2-Way Memo

Subject: Submission of Diplomatic Note on Bilateral Work Agreement

To: M/FLO, Department of State
    Washington, D.C. 20520

Please acknowledge receipt of the attached diplomatic Note from the Ministry of Foreign Relations of the Republic of Ecuador accepting a Bilateral Work Agreement.

Thank you.

From:

DATE OF MESSAGE | ROUTING SYMBOL
11/14/89 | PER

SIGNATURE OF ORIGINATOR
Fred Krame

TITLE OF ORIGINATOR
APEX Officer
Ambassador QUITO

DATE OF REPLY | ROUTING SYMBOL

SIGNATURE OF REPLIER

TITLE OF REPLIER

OPTIONAL FORM 27 (Rev. 7-81)
GSA FPMR (41 CFR) 101-11.6
NSN 7540-00-082-2447
El Ministerio de Relaciones Exteriores - Dirección General de Protocolo - saluda muy atentamente a la Honorable Embajada de los Estados Unidos de América y, con relación a su Nota GS-252 de 16 de junio pasado, por la cual propone en base recíproca que los dependientes de los funcionarios acreditados en misión oficial del Gobierno Ecuatoriano ante el de los Estados Unidos de América y los del Gobierno de ese país ante el del Ecuador puedan aceptar empleos en el país receptor, tiene a bien informarle que el Ministerio de Trabajo y Recursos Humanos aceptó tal proposición, la misma que entrará en vigencia a partir de la presente fecha.

Para los propósitos de este acuerdo se sobreentiende que los funcionarios asignados en misión oficial son los acreditados ante las Misiones Diplomáticas y Consulares de ambos países y que los mencionados dependientes serán sujetos del pago de impuestos a la renta y seguridad social aplicables sobre cualquier remuneración recibida como resultado del empleo que mantengan en el país receptor.

Este convenio concluirá en un plazo de noventa días contados a partir de la fecha en que cualquiera de los dos Gobiernos emita una comunicación escrita manifestando su intención de terminarlo.

A la Honorable
Embajada de los Estados Unidos de América
Ciudad
THE MINISTRY OF FOREIGN AFFAIRS-GENERAL PROTOCOL
DIRECTION-PRESENTS ITS COMPLIMENTS TO THE EMBASSY OF
THE UNITED STATES OF AMERICA AND, WITH RELATION TO
ITS NOTE GS-252 OF JUNE 16, BY WHICH IT PROPOSED ON A
RECIPROCAL BASIS THAT THE DEPENDENTS OF OFFICIALS
ACCRREDITED ON OFFICIAL MISSION FROM THE ECUADORIAN
GOVERNMENT TO THE UNITED STATES GOVERNMENT AND THOSE
OF THE GOVERNMENT FROM THAT COUNTRY TO ECUADOR COULD
ACCEPT JOBS IN THE RECEIVING COUNTRY, HAS THE HONOR
TO INFORM IT THAT THE MINISTRY OF LABOR AND HUMAN
RESOURCES ACCEPTED SUCH PROPOSAL, WHICH SHALL BE IN
FORCE FROM THIS DATE.

FOR THE PURPOSES OF THIS AGREEMENT IT IS UNDERSTOOD
THAT THE OFFICIALS APPOINTED ON OFFICIAL MISSION ARE
THOSE ACCREDITED BEFORE THE DIPLOMATIC AND CONSULAR
MISSIONS FROM BOTH COUNTRIES AND THE MENTIONED
DEPENDENTS SHALL BE SUBJECT TO PAYMENT OF INCOME
TAXES AND SOCIAL SECURITY RESULTING FROM THE
EMPLOYMENT THEY HAVE IN THE RECEIVING COUNTRY.

THIS AGREEMENT MAY BE TERMINATED WITHIN NINETY DAYS
FROM THE DATE ON WHICH EITHER OF THE TWO GOVERNMENTS
ISSUES A WRITTEN COMMUNICATION STATING ITS INTENTION
TO TERMINATE IT.

THE MINISTRY OF FOREIGN AFFAIRS AVAILS ITSELF OF THIS
OPPORTUNITY TO RENEW TO THE EMBASSY OF THE UNITED
STATES THE ASSURANCES OF ITS HIGHEST AND MOST
DISTINGUISHED CONSIDERATION. QUITO, NOVEMBER 1, 1989.
BILATERAL WORK AGREEMENT

The Embassy of the United States of America proposes to the Ministry of Foreign Relations of the Republic of Ecuador that, on a reciprocal basis, dependents of employees assigned to official duty in Ecuador and dependents of employees of the Ecuadorian government assigned to official duty in the United States be authorized to be employed in the receiving country. For the purpose of this agreement, it is understood that employees assigned to official duty includes diplomatic agents, consular officers, and members of the support staffs assigned to diplomatic missions, consular offices and international organizations.

In the case of dependents who seek employment in the United States, an official request must be made by the Embassy of Ecuador in Washington to the Office of Protocol in the Department of State. Upon verification that the person is a dependent of an official employee of the Ecuadorian government, the Ecuadorian Embassy will be informed by the government of the United States that the dependent has permission to accept employment.

In the case of dependents who seek employment in Ecuador, the request shall be made by the United States Embassy in Quito to the Ecuadorian Ministry of Foreign Affairs, which, after verification, shall then inform the United States Embassy that the dependent may accept employment.

The United States government and the Ecuadorian government wish to clarify their understanding that dependents who obtain employment under this agreement and who have immunity from the jurisdiction of the receiving country in accordance
with Article 31 of the Vienna Convention on diplomatic relations or in accordance with the convention on the privileges and immunities of the United Nations, or any other applicable international agreement, have no immunity from civil and administrative jurisdiction with respect to matters arising out of such employment. Such dependents are also liable for payment of income and social security taxes on any remuneration received as a result of employment in the receiving country.

The Department of State further proposes that, if these understandings are acceptable to the government of Ecuador, this note and the Government of Ecuador's reply concurred therein shall constitute an agreement between our two governments which shall enter into force on the date of that reply note and shall remain in force until ninety days after the date of the written notification from either government to the other of intention to terminate.

Attchs: addendum
ADDITION

For the purposes of this agreement, "dependents" shall include:

- spouses;
- unmarried dependent children under 21 years of age;
- unmarried dependent children under 23 years of age who are in full-time attendance as students at a post-secondary educational institution; and
- unmarried children who are physically or mentally disabled.