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Note No. 01539/02S.03.01/2023

The Embassy of the United Mexican States presents its compliments to the Ministry of External Affairs of the Government of India, and has the honour to acknowledge the Ministry's Note No. D-II/451/17/(7)/2016, dated 18th July 2023, regarding the proposal to formalize a bilateral arrangement between the Government of India and the Government of the United Mexican States to allow dependents of members of their respective diplomatic and consular Missions to engage in gainful employment, as follows:

"The Ministry of External Affairs of the Government of India presents its compliments to the Embassy of Mexico in New Delhi and considering suggestions and inputs during bilateral exchanges regarding gainful employment of dependents of members of diplomatic and consular missions of the sending State, has the honour to convey to the Embassy its consent to formalize a bilateral arrangement to allow such dependents to engage in gainful employment as per terms and process detailed here under:

I. DEFINITIONS

For the purposes of this arrangement, the following definitions shall apply:

a) A member of a diplomatic mission or consular post is a person as defined in Article 1 of the Vienna Convention on Diplomatic Relations, 1961 and Article 1 of the Vienna Convention on Consular Relations, 1963.

(b) Dependent means:

- i. Spouse/Permanent partner as per the laws of the receiving state.*
- ii. Unmarried dependent children, up to the age of 18 years forming part of the household of the member of diplomatic mission or consular post.*

SRE

SECRETARÍA DE RELACIONES
EXTERIORES



- iii. *Unmarried children up to the age of 25 years, who are studying at an educational institution of receiving State.*
- iv. *Any other member of household of the member of diplomatic mission or consular post who is accepted as a dependent member by the applicable legislation of the receiving State.*

II. AUTHORIZATION TO ENGAGE IN A GAINFUL EMPLOYMENT IN INDIA

1. *In India, any request for authorization to engage in a gainful employment shall be submitted by the Embassy of Mexico in New Delhi on behalf of the dependent by the diplomatic mission or consular post of Mexico to the Protocol Division of Ministry of External Affairs of India which will process and convey its decision to the Embassy. The permission granted shall be subject to (i) the obtaining Permanent Account Number (PAN) from the Indian income-tax authorities and adhering to the tax regulations on income from such employment; and (ii) a letter from the dependent, stating that he/she understands that privileges and immunities will be suspended with regards of his/her labor activities and labor relation.*

2. *Any authorization to engage in a gainful occupation shall be valid only during the tenure of the member of a diplomatic mission or consular post.*

3. *Any change in employment/occupation would require fresh authorization from the Ministry of External Affairs. The Embassy shall inform the Ministry of External Affairs promptly about change in marital status or nationality of dependents.*

III. REQUIREMENTS FOR OBTAINING AN AUTHORIZATION IN FAVOUR OF A DEPENDENT TO ENGAGE IN A GAINFUL EMPLOYMENT IN THE UNITED MEXICAN STATES

1. *In Mexico, any request for authorization to engage in a gainful employment shall be sent on behalf of the dependent by the Indian diplomatic mission or consular post in Mexico to the Directorate General of Protocol of the Ministry of Foreign Affairs of Mexico, via Note Verbal, in which the interest of the dependent to obtain an authorization to engage in a gainful employment in Mexico will be reported, along with the following documents:*



- i. *A copy of the dependent's passport. In case the dependent does not hold an ordinary passport, the Indian Official Mission will inform the Directorate General of Protocol of the Ministry of Foreign Affairs, and will therefore attach a copy of the dependent's non-ordinary passport.*
 - ii. *A letter from the dependent, stating that he/she understands that privileges and immunities will be suspended with regards of his/her labor activities and labor relation.*
 - iii. *A copy of the dependent's identification card, issued by the Directorate General of Protocol of the Ministry of Foreign Affairs.*
 - iv. *A letter with the employment offer from a natural or legal person. This document shall state: the activity to be performed, workplace and duration, and the certification issued by the National Institute of Migration to the employer.*
2. *If the dependent will perform independent activities, he/she shall attach a letter, under oath, indicating the activities to be performed, the venue where such activities will be carried out, and, if applicable, the dependent shall attach a document demonstrating his/her subscription to the Mexican tax register (Federal Tax Payers Registry).*
3. *The Directorate General of Protocol of the Ministry of Foreign Affairs will direct the dependent to the National Institute of Migration, in order to continue the process for obtaining a valid migration document and a work permit, after having fulfilled all the corresponding requirements.*
4. *The work permit will be valid for the period authorized by the National Institute of Migration.*
5. *The migration document will allow the dependent to demonstrate its condition of ordinary stay with permit to perform remunerated activities in Mexico during the authorized period.*
6. *The holder of a migration document shall inform the National Institute of Migration about any change of the dependent's civil status, nationality, address or workplace within ninety (90) days of such change.*

SRE

SECRETARÍA DE RELACIONES
EXTERIORES



IV. GENERAL PROVISIONS

1. *The receiving State shall retain the right to withhold authorization for employment in certain areas or in cases where circumstances prevent their granting or when employment is reserved for nationals, in accordance with the applicable legislation of each State.*
2. *The grant of authorization to a dependent to engage in gainful employment does not release a dependent from any requirement, formality or stipulation relating to personal traits, credentials, work experience or other criteria regularly imposed on any employment. In case of activities requiring special qualifications, it shall be necessary for a dependent to comply with the relevant requirements. The employer shall verify that the foreign employee complies with this provision.*

V. CIVIL AND ADMINISTRATIVE PRIVILEGES AND IMMUNITIES

In the case of dependents who enjoy immunity from the civil and administrative jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations, 1961 or Vienna Convention on Consular Relations, 1963 or under any other applicable international instrument legally binding on both States, such immunity shall not apply in respect of any act or omission carried out in the course of the gainful employment and falling within the civil or administrative jurisdiction of the receiving State. However immunity from the execution of a civil and administrative judgment or order or decree resulting from the exercise of jurisdiction of the receiving State in respect of such dependents shall continue to apply.

VI. CRIMINAL IMMUNITY

In the case of dependents who enjoy immunity from the criminal jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations, 1961 or Vienna Convention on Consular Relations, 1963 or under any other applicable rule/international instrument legally binding on both States:

Embassy of Mexico

C-8, Benito Juarez Marg, Block C, Anand Niketan, New Delhi, Delhi 110021

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SRE

SECRETARÍA DE RELACIONES
EXTERIORES



- (a) *The provisions concerning immunity from the criminal jurisdiction of the receiving State shall continue to apply in respect of any act carried out in the course of the gainful employment. However, upon the request of the receiving State, the sending State shall give due consideration to waiving the immunity of the dependent concerned from the criminal jurisdiction of the receiving State.*
- (b) *The sending State shall also give due consideration to waiving the immunity of the dependent from the execution of a sentence.*

VII. FISCAL, SOCIAL SECURITY AND EXCHANGE CONTROL REGIMES

1. *In accordance with the Vienna Convention on Diplomatic Relations, 1961 or under any other applicable international instruments, dependents shall be subject to the fiscal, social security and exchange control regimes of the receiving State for matters connected with their gainful employment in that State.*

2. *The documents proving a condition of stay and work permit do not grant authorization to perform activities or professions that require certifications, licenses, diplomas, permits, permissions or other similar, issued by the competent authorities in accordance with the applicable legal provisions. It is up to the beneficiary to obtain necessary certifications, licenses, titles, permits, consents or others, as per the nature of the job.*

VIII. CONSULTATIONS

Any differences regarding the interpretation or application of this arrangement may be resolved through mutual consultations.

In this regard, the Ministry of External Affairs has the honor to convey through this Note and the response from the Embassy in the affirmative will constitute a bilateral arrangement between the Government of India and the Government of the United Mexican States to allow dependents of members of their respective diplomatic and consular missions to engage in gainful employment.

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SRE

SECRETARÍA DE RELACIONES
EXTERIORES



This arrangement will be valid for an indefinite period, and this arrangement may be terminated by either Party at any time by giving six (6) months' notice in writing to the other Party.

The Ministry of External Affairs of the Government of India avails itself of this opportunity to renew to the Embassy of Mexico in New Delhi the assurance of its highest consideration."

In this regard, the Embassy of the United Mexican States has the honour to inform that the foregoing is acceptable to the Mexican Government, thus the Note of the Ministry of External Affairs of the Government of India and the present reply will constitute an Arrangement between the Government of India and the Government of the United Mexican States to allow dependents of members of their respective diplomatic and consular Missions to engage in gainful employment, which will be effective on the date of the present reply.

The Embassy of the United Mexican States avails itself of this opportunity to renew to Ministry of External Affairs of the Government of India, the assurances of its highest consideration.

New Delhi, July 25th, 2023.

**Ministry of External Affairs
Government of India
Jawaharlal Nehru Bhavan
Janpath
New Delhi – 110 011.**



**EMBAJADA DE MEXICO
NUEVA DELHI, INDIA**

Copy: Latin America and Caribbean Division, Ministry of External Affairs, Government of India