

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL ON REMUNERATED EMPLOYMENT OF DEPENDENTS OF DIPLOMATIC, CONSULAR, ADMINISTRATIVE AND TECHNICAL PERSONNEL

The Government of the Republic of the Philippines and the Government of the Federative Republic of Brazil, (hereinafter referred to as "the Parties"),

Considering the particularly advanced stage of understanding between the two countries; and

With the aim of establishing new mechanisms to strengthen their diplomatic relations;

Have agreed as follows:

**ARTICLE 1
DEFINITION OF TERMS**

1. The dependents of diplomatic, consular, administrative and technical personnel of one of the Parties officially accredited to the other as a member of a diplomatic Mission or consular Post shall be authorized to undertake remunerated employment in the receiving State in conformity with this Agreement and on the basis of reciprocity.
2. For purposes of this Agreement, "diplomatic, consular, administrative and technical personnel" refers to members of a diplomatic Mission or consular Post, employed by one of the Parties, including other government personnel attached to a diplomatic Mission or consular Post, except the members of the service staff.
3. For purposes of this Agreement, "dependents" refers to:
 - a) Spouse;
 - b) Unmarried children under 21 years of age;
 - c) Unmarried children under 25 years, enrolled in a university or higher education center recognized by each State; and
 - d) Unmarried physically or mentally disabled children.

**ARTICLE 2
REQUEST FOR AUTHORIZATION**

1. All requests for authorization to undertake remunerated employment shall be sent accordingly, on behalf of the dependent, by the Embassy of the sending State to the Office of Protocol in the Philippine Department of Foreign Affairs or to the Protocol Department of the Brazilian Ministry of External Relations.
2. Requests for authorization shall contain information on the occupation to be engaged in by the dependent and the relationship of the dependent with the personnel concerned. Upon verification that the person in question is a dependent, and after processing of the official request, the Embassy of the sending State will be informed by the government of the receiving State that the dependent may engage in remunerated employment.
3. The procedures followed shall be applied in such a way that will permit the dependent to undertake remunerated employment as soon as possible. All requirements relating to work permits and any other similar formalities shall be favorably applied.
4. Authorization for the dependent to undertake remunerated employment shall not imply exemption from any legal or other requirement relating to personal characteristics, professional or other qualification that the individual concerned must demonstrate in engaging in a gainful occupation.
5. A dependent shall not undertake remunerated employment other than that for which the authorization was issued. Any change in a remunerated employment after issuance of an authorization shall take effect only upon subsequent request for and issuance of a new authorization in accordance with Paragraph 1 of this Article.
6. Authorization may be refused in those cases where, for reasons of national security, exercise of public administration, or based on existing laws and rules, only citizens of the receiving State can be employed.

ARTICLE 3

IMMUNITY FROM JURISDICTION

Where the dependent authorized to undertake remunerated activity has immunity from the jurisdiction of the receiving State in accordance with Articles 31 and 37 of the Vienna Convention on Diplomatic Relations or Article 43 of the Vienna Convention on Consular Relations or any other applicable international agreement:

- a) It is agreed that such a dependent shall not enjoy immunity from the civil or administrative jurisdiction of the receiving State concerning actions brought against the person concerned in respect of acts directly related to the performance of such remunerated employment; and
- b) It is agreed that the sending State shall give serious consideration to any request from the receiving State to waive the immunity from criminal