



Note no. A027/17

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 member of the mission's household, a member of the consular post's household and a member of an international organisation's household (hereafter referred to as "family members forming part of the household"); and private servants. The Directorate kindly requests that diplomatic missions forward this Note to subordinate posts.

Family members forming part of the household

In accordance with Article 10(1)(b) of the Vienna Convention on Diplomatic Relations 1961 (VCDR), Article 24(1)(b) of the Vienna Convention on Consular Relations 1963 (VCCR) and the relevant provisions of an international organisation's headquarters agreement, Protocol Directorate reminds all diplomatic missions, consular posts and international organisations that they are required to inform Diplomatic Missions and International Organisations Unit (DMIU) of the arrival and final departure of dependent family members forming part of the household. Diplomatic missions, consular posts and international organisations should notify DMIU by submitting either a TX9, TX12 or TX37 form respectively. Failure to do so may lead to loss of applicable privileges and immunities.

The Directorate also wishes to take this opportunity to re-iterate guidance on qualifying dependants who it accepts as family members forming part of the household and asks that the contents of this Note be brought to the attention of all applicable staff.

The United Kingdom accepts as dependent family members forming part of the household spouses, civil partners and children under the age of 18. A dependent child aged between 18 and up to his or her 25th birthday will also be accepted provided he or she is in full time education in the UK at a Home Office approved education establishment. Evidence should be submitted to DMIU. Complete guidance, including the full study criteria that must be met, is available on the Protocol Directorate website:

<http://protocol.fco.gov.uk/diplomats/dependents/diplomatic-immunity/>.

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 dependent family member forming part of the household and will not be entitled to privileges and immunities. If they are already in the UK their exemption from immigration control will lapse and, with the exception of EEA and Swiss nationals, they will need to depart the UK. Dependants in these categories wishing to remain in the UK will need to regularise their immigration status directly with UK Visas and Immigration of the Home Office or apply for appropriate entry clearance overseas. To avoid possible embarrassment it is important that diplomatic missions, consular posts 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 dependent children aged 18 and above who are not in full time education, or children aged 25 and over, to enter or remain in the UK as a family member forming part of the household. Individuals who have yet to travel to the UK should apply at the appropriate Visa Application Centre overseas. Applications from individuals who are already present in the UK should be referred to DMIOU, along with appropriate supporting documentation.

If a member of the mission, member of the consular post or member of an international organisation has multiple spouses, the UK will not accept more than one spouse as a dependent family member forming part of the household.

The UK does not accept unmarried partners as dependent family members forming part of the household. This is because the status of such partners has no statutory basis in UK law. However, where the sending State or international organisation confirms that a relationship is durable and akin to marriage, an unmarried partner is entitled to apply for a visa in his or her country of residence to accompany or join a member of the mission, member of the consular post or member of an international organisation for the duration of his or her posting.

The UK does not accept parents as dependent family members forming part of the household except in the most exceptional compassionate circumstances. Applications must be made in the parent's country of residence. Other relations (e.g. grandchildren, siblings, nephews/nieces and cousins) are not accepted as dependent family members forming part of the household.

All qualifying dependent family members forming part of the household cease to hold exempt status once the member of the mission, member of the consular post or member of an international organisation completes his or her tour of duty. Any family member forming part of the household wishing to stay in the UK should regularise his or her immigration status directly with the Home Office or apply for appropriate entry clearance overseas.

Private Servants

Article 10(1)(c) & (d) of the VCDR, Article 24(1)(c) & (d) of the VCCR and the relevant provisions of an international organisation's headquarters agreement require that the arrival and final departure, or the termination of service, of any private servants working in a member of the mission's household, a member of the consular post's household or a member of an international organisation's household is notified to the Foreign and Commonwealth Office. Again, diplomatic missions, consular posts and international organisations should notify DMIOU by submitting either a TX9, TX12 or TX37 form respectively, making clear the nationality and immigration status of the private servant. They should also inform UK Visas and Immigration (UKVI) of the arrival and departure of private servants. UKVI administers the Tier 5 (International Agreement) Licensing Scheme.

The Directorate wishes to remind diplomatic missions, consular posts and international organisations that under Article 41(1) of the VCDR, Article 55(1) of the VCCR and the relevant provisions of an international organisation's headquarters agreement it is the duty of all members of the mission, members of the consular post and members of an international organisation "to respect the laws and regulations of the receiving State". This applies to the terms and conditions of employment, including hours and pay, and treatment of all private servants. In addition, diplomatic missions, consular posts and international organisations are reminded of the need to adhere to the appropriate parts of either Article 33 of the VCDR, Article 48 of the VCCR or the relevant provisions of an international organisation's headquarters agreement which cover social security provisions.

Further guidance on UK regulations may be obtained from GOV.UK

(<https://www.gov.uk/au-pairs-employment-law>) and (<https://www.gov.uk/tier-5-international-agreement>).

The Directorate also wishes to remind diplomatic missions, consular posts and international organisations that all private servants recruited in the UK are liable to pay UK income tax. The Directorate asks all diplomatic missions, consular posts 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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