

2-Way Memo

Subject: Submission of Diplomatic Note on Bilateral Work Agreement

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

FOLD

MESSAGE

INSTRUCTIONS	
Use routing symbols whenever possible.	
SENDER (<i>Originator of message</i>): Use brief, informal language. Conserve space. Forward original and one copy.	
RECEIVER (<i>Replier to message</i>): Reply below the message, keep one copy, return one copy.	

DATE OF MESSAGE 11/14/89	ROUTING SYMBOL PER
SIGNATURE OF ORIGINATOR Fred Krage	
TITLE OF ORIGINATOR APER Officer Ambassy QUITO	

FOLD

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.

REPLY

From :

DATE OF REPLY	ROUTING SYMBOL
SIGNATURE OF REPLIER	
TITLE OF REPLIER	



REPUBLICA DEL ECUADOR
 MINISTERIO DE RELACIONES EXTERIORES

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El Ministerio de Relaciones Exteriores - Dirección General de Protocolo- saluda muy atentamente a la Honorable Embajada de los Estados Unidos de America 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 sobrentiende 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 America
 Ciudad.

[Handwritten mark]

TRANSLATION

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 ACCREDITED 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 concurring 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

ADDENDUM

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.