

EMPLOYMENT

Agreement Between the
UNITED STATES OF AMERICA
and PERU

Effected by Exchange of Notes
Dated at Lima August 27, 1987 and
February 17, 1988



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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PERU

Employment

*Agreement effected by exchange of notes
Dated at Lima August 27, 1987 and February 17, 1988;
Entered into force February 17, 1988.*

The American Embassy to the Peruvian Ministry of Foreign Relations

No. 816

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Relations of the Republic of Peru and has the honor to propose to the Government of Peru that, on a reciprocal basis, dependents of employees of the United States Government assigned to official duty in Peru and dependents of the Peruvian Government assigned to official duty in the United States be authorized to be employed in the receiving country. In this regard, it is proposed that an agreement be reached according to the following terms.

I. It is understood for the purpose of this agreement that official employees of the mission refers to diplomatic, consular, administrative, and technical personnel and attaches and assistants who have the necessary requirements to perform their duties in each country.

II. Dependents of employees assigned to official duty in Peru or the United States who are not citizens of either of the two countries are also included in this agreement.

III. Dependents are defined as: spouses, unmarried dependent children under 21 years of age, unmarried dependent children under 25 years of age who are full-time students, and unmarried children who may be physically or mentally disabled.

IV. In the case of dependents of official Peruvian employees who seek employment in the United States, an official request must be made by the Peruvian Embassy in Washington, D.C., to the Office of Protocol in the Department of State. Upon verification that the person is eligible under the terms of the agreement, the Peruvian Embassy will be officially informed by the Office of Protocol that permission to accept employment is granted.

V. In the case of official U.S. employee dependents who seek employment in Peru, the request shall be made by the United States Embassy in Lima to the Ministry of Foreign Relations of Peru, which similarly, will inform the United States Embassy that the dependent is eligible to accept employment.

VI. As to dependents who obtain employment under this agreement and who have immunity and privileges from the receiving country, in accordance with Article 31 of the Vienna Convention on Diplomatic Relations, or in accord-

ance with the Convention on Privileges and Immunities of the United Nations,¹ or any other applicable international agreement, immunity from civil and administrative jurisdiction with respect to all matters arising out of such employment is hereby irrevocably waived.

VII. Employee dependents will also be subject to the labor laws in the receiving state and are required to pay income and social security taxes and any other similar taxes on any remuneration received as a result of employment.

The Embassy of the United States of America further proposes that, if the content of this note is accepted by the Government of Peru, this note and the Government of Peru's reply concurring therein shall constitute an agreement between the 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.

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

Embassy of the United States of America,
Lima, August 27, 1987.

¹ TIAS 7502, 6900; 23 UST 3227; 21 UST 1418.

*The Peruvian Ministry of Foreign Relations to the American
Embassy*

Nota (AME) N° 6-3/18

El Ministerio de Relaciones Exteriores del Perú saluda muy atentamente a la Honorable Embajada de los Estados Unidos de América y tiene a honra referirse a su atenta Nota N° 816, del 27 de agosto pasado, por la que tiene a bien transmitir el proyecto de acuerdo que propone su Ilustrado Gobierno para que, sobre la base de la reciprocidad, los dependientes de los empleados del Perú asignados a un puesto oficial en los Estados Unidos y los dependientes de los empleados del Gobierno de los Estados Unidos asignados a un puesto oficial en el Perú, sean autorizados a ser empleados en el país receptor.

Sobre el particular, los términos del referido acuerdo serían los siguientes:

I. Para los fines de este acuerdo, se entiende que el término “empleados oficiales” se refiere al personal diplomático, consular, administrativo y técnico, y a agregados y asistentes que tienen los requisitos necesarios para llevar a cabo sus funciones en cada país.

II. También se incluyen en este acuerdo los dependientes de aquellos empleados asignados a un puesto oficial en el Perú o en los Estados Unidos, pero que no son ciudadanos de ninguno de los dos países.

III. Se define a los dependientes como: cónyuges, hijos solteros dependientes menores de 21 años, hijos solteros dependientes menores de 25 años que son estudiantes a tiempo completo, e hijos solteros física o mentalmente minusválidos.

IV. En el caso de dependientes de empleados peruanos oficiales que busquen empleo en los Estados Unidos, la Embajada del Perú en Washington, D.C., deberá presentar una solicitud oficial a la Oficina de Protocolo en el Departamento de Estado. Luego de verificarse si dicha persona es elegible bajo los términos del acuerdo, la Oficina de Protocolo informará oficialmente a la Embajada del Perú que le ha sido otorgado permiso para aceptar empleo.

A la Honorable Embajada
de los Estados Unidos de América
C I U D A D.

TIAS 11650

V. En el caso de dependientes de empleados norteamericanos oficiales que busquen empleo en el Perú, la solicitud deberá hacerse al Ministerio de Relaciones Exteriores del Perú por medio de la Embajada de los Estados Unidos en Lima. De igual forma, el Ministerio procederá a informar a la Embajada Americana que el dependiente es elegible para aceptar empleo.

VI. En cuanto a aquellos dependientes que obtengan empleo bajo este acuerdo y que gozan de inmunidad y privilegios del país anfitrión, de conformidad con el Artículo 31 de la Convención de Viena sobre Relaciones Diplomáticas, o de conformidad con la Convención de las Naciones Unidas sobre Privilegios e Inmunidades, o cualquier otro acuerdo Internacional aplicable, por este medio se renuncia irrevocablemente a cualquier inmunidad de jurisdicción civil y administrativa con respecto a cualquier cuestión que pudiese surgir como resultado de dicho empleo.

VII. Los dependientes que estén empleados también estarán sujetos a las leyes laborales del Estado anfitrión, y deberán cumplir con el pago del impuesto a la renta y de los impuestos de seguridad social, y con cualesquiera otros impuestos similares sobre cualquier remuneración recibida como resultado de dicho empleo.

El Ministerio de Relaciones Exteriores expresa, con arreglo al procedimiento sugerido, que la presente Nota de respuesta constituye un acuerdo entre ambos Gobiernos e inicia su plena vigencia a partir de la fecha y la mantendrá hasta noventa días después de la notificación, por cualquiera de ambas partes, de su intención de darlo por terminado.

El Ministerio de Relaciones Exteriores se vale de la oportunidad para renovar a la Honorable Embajada de los Estados Unidos de América las seguridades de su más alta consideración.

Lima, 17 FEB. 1988

TRANSLATION

Note (AME) No. 6-3/18

The Ministry of Foreign Relations of Peru presents its compliments to the Embassy of the United States of America and has the honor to refer to its note No. 816 of August 27, 1987, transmitting the draft agreement proposed by the United States Government that, on a reciprocal basis, dependents of employees of Peru assigned to official duty in the United States and dependents of employees of the United States Government assigned to official duty in Peru be authorized to be employed in the receiving country.

In this regard, the terms of the aforementioned agreement would be the following:

[For text of the U.S. note, see pp. 2-3.]

In accordance with the suggested procedure, the Ministry of Foreign Relations states that this reply note constitutes an agreement between the two Governments which shall enter into force on this date and shall remain in force until ninety days after the date of the notification from either party of intention to terminate.

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

Lima, February 17, 1988

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[Ministry stamp]

Embassy of the United States of America,
Lima.