

KAV 2832
TIAS No.
Temp. State Dept. No. 91-107

SPAIN
Employment, Dependents of Employees of Diplomatic
Missions

Agreement concerning the free pursuit of gainful employment by dependents of employees of diplomatic missions, consular posts, or missions of international organizations, with exchange of notes. Signed at Madrid July 25, 1990. Entered into force Apr. 1, 1991.

AGREEMENT

BETWEEN

THE UNITED STATES OF AMERICA

AND

THE KINGDOM OF SPAIN

CONCERNING THE FREE PURSUIT OF GAINFUL EMPLOYMENT BY
DEPENDENTS OF EMPLOYEES OF DIPLOMATIC MISSIONS, CONSULAR
POSTS OR MISSIONS TO INTERNATIONAL ORGANIZATIONS

The United States of America and the Kingdom of Spain,
desiring to permit dependents of employees of diplomatic
missions, consular posts or missions to international
organizations of one party assigned on official mission to
freely pursue gainful employment on a reciprocal basis in the
territory of the other party,

hereby agree as follows:

ARTICLE 1

Dependents of employees of diplomatic missions, consular
posts, or missions to international organizations of the
United States of America in Spain and of Spain in the United
States of America are hereby authorized to freely pursue
gainful employment on a self-employed or employed basis in

the host State under the same conditions as nationals of the host State, after obtaining the appropriate permit in accordance with the provisions of this Agreement.

ARTICLE 2

For the purpose of this Agreement:

1. "Dependents" shall be understood to mean: (A) spouses; (B) unmarried children under 21 years of age dependent on their parents, or under 23 years of age who are full-time students at a post-secondary educational institution; and (C) unmarried dependent children who are physically or mentally handicapped.
2. "Employee" shall be understood to mean a diplomatic or consular officer or member of the administrative, technical and service personnel assigned by the accrediting State to diplomatic missions, consular posts or missions to international organizations in the territory of the host State.

ARTICLE 3

1. Application for a permit to freely engage in gainful employment shall be made by the respective diplomatic mission through a note verbale to the Ministry of Foreign Affairs.

2. The application must indicate the applicant's family relationship to the employee specified in the previous article and the gainful employment in which he/she wishes to engage.

3. After determining that the dependent for whom a permit for engaging in gainful employment is requested falls within the categories specified in this Agreement, and after completion of the applicable internal procedures, the Ministry of Foreign Affairs of the host State shall immediately and officially inform the Embassy of the accrediting State that the dependent in question has permission to accept work subject to the pertinent requirements of the host State.

4. For occupations requiring special qualifications, the dependent will have to meet such qualifications.

5. In the event one of the parties cites a serious imbalance between the number of requests for work permits by the other party and the number of work permits it has sought, consultations will be held with a view to reducing such imbalance.

ARTICLE 4

The permit for engaging in gainful employment in the host State may be issued and renewed for periods specified in host State law but shall expire upon termination of the assignment

of the employee of the diplomatic mission, consular post or mission to an international organization in said State.

ARTICLE 5

1. "Dependents" who engage in gainful employment in the host State shall not enjoy immunity from civil or administrative jurisdiction in relation to such employment, and shall be subject, in relation thereto, to the host State's legislation and courts.
2. In the event that a dependent who enjoys immunity from criminal jurisdiction in accordance with the Vienna Convention on Diplomatic Relations is charged with a crime committed in relation to his/her employment, the sending State shall give serious consideration to any written request submitted by the host State for a waiver of such immunity. This is without prejudice to the right of the sending State to adjudge such waivers to be contrary to its interests.

ARTICLE 6

Dependents who engage in gainful employment in the host State are subject to host State tax and Social Security legislation relating to the exercise of such employment.

ARTICLE 7

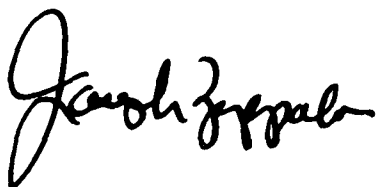
The parties agree to adopt the necessary measures to implement this agreement.

ARTICLE 8

1. This Agreement shall apply provisionally from the time of its signature and shall enter into force when each party has notified the other of the fulfillment of its internal requirements.
2. Either of the parties may at any time terminate this Agreement by giving notice to the other party. Termination shall take effect three months from such notice.

Done in Madrid on July 25, 1990 in duplicate, the Spanish and English language texts being equally authentic.

For the United States of America:



For the Kingdom of Spain:

