



Note no. A096/14

Protocol Directorate of the Foreign and Commonwealth Office presents its compliments to all diplomatic missions and international organisations and has the honour to refer to family members forming part of a diplomat's household and private servants.

### **Family members forming part of a diplomat's household**

In accordance with Article 10 of the Vienna Convention on Diplomatic Relations 1961 (VCDR), Protocol Directorate reminds all missions and international organisations that they are required to inform DMIOU of the arrival and final departure of family members.

Missions and international organisations should notify DMIOU by submitting a TX9 form. Failure to do so may lead to loss of applicable privileges and immunities.

The Directorate also wishes to re-iterate its guidance on qualifying dependants and asks that the contents of this Note be brought to the attention of all diplomatic staff.

The United Kingdom accepts as members of the family forming part of the household children under the age of 18. Dependent children aged between 18 and up to their 25th birthday will also be accepted provided they are in full time education at a Home Office approved education establishment. Evidence should be submitted to DMIOU.

Children aged 18 and above who are not in full time education, and all children aged 25 and over, will not automatically be accepted as a dependant and will not be entitled to privileges and immunities. If they are already in the UK their exemption from immigration control will lapse (with the exception of EU nationals) and they will need to depart the UK. Dependants wishing to remain in the UK will need to regularise their immigration status directly with the Home Office or apply for appropriate entry clearance overseas. To avoid possible embarrassment it is important that missions and international organisations follow this guidance. Failure to comply may have serious implications for any future travel to the UK.

DMIOU will only consider exceptional compassionate applications for dependant children aged 18 and above who are not in full time education, or children aged 25 and over, to remain in the UK as part of a diplomats household. Applications should be referred to DMIOU, along with appropriate supporting documentation.

The UK does not accept parents of diplomats as dependants except in the most exceptional compassionate circumstances. Applications must be made in the parents' country of residence.

All dependants cease to hold exempt status once the diplomats tour of duty ends. Any dependant wishing to stay in the UK should regularise their immigration status directly with the Home Office or apply for appropriate entry clearance overseas.

### **Private Servants**

Also in accordance with Article 10 of the VCDR, the Directorate reminds all missions and international organisations that they are required to inform DMIOU of the arrival and final departure, or the termination of service, of any private servants working in diplomatic households. Again, missions and international organisations should notify DMIOU by submitting a TX9 form, making clear the nationality and immigration status of the private servant.

The Directorate wishes to remind missions that under Article 41 (1) of the Vienna Convention on Diplomatic Relations it is the duty of all diplomats "to respect the laws and regulations of the receiving State". This applies to the terms and conditions of employment (including hours and pay) for all private servants. In particular, Article 33 (b) ensures, for non-British nationals and non- permanent residents, 'social security provisions which may be in force in the sending State or a third State.' Further guidance on UK regulations may be obtained from HM Revenue and Customs (<http://www.hmrc.gov.uk/working/emp-in-home.htm> ) and from UK Visas and Immigration ([www.ukba.homeoffice.gov.uk/visas-immigration/working/tier5/internationalagreement/](http://www.ukba.homeoffice.gov.uk/visas-immigration/working/tier5/internationalagreement/) ).

The Directorate also wishes to remind missions and international organisations that all private servants recruited in the UK are liable to pay UK income tax. The Directorate asks all missions and international organisations to ensure compliance from all relevant staff.

Protocol Directorate of the Foreign and Commonwealth Office avails itself of this opportunity to express to all diplomatic missions and international organisations the assurances of its highest consideration.

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