

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM
AND
THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND
REGARDING
THE EMPLOYMENT OF MEMBERS OF THE FAMILY OF
MEMBERS OF DIPLOMATIC MISSIONS, CONSULAR POSTS
AND PERMANENT MISSIONS**

The Government of the Socialist Republic of Viet Nam (Viet Nam) and the Government of the United Kingdom of Great Britain and Northern Ireland (UK),

Desiring to facilitate the stay of members of the family of members of their diplomatic missions, consular posts or permanent missions to international organizations located in each other's territory,

Have approved the following arrangements:

1. Authorisation to engage in gainful employment

The members of the family forming part of the household of a member of a diplomatic mission, consular post or a permanent mission to an international organisation of the sending State ('the Mission') will be authorised, on a reciprocal basis, to engage in a gainful employment in the receiving State in accordance with the provisions of the law of the receiving State.

2. Definition

For the purpose of this Memorandum:

(a) "a member of the Mission" means an employee of the sending State who is not a national of or permanently resident in the receiving State in a diplomatic mission, consular post or a mission to an international organisation.

(b) "a member of the family" means the spouse of a member of the Mission forming part of his/her household, any minor children under the age

of 18. In addition children aged 18 and up to their 25th birth day who form part of the household of a member of the Mission, are financially dependent on the member of the Mission and are in full-time education.

(c) "Competent authority" means the Ministry of Foreign Affairs for the Socialist Republic of Viet Nam and Protocol Directorate of the Foreign and Commonwealth Office for the United Kingdom of Great Britain and Northern Ireland.

3. Procedures

(a) In Viet Nam, when a member of the UK family wishes to undertake gainful employment, a request for authorization to engage in a gainful occupation will be sent on behalf of the member of the family by the UK Mission by diplomatic Note to the competent authority of Viet Nam. The request will include the name of the member of the family, employer's name and address and job description.

The competent authority of Vietnam, after taking into account applicable internal provisions, will, in writing and within a maximum period of thirty (30) days from receipt of the request, inform the Mission whether the member of the family concerned is authorized to undertake gainful employment. The member of the family concerned is subject to work permit procedures under Vietnamese regulations. Such regulations will be applied favourably.

The Mission will inform the competent authority of Viet Nam of the termination of the gainful employment undertaken by the member of the family concerned and will submit a new request in the event the member of the family decides to accept any new employment.

(b) In the UK, a member of the family defined in paragraph 2 is authorised to work in the UK with no further administrative procedures required.

4. Termination of the authorisation

Any authorisation to engage in a gainful employment in the territory of the receiving State will, in principle, be terminated when:

(a) The member of the family concerned ceases to have the status of a member of the family within the definition of paragraph 2.

(b) The member of the family concerned ceases to reside in the receiving State as a member of the family.

(c) The assignment of the concerned member of the missions is terminated.

(d) The performance of the gainful employment ceases.

5. Privileges and immunities

(a) In the case of members of the family who enjoy immunity from the civil and administrative jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations of April 18, 1961 or under other applicable international instruments, such immunity will not apply in respect of any act carried out in the course of the gainful employment and falling within the civil and administrative law of the receiving State.

(b) In the case of members of the family who enjoy immunity from the criminal jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations of April 18, 1961 or under any other applicable international instrument, the provisions concerning immunity from the criminal jurisdiction of the receiving State will continue to apply. However, the sending State will give serious consideration to any request from the receiving State to waive the immunity from criminal jurisdiction of the member accused of committing a criminal offence in the course of the gainful employment. In the event that immunity is not waived and in the view of the receiving State the matter is a serious one, the receiving State may request the withdrawal from its territory of the member concerned.

6. Fiscal and social security regimes

In accordance with the Vienna Convention on Diplomatic Relations of April 18, 1961 or under any other applicable international instrument, members of the family will be subject to the fiscal and social security regimes of the receiving State for all matters connected with their gainful employment outside the diplomatic mission in the territory of that State.

7. Dispute settlement

Any dispute between the Governments concerning the interpretation or application of this Memorandum will be settled through consultations between the Governments on diplomatic channels.

8. Duration and termination

(a) This Memorandum will come into effect thirty (30) days after the date of the receipt by the UK Government of a diplomatic Note from the Vietnamese Government confirming that its national legal requirements for the coming into effect of this Memorandum have been completed.

(b) This Memorandum may be amended and/or supplemented by mutual consent in writing of the Governments through diplomatic channels.

(c) This Memorandum will remain in operation for an indefinite period. Either Government may terminate it at any time by giving notice in writing through diplomatic channels to the other Government. In that event, this Memorandum will cease to have effect six (06) months from the date of receiving such a notice.

Signed at Ha Noi on 27 February 2015 in two originals, in the English and Vietnamese languages; all texts being equally authentic.

FOR THE GOVERNMENT OF THE
SOCIALIST REPUBLIC OF
VIET NAM



BUI THANH SON
DEPUTY MINISTER OF FOREIGN AFFAIRS

FOR THE GOVERNMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND



THE RT HON HUGO SWIRE MP
MINISTER OF STATE AT THE
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OFFICE