

EMPLOYMENT

Agreement Between the
UNITED STATES OF AMERICA
and HUNGARY

Effectuated by Exchange of Notes
Dated at Budapest November 18, 1991
and January 16, 1992



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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HUNGARY

Employment

*Agreement effected by exchange of notes
Dated at Budapest November 18, 1991 and January 16, 1992;
Entered into force January 16, 1992.*

The American Embassy to the Hungarian Ministry for Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 377

The Embassy of the United States of America presents its compliments to the Ministry for Foreign Affairs of the Republic of Hungary and has the honor to refer to the Bilateral Work Agreement to allow gainful employment of the dependents (members of the family) of a member of a diplomatic mission or consular post.

The Embassy and the Department of State have reviewed the text of the Bilateral Work Agreement as submitted in your Note Verbale #3654-5/1991, dated 22 July 1991.¹ The content of the text as included in this note is acceptable, and a return note from the Ministry concurring with and repeating the text of the wording as included below will constitute agreement. The effective date of the agreement will be the date of receipt of your note of acceptance.

AGREEMENT TO ENABLE MEMBERS OF THE FAMILY FORMING
PART OF THE HOUSEHOLD OF A MEMBER OF A DIPLOMATIC
MISSION OR CONSULAR POST OR INTERNATIONAL
ORGANIZATION TO ENGAGE IN A GAINFUL OCCUPATION

1. Authorization to engage in a gainful occupation.

A) The members of the family forming part of the household of a member of a diplomatic mission or consular post or international organization of the sending state shall be authorized on a reciprocal basis, to engage in a gainful occupation in the receiving state, in accordance with the provisions of the law of the receiving state.

B) For the purpose of this Agreement,:

A member of a diplomatic mission or consular post means any employee of the sending state who is not a national or permanent resident of the receiving state and who is assigned to and accepted for official duty in the receiving state in a diplomatic mission, consular post or mission to an international organization;

For the purpose of this Agreement, dependents (i.e. member of the family forming part of the household) shall include:

¹ Not printed.

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.

2. Procedures

A) A request for authorization to engage in a gainful occupation shall be sent on behalf of the member of the family by the Embassy of the sending state to the ministry of foreign affairs of the receiving state.

B) Upon the receipt of the formal authorization from the respective governments a member of the family shall be authorized to engage in gainful employment. Work authorization shall terminate upon the termination of the employee's official assignment.

3. Civil and administrative privileges and immunities

In the case of members of the family who enjoy immunity from the civil and administrative jurisdiction of the receiving state in accordance with the Vienna convention on diplomatic relations or under any other applicable international instrument, such immunity shall not apply in respect of any act carried out in the course of the gainful occupation and falling within the civil or administrative law of the receiving state, nor will immunity apply to prevent enforcements of any judgment relating to such act or omission.

4. Criminal Immunity

In the case of members of the family who enjoy immunity from criminal jurisdiction of the receiving state in accordance with the Vienna convention on diplomatic relations¹ or under any other applicable international instrument:

A) The provisions concerning immunity from the criminal jurisdiction of the receiving state shall continue to apply in respect of any act or omission carried out in the course of the gainful occupation. However, the sending state shall give consideration to waiving the immunity of the member of the family concerned from the criminal jurisdiction of the receiving state.

B) The sending state shall give consideration to waiving the immunity of the member of the family from the execution of a sentence.

¹ TIAS 7502; 23 UST 3227.

5. Income Tax and Social Security Regimes

In accordance with the Vienna convention on diplomatic relations or under any other applicable international instrument, including bilateral agreements, members of the family shall be subject to the income tax and social security regimes of the receiving state for all matters connected with their gainful occupation in that state.

6. Duration and Termination

This Agreement shall remain in force for an indefinite period. Either government may terminate it at any time by giving 90 days notice in writing to the other government.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry for Foreign Affairs of the Republic of Hungary the assurances of its highest consideration.

Embassy of the United States of America,
Budapest, November 18, 1991.

*The Hungarian Ministry for Foreign Affairs to the American
Embassy*

Magyar Köztársaság
Külügyminisztériuma
Nemzetközi Jogi Főosztály

Ministry of Foreign Affairs
of the Republic of Hungary
International Law Department

3654-11/51

The Ministry of Foreign Affairs of the Republic of Hungary presents its compliments to the Embassy of the United States of America and has the honour to acknowledge receipt of the Embassy's Note N° 377 dated November 18, 1991.

The Ministry of Foreign Affairs of the Republic of Hungary hereby accepts the Draft Agreement between the Government of the Republic of Hungary and the Government of the United States of America on enabling members of the family forming part of the household of a member of a diplomatic mission or consular post or international organization to engage in a gainful occupation according to the below text.

**AGREEMENT TO ENABLE MEMBERS OF THE FAMILY FORMING
PART OF THE HOUSEHOLD OF A MEMBER OF A DIPLOMATIC
MISSION OR CONSULAR POST OR INTERNATIONAL
ORGANIZATION TO ENGAGE IN A GAINFUL OCCUPATION**

1. Authorization to engage in a gainful occupation.

A) The members of the family forming part of the household of a member of a diplomatic mission or consular post or international organization of the sending state shall be authorized on a reciprocal basis, to engage in a gainful occupation in the receiving state, in accordance with the provisions of the law of the receiving state.

B) For the purpose of this Agreement:

A member of a diplomatic mission or consular post means any employee of the sending state who is not a national or permanent resident of the receiving state and who is assigned to and accepted for official duty in the receiving state in a diplomatic mission, consular post or mission to an international organization;

**EMBASSY OF THE UNITED STATES
OF AMERICA
B U D A P E S T**

TIAS 11841

For the purpose of this Agreement, dependents (i.e. member of the family forming part of the household) 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 student at a post-secondary educational institution; and

Unmarried children who are physically or mentally disabled.

2. Procedures

A) A request for authorization to engage in a gainful occupation shall be sent on behalf of the member of the family by the Embassy of the sending state to the Ministry of Foreign Affairs of the receiving state.

B) Upon the receipt of the formal authorization from the respective governments a member of the family shall be authorized to engage in gainful employment. Work authorization shall terminate upon the termination of the employee's official assignment.

3. Civil and administrative privileges and immunities

In the case of members of the family who enjoy immunity from the civil and administrative jurisdiction of the receiving state in accordance with the Vienna convention on diplomatic relations or under any other applicable international instrument, such immunity shall not apply in respect of any act carried out in the course of the gainful occupation and falling within the civil or administrative law of the receiving state, nor will immunity apply to prevent enforcements of any judgment relating to such act or omission.

4. Criminal Immunity

In the case of member of the family who enjoy immunity from criminal jurisdiction of the receiving state in accordance with the Vienna convention on diplomatic relations or under any other applicable international instrument:

A) The provisions concerning immunity from the criminal jurisdiction of the receiving state shall continue to apply in respect of any act or omission carried out in the course of the gainful occupation. However, the sending state shall give consideration to waiving the immunity of the member of the family concerned from the criminal jurisdiction of the receiving state.

B) The sending state shall give consideration to waiving the immunity of the member of the family from the execution of a sentence.

5.) Income Tax and Social Security Regimes

In accordance with the Vienna convention on diplomatic relations or under any other applicable international instrument, including bilateral agreements, members of the family shall be subject to the income tax and social security regimes of the receiving state for all matters connected with their gainful occupation in that state.

6. Duration and Termination

This Agreement shall remain in force for an indefinite period. Either government may terminate it at any time by giving 90 days notice in writing to the other government.

The Ministry of Foreign Affairs of the Republic of Hungary has the honour to state that the Embassy's Note N° 377 dated November 18, 1991 and the present Note shall constitute an agreement between the Parties on enabling members of forming part of the household of a member of a diplomatic mission or consular post or international organization to engage in a gainful occupation according to the above text. The effective date of the agreement shall be the date of the present Note.

The Ministry for Foreign Affairs of the Republic of Hungary avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Budapest, January 16, 1992

