

## EMPLOYMENT

Agreement Between the  
UNITED STATES OF AMERICA  
and NICARAGUA

Effectuated by Exchange of Notes  
Dated at Managua January 26  
and February 2, 1994



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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# **NICARAGUA**

## **Employment**

*Agreement effected by exchange of notes  
Dated at Managua January 26 and February 2, 1994;  
Entered into force February 2, 1994.*

*The American Embassy to the Ministry of Foreign Affairs of  
Nicaragua*

No. 019

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Nicaragua and has the honor to propose to the Government of Nicaragua that, on a reciprocal basis, dependents of employees of the United States Government assigned to official duty in Nicaragua and dependents of employees of the Nicaraguan Government assigned to official duty in the United States be authorized to be employed in the receiving country.

For the purposes of this agreement, it is understood that employees of both Governments assigned to official duty includes diplomatic agents, consular officers, and members of the support staffs assigned to diplomatic missions, consular offices and missions to international organizations, resident in the receiving country.

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 fulltime attendance as students at a post-secondary educational institution; and unmarried children who are physically and mentally disabled.

In the case of dependents who seek employment in the United States, an official request shall be made by the Embassy of Nicaragua 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 Nicaraguan Government, the Nicaraguan Embassy will be informed by the Government of the United States that the dependent has permission to accept employment.

In the case of dependents of employees who seek employment in Nicaragua, an official request shall be made by the United States Embassy in Nicaragua to the Office of the Protocol Director General in the Ministry of Foreign Affairs. Upon verification that the person is a dependent of an official employee of the United States Government, the Government of Nicaragua will inform the United States Embassy that the dependent may accept employment.

The United States Government and the Government of Nicaragua wish to clarify the 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,<sup>1</sup> 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 state.

The Embassy of the United States of America further proposes that, if these understandings are acceptable to the Government of Nicaragua, this note and the Ministry of Foreign Affairs' reply concurring therein shall constitute an agreement between our two governments which shall enter into force on the date of that reply note. This agreement shall remain in force until ninety days after the date of the written notification from either government to the other of intention to terminate.

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

Embassy of the United States of America  
Managua, January 26, 1994

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<sup>1</sup> TIAS 7502; 23 UST 3227.

*The Ministry of Foreign Affairs of Nicaragua to the American  
Embassy*

**MINISTERIO  
DE  
RELACIONES EXTERIORES**

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Managua, Nicaragua

N° 940433

EL MINISTERIO DE RELACIONES EXTERIORES de la República de Nicaragua presenta sus saludos a la Embajada de los Estados Unidos de América en ocasión de referirse a su apreciable Nota N° 019 fechada el 26 de Enero del año en curso, por medio de la cual “tiene el honor de proponer al Gobierno de Nicaragua que, en condiciones de reciprocidad, las personas a cargo de los empleados del Gobierno de los Estados Unidos destinados al desempeño de funciones oficiales en Nicaragua, y las personas a cargo de los empleados del Gobierno de Nicaragua destinados al desempeño de funciones oficiales en los Estados Unidos estén autorizadas a emplearse en el país receptor”, conforme las siguientes disposiciones:

“A efectos del presente Acuerdo, se entiende que los empleados de ambos Gobiernos destinados al desempeño de funciones oficiales comprenden, los agentes diplomáticos, los funcionarios consulares y el personal administrativo, técnico y de servicio destinados a las misiones diplomáticas, las oficinas consulares y las misiones ante organismos internacionales, con sede en el Estado receptor.

Para efectos del presente Acuerdo, por “personas a cargo” se entiende: los cónyuges; los hijos solteros a cargo menores de 21 años de edad; los hijos solteros a cargo menores de 23 años de edad que estudien, con dedicación completa en una institución docente de nivel superior al secundario; los hijos solteros incapacitados física o mentalmente.

A LA HONORABLE EMBAJADA  
DE LOS ESTADOS UNIDOS DE AMERICA  
CIUDAD

TIAS 12173

En el caso de las personas a cargo que busquen empleo en los Estados Unidos, la Embajada de Nicaragua en Washington deberá presentar una solicitud oficial a la Oficina de Protocolo en el Departamento de Estado. Una vez verificado que la persona en cuestión está a cargo de un empleado oficial del Gobierno de Nicaragua, el Gobierno de los Estados Unidos de América informará a la Embajada de Nicaragua que dicha persona a cargo tiene permiso de aceptar el empleo.

En el caso de las personas a cargo que busquen empleo en Nicaragua, la Embajada de los Estados Unidos en Managua presentará una solicitud oficial a la Dirección General de Protocolo del Ministerio de Relaciones Exteriores. Una vez verificado que la persona en cuestión está a cargo de un empleado oficial del Gobierno de los Estados Unidos, el Gobierno de Nicaragua informará a la Embajada de los Estados Unidos que dicha persona a cargo puede aceptar el empleo.

El Gobierno de los Estados Unidos y el Gobierno de Nicaragua desean dejar en claro su entendimiento de que las personas a cargo que obtengan empleo conforme al presente Acuerdo, y que gocen de inmunidad de la jurisdicción del país receptor, según el Artículo 31 de la Convención de Viena sobre Relaciones Diplomáticas, o cualquier otro convenio internacional pertinente, carecen de inmunidad de la jurisdicción civil y administrativa con respecto a los asuntos que surjan de dicho empleo. Dichas personas a cargo también serán responsables del pago de impuestos sobre la renta y de los impuestos de la seguridad social por concepto de toda remuneración que perciban a consecuencia del empleo en el Estado receptor.

La Embajada de los Estados Unidos propone, además, que si los entendimientos presentes cuentan con la aprobación del Gobierno de Nicaragua, la presente Nota y la respuesta del Ministerio de Relaciones Exteriores de idéntico tenor constituyan un Acuerdo entre nuestros dos Gobiernos, el cual entraría en vigor en la fecha de dicha respuesta. Este Acuerdo permanecería en vigor hasta noventa días después de la fecha de notificación por escrito de cualquiera de los dos Gobiernos al otro de su intención de terminarlo. Embajada de los Estados Unidos de América aprovecha la oportunidad para renovar al Ministerio de Relaciones Exteriores las seguridades de su más alta consideración”.

A este respecto, el Ministerio de Relaciones Exteriores de la República de Nicaragua se permite consignar que este entendimiento cuenta con la aprobación de su Gobierno y en consecuencia se honra en aceptar que la presente Nota transcrita y su respuesta de idéntico tenor constituyan un Acuerdo entre nuestros

dos Gobiernos, el cual entrará en vigor en la fecha de esta respuesta. Y permanecerá en vigor hasta noventa días después de la fecha de notificación por escrito, de cualquiera de los dos Gobiernos al otro de su intención de terminarlo.

EL MINISTERIO DE RELACIONES EXTERIORES de la República de Nicaragua aprovecha la oportunidad para renovar a la Embajada de los Estados Unidos de América las seguridades de su más alta consideración.

Managua 2 de Febrero de 1994.



The Ministry of Foreign Affairs of the Republic of Nicaragua presents its compliments to the Embassy of the United States of America and takes the opportunity to refer to your Note No. 019 dated January 26, 1994, in which “you have the honor to propose to the Government of Nicaragua that, on the basis of reciprocity, dependents of the employees of the Government of the United States appointed to fulfill official duties in Nicaragua, and the dependents of the employees of the Government of Nicaragua appointed to fulfill official duties the United States are authorized to work in the host country”, in accordance with the following:

“For the purposes of this agreement, it is understood that employees of both Governments assigned to official duty includes diplomatic agents, consular officers, and members of the support staffs assigned to diplomatic missions, consular offices and missions to international organizations, resident in the receiving country.

For 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 and mentally disabled.

In the case of dependents who seek employment in the United States, an official request shall be made by the Embassy of Nicaragua 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 Nicaraguan Government, the Nicaraguan Embassy will be informed by the Government of the United States that the dependent has permission to accept employment.

In the case of dependents of employees who seek employment in Nicaragua, an official request shall be made by the United States Embassy in Nicaragua to the Office of the Protocol Director General in the Ministry of Foreign Affairs. Upon verification that the person is a dependent of an official employee of the United States Government, the Government of Nicaragua will inform the United States Embassy that the dependent may accept employment.

The United States Government and the Government of Nicaragua wish to clarify the 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 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 states.

The Embassy of the United States of America further proposes that, if these understandings are acceptable to the Government of Nicaragua, this note and the Ministry of Foreign Affairs' reply concurring therein shall constitute an agreement between our two governments which shall enter into force on the date of that reply note. This agreement shall remain in force until ninety days after the date of the written notification from either government to the other of intention to terminate Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.''

In this regard, the Ministry of Foreign Affairs of the Republic of Nicaragua takes the opportunity to state that this understanding has the approval of your Government, and has the honor to accept that this Note and yours constitute an agreement between our two governments, which shall enter into force on the date of this answer. And will remain in force until ninety days after the date of the written notification, from either Government to the other of intention to terminate.

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

Managua, February 2, 1994