNDERSTANDING BETWEEN THE REPUBLIC OF THE PHILIPPINES AND ARGENTINE REPUBLIC ON REMUNERATED ACTIVITIES FOR DEPENDENT RELATIVES OF DIPLOMATIC, CONSULAR, ADMINISTRAT...

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The Republic of the Philippines and Argentine Republic hereinafter called “the Parties”;

Desirous of strengthening the ties of friendship existing between them;

Recognizing the importance of improving employment opportunities for dependent relatives of the staff of Diplomatic Missions, Consular Offices and Representatives of International Organizations, allowing the free exercise of remunerated activities, on a reciprocal basis;

Have agreed as follows:

ARTICLE 1
AUTHORIZATION TO EXERCISE REMUNERATED ACTIVITIES

Dependent relatives of diplomatic, consular, administrative and technical staff of Diplomatic Missions or Consular Offices of the Republic of the Philippines in Argentina, and of the Argentine Republic in the Philippines, may exercise remunerated activities in the receiving State, on the same conditions as the nationals of such State, once the required authorization has been obtained, pursuant to the provisions of this Memorandum. This benefit may also be granted to dependent relatives of Filipino or Argentine nationals accredited to International Organizations located in any of the two countries.

ARTICLE 2
DEFINITIONS

For the purpose of this Memorandum, “dependent relatives of diplomatic, consular, administrative and technical staff of Diplomatic Missions and Consular Offices and nationals accredited to International Organizations” shall mean:

a) a spouse, as long as the marriage has not been declared void and there is no decree of divorce or legal separation;
b) unmarried children under 21 years old under the charge of their parents or under 26 years old studying full time in tertiary-level institutions of higher education
and

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c) unmarried children who are physically or mentally disabled and under the charge of their parents.

ARTICLE 3
RESTRICTIONS ON REMUNERATED ACTIVITIES

There shall be no restrictions as regards the nature or type of employment that may be engaged in. Nevertheless, in professions or activities requiring special qualifications, dependent relatives shall be requested to comply with the rules governing the exercise of such professions or activities in the receiving State. On the other hand, the authorization may be refused in cases in which, for reasons of security, public policy, or pursuant to laws and regulations, only nationals of the receiving State may be employed.

ARTICLE 4
PROCEDURES

a) All requests for authorization to engage in remunerated employment or activities shall be submitted, through a Verbal Note, by the Embassy of the State of origin on behalf of the beneficiary, to the Protocol Office of the Department of Foreign Affairs of the Republic of the Philippines or to the National Ceremonial Directorate of the Ministry of Foreign Affairs and Worship of the Argentine Republic.

b) The request shall include information on the remunerated employment or activity that the beneficiary is to engage in and on the kinship between the beneficiary and the staff member of whom they are a dependant.

c) Upon verification that the person is a dependent relative and after the authorization request has been processed, the Embassy of the State of origin shall be informed by the Department of Foreign Affairs or the Ministry of Foreign Affairs, as the case may be, that the dependent relative has been authorized to work, subject to the relevant rules of the receiving State.

ARTICLE 5
IMMUNITY FROM CIVIL AND ADMINISTRATIVE JURISDICTION

Dependent family members enjoying immunity from the jurisdiction of the receiving State under Article 31 of the Vienna Convention on Diplomatic Relations or Article 43 of the Vienna Convention on Consular Relations or under the Convention on the Privileges and Immunities of the United Nations or any other applicable document and who have engaged in employment in accordance with this Agreement, shall not have the benefit of immunity from civil and administrative jurisdiction regarding matters arising out of their employment and subject to the legislation and courts of the receiving State in connection with such activities.

ARTICLE 6
IMMUNITY FROM CRIMINAL JURISDICTION

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In the case of dependent relatives having immunity from the criminal 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;

a) The State of origin shall give serious consideration to any written request submitted by the receiving State for a waiver or criminal immunity where a dependent relative is charge with a crime in relation to their work.

b) The waiver of immunity from criminal jurisdiction shall not be construed as extending to immunity from sentence execution, for which a specific waiver will be required. In such cases, the sending State shall seriously consider the waiver of immunity from criminal execution.

ARTICLE 7
TAX AND SOCIAL SECURITY RULES

A dependent family member who engages in remunerated activities in the receiving State shall be subject to the applicable laws of that State governing tax and social security matters in relation to the exercise thereof.

ARTICLE 8
NO DEGREE RECOGNITION

This Memorandum shall not entail recognition of degrees, diplomas or studies between both countries.

ARTICLE 9
VALIDITY OF AUTHORIZATION

The authorization to engage in remunerated activities in the receiving State shall expire within two months from the date on which the diplomatic or consular agent or administrative or technical official in charge of the dependent relative ends their assignment to the Government mission or international organization to which they are accredited. The employment engaged in accordance with the terms of this Agreement shall not authorize the dependent relatives to continue residing in the Philippines or Argentina nor shall it authorize them to continue engaged in that employment or to engage in a new one in the receiving country after the expiration of the permit.

ARTICLE 10
NECESSARY MEASURES

The Parties undertake to adopt any measures they may deem necessary for the implementation of this Agreement.

ARTICLE 11

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DURATION AND TERMINATION OF THE AGREEMENT

This Agreement shall enter into force on the date of receipt of the last written notification by the Parties, through diplomatic channels, by which it is informed that the internal requirements for its entry into force have been complied with.

Either Party may terminate this Agreement through written notification to the other Party, through diplomatic channels, of its intention to terminate it. The termination shall be effective six months after the date of such notification.

Done in Manila, on the 14 th of September 2012, in two original copies, in the English and Spanish languages, both being equally authentic.

For the Republic of the Philippines:

For the Argentine Republic:

(Sgd.) ALBERT F. DEL ROSARIO
Secretary of Foreign Affairs

(Sgd.) HECTOR MARCOS TIMERMAN
Minister of Foreign Affairs and
Worship

Entry into Force: May 15, 2017

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