

EMPLOYMENT

**Agreement Between the
UNITED STATES OF AMERICA
and KENYA**

Signed at Nairobi July 26 and August 2, 2021

Entered into force August 2, 2021



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF KENYA
ON
EMPLOYMENT OF DEPENDENTS OF OFFICIAL EMPLOYEES**

The Government of the United States of America and the Government of the Republic of Kenya hereinafter referred to individually as “Party,” or collectively as “Parties,” desiring to permit dependents of official employees of one Party assigned to official duty in the territory of the other Party to be authorized to be employed on a reciprocal basis in the territory of the other Party;

Agree as follows:

**Article 1
Authorization of Employment**

Dependents of the official employees of the Government of the Republic of Kenya assigned to official duty in the territory of the United States of America and dependents of the official employees of the Government of the of United States of America assigned to official duty in the territory of the Republic of Kenya, are authorized to be employed in the territory of the receiving state after obtaining the appropriate authorization in accordance with the provisions of this Agreement.

Article 2

Definitions

For the purposes of this Agreement:

1. For diplomatic and consular personnel, a “dependent” is an individual of at least 18 years of age whose accreditation is accepted by the receiving state as a member of the immediate family forming part of the household of a member of a diplomatic mission, including a mission to an international organization, or of a consular post of the sending state. A “dependent” under this Agreement shall not include a member of the immediate family of an individual who is permanently resident in the receiving state within the meaning of the Vienna Convention on Diplomatic Relations (VCDR) and the Vienna Convention on Consular Relations (VCCR).
2. “Official employees” shall mean diplomatic agents, consular officers, and members of administrative and technical staff assigned to diplomatic missions, consular offices, and missions to international organizations.

Article 3

Procedure

1. Employment authorization shall be accorded to a dependent on the basis of his or her status as a dependent of an official employee. Renewals of employment authorization documents, if necessary, shall be granted on the same basis and in accordance with the same procedure described below for initial employment authorization.
2. In the case of dependents of official employees of the Government of the United States of America assigned to duty in the territory of the Republic of Kenya, an official request shall be made by the United States Embassy in Kenya to the Ministry of Foreign Affairs of the Republic of Kenya.

3. In the case of dependents of official employees of the Government of the Republic of Kenya assigned to duty at the Embassy in Washington, D.C., at a consulate in the United States of America, or at a mission to an international organization other than the United Nations, an official request shall be made by the Embassy of Kenya in Washington, D.C. to the Office of Foreign Missions in the Department of State.
4. In the case of dependents of official employees of the Government of the Republic of Kenya assigned to the Government of the Republic of Kenya's Permanent Mission to the United Nations, an official request shall be made to the Permanent Mission of the United States to the United Nations.
5. The Parties shall not charge any fee in connection with the issuance or renewal of employment authorization documents.
6. Employment authorization shall not be extended to a dependent without evidence of an offer of employment in the receiving state.
7. The Parties recognize the importance of prompt processing of requests for employment authorization and expect, on average, to process such requests within sixty (60) days. In the event that either Party cites a significantly longer processing time for its dependents than for the other Party's dependents, the concerned Party may request consultations with the other Party with a view to reducing the imbalance. If no resolution is attained within thirty (30) days, the concerned Party may, after 30-days' notice to the other Party, suspend the issuance of new or renewal employment authorizations under this Agreement.
8. The number of work permits issued by either Party to the dependents of official employees shall be limited to not more than fifty (50) at any given time.
9. The Parties shall not require an employer, as a condition of employing a dependent, to demonstrate that no national of the receiving state is available for such employment.

Article 4
Privileges and Immunities

1. The Parties confirm that neither the VCDR nor the VCCR provides dependents with either civil or administrative immunity in an action relating to any professional or commercial activity, including employment authorized pursuant to this Agreement. However, dependents retain all other privileges and immunities to which they are entitled under applicable treaties, including criminal immunity under the VCDR or other applicable treaty.
2. Dependents are responsible for payment of income and social security taxes in the receiving state on any remuneration received as a result of employment in the receiving state, to the extent consistent with international agreements and national legislation of the receiving state.

Article 5
Resolution of Disputes

Any disputes that may arise in relation to this Agreement shall be resolved through diplomatic channels by way of negotiations between the Parties.

Article 6
Entry into Force, Duration and Termination

1. This Agreement shall enter into force upon signature and shall be in force for a period of five (5) years.
2. Notwithstanding paragraph 1 of this Article, either Party may terminate this Agreement at any time by notification in writing to the other Party. Such termination shall take effect 90 (ninety) days following the date of the written notification of termination.

3. In the event that this Agreement is terminated, individuals who have been granted work permits may continue to work under those permits, in accordance with their terms, until their expiration.
4. This Agreement may be amended by mutual written consent of both Parties and such an amendment shall enter into force upon signature.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

Done at Nairobi in duplicate in the English language.

**FOR THE GOVERNMENT OF
THE UNITED STATES OF
AMERICA**

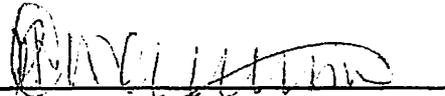
**FOR THE GOVERNMENT OF
THE REPUBLIC OF KENYA**



ERIC W. KNEEDLER

**CHARGÈ D' AFFAIRES AD
INTERIM**

Date: 7/26/2021



**AMB. RAYCHELE OMAMO,
SC**

**CABINET SECRETARY FOR
FOREIGN AFFAIRS**

Date: 2/8/2021