

## EMPLOYMENT

### Agreement Between the UNITED STATES OF AMERICA and BRAZIL

Effected by Exchange of Notes  
Signed at Brasilia July 8, 1987

*with*

Exchange of Letters



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.”

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## **BRAZIL**

### **Employment**

*Agreement effected by exchange of notes  
Signed at Brasilia July 8, 1987;  
Entered into force July 8, 1987.  
With exchange of letters.*

*The Brazilian Minister of External Relations to the American  
Ambassador*

Em 08 de julho de 1987.

SGAd/DAI/DCS/CJ/81 /PAIN L00 G14  
DCOp L00 G14

Senhor Embaixador,

Tenho a honra de propor a Vossa Excelência, em nome do Governo da República Federativa do Brasil, o seguinte Acordo relativo ao exercício de atividades remuneradas por parte de dependentes do pessoal diplomático e consular.

2. O Governo da República Federativa do Brasil e o Governo dos Estados Unidos da América concordam que, numa base de reciprocidade, os dependentes do pessoal diplomático e consular de um país designado para exercer missão oficial no outro país, como membro de uma Missão diplomática, Repartição consular ou Missão junto a Organismo Internacional, poderão receber autorização para exercer atividade remunerada no Estado receptor, respeitados os interesses nacionais. A autorização em apreço poderá ser negada nos casos em que:

- a) o empregador for o Estado que recebe, inclusive através de suas autarquias, fundações, empresas públicas e sociedades de economia mista;
- b) afetem a segurança nacional.

Excelentíssimo Senhor  
Harry W. Shlaudeman,  
Embaixador Extraordinário e Plenipotenciário  
dos Estados Unidos da América.

3. Para os fins deste Acordo, são considerados “dependentes”:

- a) cônjuge;
- b) filhos solteiros menores de 21 anos;
- c) filhos solteiros menores de 25 anos que estejam cursando, em horário integral, universidades;
- d) filhos solteiros com deficiências físicas e mentais.

4. O exercício de atividade remunerada por dependente, no Estado receptor, dependerá de prévia autorização de trabalho do Governo local, através de pedido formalizado pela Embaixada junto ao Cerimonial do Ministério das Relações Exteriores, no Brasil, e ao Escritório do Protocolo do Departamento de Estado, nos Estados Unidos. Após verificar se a pessoa em questão se enquadra nas categorias definidas no presente Acordo e após observar os dispositivos internos aplicáveis, o Governo do Estado receptor informará oficialmente à Embaixada que a pessoa tem permissão para exercer atividade remunerada, sujeita à legislação aplicável no Estado receptor.

5. Nos casos de profissões que requeiram qualificações especiais, o dependente não estará isento de preenchê-las.

6. Para os dependentes que exerçam atividade remunerada nos termos deste Acordo, fica suspensa, em caráter irrevogável, a imunidade de jurisdição civil e administrativa relativa a todas as questões decorrentes da referida atividade.

7. Os dependentes que exerçam atividade remunerada nos termos deste Acordo deixarão de estar isentos do cumprimento das obrigações tributárias e previdenciárias decorrentes da referida atividade, ficando, em consequência, sujeitos à legislação de referência aplicável às pessoas físicas residentes ou domiciliadas no Estado receptor.

8. O presente Acordo tem validade de seis anos, podendo ser renovado, por igual período, mediante prévio entendimento entre as Partes. As Partes Contratantes avaliarão, ao final de cada biênio, os benefícios dele decorrentes, inclusive do ponto de vista de seu equilíbrio e distribuição equitativa entre as Partes.

9. Caso o Governo dos Estados Unidos da América esteja de acordo com as propostas apresentadas, esta Nota e a Nota de resposta e Vossa Excelência em que se expresse a concordância de seu Governo constituirão um Acordo entre nossos dois Governos, a entrar em vigor na data da Nota de resposta,

permanecendo vigente até 90 dias após a denúncia escrita por qualquer uma das Partes.

Aproveito a oportunidade para renovar a Vossa Excelência os protestos da minha mais alta consideração.

Roberto de Abreu Sodre

*The American Ambassador to the Brazilian Minister of External Relations*

EMBASSY OF THE  
UNITED STATES OF AMERICA

No. 309

July 8, 1987

Excellency:

I have the honor to acknowledge receipt of your Excellency's Note number SGAd/DAI/DCS/CJ/81, of July 8, 1987 concerning the agreement between our two governments on the employment of dependents of diplomatic and consular personnel.

I transcribe below the text of that note:

“Mr. Ambassador,

“I have the honor to propose to Your Excellency, in the name of the Government of the Federative Republic of Brazil, the following agreement regarding the exercise of remunerated activity by dependents of diplomatic and consular personnel.

2. “The Government of the Federative Republic of Brazil and the Government of the United States of America agree that, on a basis of reciprocity, the dependents of diplomatic and consular personnel of one country appointed to exercise an official mission in the other country, as a member of a diplomatic mission, consular office or mission to an international organization, may receive authorization to exercise remunerated activity in the host state, as long as national interests are respected. The authorization in question may be denied in cases: a) where the employer is the host state, including its agencies, foundations, public companies and mixed public-private companies; b) that affect national security.

His Excellency

Roberto de Abreu Sodre

Minister of External Relations

3. "For the purposes of this agreement "dependents" are: a) spouse; b) single children under 21 years of age; c) single children under 25 years of age who are studying full time at universities; d) single children with physical or mental handicaps.

4. "The exercise of a remunerated activity by a dependent in the host state will depend on prior authorization for employment given by the local government through a formal request by the embassy to the ceremonial division of the Ministry of External Relations, in Brazil, and to the protocol office of the Department of State, in the United States. After verifying if the person in question falls into the categories defined in the present agreement and after observing the internal provisions applicable to the case, the government of the host state will inform the embassy officially that the person has permission to exercise a remunerated activity, subject to applicable legislation in the host state.

5. "In cases of professions that require special qualifications, the dependent will not be exempt from meeting them.

6. "Those dependents who exercise a remunerated activity according to the terms of this agreement will have their immunity from civil and administrative jurisdiction suspended, on an irrevocable basis, in all matters resulting from the above-mentioned activity.

7. "Those dependents who exercise a remunerated activity according to the terms of this agreement will no longer be exempt from fulfilling tax and social security obligations resulting from the mentioned activity and will be, consequently, subject to the referenced legislation applicable to individuals residing or domiciled in the host state.

8. "The present agreement is valid for six years and may be renewed, for an equal period of time, through previous understanding between the parties.

The contracting parties will evaluate, at the end of each two-year period, the benefits resulting from the agreement, including from the point of view of its balance and equitable distribution between the parties.

9. "If the Government of the United States of America is in agreement with the proposals presented, this Note and Your Excellency's Note of Response in which the agreement of your Government is expressed will constitute an Agreement between our two Governments, to enter into effect on the date of the Note of Response, remaining in effect until 90 days after the written denunciation by either of the parties."

On behalf of the Government of the United States of America, I have the honor to inform you that I accept the proposals of your Government and that



Your Excellency's Note, along with this Note, constitute an Agreement between our two governments, effective this date, and remaining in effect until 90 days after the written denunciation by either of the parties.

Accept, Excellency, the renewed assurances of my highest consideration.

Harry W. Shlaudeman

## [EXCHANGE OF LETTERS]

*Embassy of the United States of America*

Brasilia, D.F.

July 8, 1987

His Excellency  
Marcos Castrioto de Azambuja  
Secretary General of Administration  
and Communications  
Ministry of External Relations  
Brasilia, D.F., Brazil

Dear Mr. Ambassador:

With respect to the agreement between our two governments on the exercise of remunerated activity by dependents of diplomatic and consular personnel to be effected through an exchange of notes, it is the understanding of the Government of the United States that the reference in the agreement to the "dependents of diplomatic and consular personnel" does not limit the agreement to the dependents of diplomatic agents and consular agents but includes the dependents of staff and technical personnel duly notified to the receiving government by the sending government. It is the further understanding of my government that the agreement does not include the dependents of locally-hired personnel.

In the spirit of article 8 of the accord, the two governments agree to seek to achieve an appropriate balance in the number of dependents granted authorization to work.

I shall appreciate receiving confirmation of these understandings.

Sincerely,

Harry W. Shlaudeman  
Ambassador

Brasília, em 8 de julho de 1987.

SGAd/EFIN L00 H23

Excelentíssimo Senhor  
Harry W. Shlaudeman,  
Embaixada dos Estados Unidos da América  
Brasília – DF.

Senhor Embaixador,

Acuso recebimento de sua carta de 8 do corrente, na qual Vossa Excelência se refere ao Acordo entre os Governos dos nossos dois países, sobre o exercício de atividade remunerada por parte de dependentes do pessoal diplomático e consular e deixa registrado o entendimento do Governo dos Estados Unidos da América sobre algumas das expressões contidas no referido Acordo.

2. Em resposta, informo que a interpretação e o entendimento expressos na carta de Vossa Excelência coincidem com o entendimento da parte brasileira no momento em que foram negociadas.

Aproveito a oportunidade para renovar os protestos de perfeita estima e distinta consideração com que me subscrevo,

de Vossa Excelência,

(Marcos Castrioto e Azambuja)  
Subsecretário-Geral de Administração e de Comunicações

## TRANSLATION

122749-B  
RHC  
Portuguese

Brasilia, July 8, 1987

No. SGAd/EFIN L00 H23

His Excellency Harry W. Shlaudeman  
Embassy of the United States of America  
Brasilia, D.F.

Mr. Ambassador:

I have the honor to acknowledge receipt of your letter of July 8, 1987, in which Your Excellency refers to the Agreement between the Governments of our two countries regarding the exercise of remunerative activity by dependents of diplomatic and consular personnel and states in writing the understanding of the Government of the United States of America concerning certain expressions contained in this Agreement.

2. In reply, I wish to inform you that the interpretation and understanding expressed in Your Excellency's letter correspond exactly to the understanding of Brazil at the time when they were negotiated.

I avail myself of this opportunity to renew to Your Excellency the assurances of my high consideration and esteem.

[Signature]

Marcos Castrioto de Azambuja  
Deputy Secretary-General of  
Administration and Communications