

No. 4465

**BELGIUM
and
SPAIN**

**Convention respecting emigration. Signed at Brussels, on
28 November 1956**

Official texts: French and Spanish.

Registered by Belgium on 6 August 1958.

**BELGIQUE
et
ESPAGNE**

**Convention d'émigration. Signée à Bruxelles, le 28 novembre
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Textes officiels français et espagnol.

Enregistrée par la Belgique le 6 août 1958.

[TRANSLATION — TRADUCTION]

No. 4465. CONVENTION¹ RESPECTING EMIGRATION
BETWEEN BELGIUM AND SPAIN. SIGNED AT
BRUSSELS, ON 28 NOVEMBER 1956

His Majesty, the King of the Belgians and the Head of the Spanish State,
Desirous of facilitating the migration of nationals of the two High Con-
tracting Parties have decided to conclude a Convention and have for this purpose
appointed as their plenipotentiaries :

His Majesty the King of the Belgians :

His Excellency Mr. P.-H. Spaak, Minister of Foreign Affairs;

The Head of the Spanish State :

His Excellency the Count de Casa Miranda, Spanish Ambassador in
Brussels;

who, having presented their respective full powers, found in good and due form,
have agreed as follows :

Article I

The High Contracting Parties undertake to direct and facilitate the migration
of the nationals of either country who wish to settle temporarily or permanently
in the other for the purpose of employment.

The two Governments shall consult with each other for this purpose with
a view to establishing as far as possible the procedures for maintaining a balance
between offers of and applications for employment, within the provisions of this
Convention.

Article II

The competent authorities of the High Contracting Parties undertake not
to hinder the departure from their territory of workers who have received a
personal offer of employment from an employer in the other country, provided
that they possess a contract of employment duly stamped by the consular
authorities of their country.

In the case of occupations for which a standard contract — mentioned in
article IV — has been drawn up, the contract of employment shall conform to
the terms of that standard contract.

¹ Came into force on 1 July 1958, in accordance with article XII. The exchange of the in-
struments of ratification took place at Madrid on 5 May 1958. This Convention is not applicable
to the Territories of Belgian Congo and Ruanda-Urundi.

Article III

The competent authorities of each of the High Contracting Parties, in accordance with the procedure laid down in article I of this Convention, shall transmit to the competent authorities of the other Party the numbered offers of employment, received from employers specifying the conditions and skills required of the workers.

The competent authorities of the country of emigration undertake to distribute the offers of employment received and make known the conditions of employment and social services which shall apply to the workers, and all other useful information concerning the rights, obligations and situation of the workers in the country of destination.

The competent services of the country of emigration shall, as soon as they receive applications for employment, select candidates in accordance with the requirements specified by the employers, and draw up a list of the candidates selected.

The list so compiled shall be submitted to the representatives of the employers of the country of destination who shall draw up a list of the candidates finally accepted after an examination of the physical, occupational or other qualifications.

The final list shall be transmitted to the competent authorities of the country of emigration, who shall issue the necessary exit documents on production of a contract in conformity with the standard employment contract mentioned in Article IV of this Convention.

In cases where offers of employment are of an urgent nature, the competent Ministers of the two countries shall act in consultation with a view to making the arrangements required.

Article IV

The contracts of employment shall be drawn up in a single text in the languages of the two countries and shall stipulate the rights and obligations of the employers and the workers; they shall specify whether the cost of transport to the place of employment and expenses arising out of accident and illness en route until the time of engaging in the employment, shall be borne by the employer or the worker. They shall conform to the minimum requirements laid down in the standard employment contract annexed to the Procedural Arrangements drafted in pursuance of this Convention.

Article V

A worker in possession of a contract arising out of a personal offer, in accordance with the provisions of article II, shall obtain from the consular authorities of the country of destination a provisional residence visa, on presentation of an employment permit, a medical certificate and any other documents required by the legislation of the country of destination.

A worker in possession of a contract arising out of a numbered offer shall obtain from the consular authorities of the country of destination a provisional residence visa, on presentation of the said contract and any other documents required by the legislation of the country of destination.

Article VI

Where the exercise of a paid occupation by the nationals of one of the High Contracting Parties, admitted to the territory of the other Party under the provisions of this Convention, is subject to certain conditions or restrictions, those shall cease to apply to migrants who continue to reside in that territory and can prove regular and continuous residence there of at least five years.

Article VII

Migrants settled, temporarily or permanently, in the territory of one of the High Contracting Parties shall benefit under national social legislation and under this Convention, provided that they furnish proof of nationality in accordance with the legislation of each of the High Contracting Parties.

The system of social services applicable to them shall be governed by the Social Security Convention, signed by the High Contracting Parties on the same date.

Article VIII

The transfer of money to the currency area of either of the countries for the maintenance of the worker's family, whether it be earnings, allowances arising out of employment, maintenance payable under a court order, or the worker's savings, either on his final return to his country of origin or as his estate in the case of his decease, shall be effected in accordance with the provisions of the Belgian-Spanish Payments Agreements.

Article IX

The migrants of each High Contracting Party settled in the territory of the other, shall be entitled to be joined by their families (wife and children under age).

In such cases the authorities of the country of origin shall authorize the departure of the families from its territory and the consular authorities of the country of destination shall issue the necessary visas.

Article X

The rights and benefits afforded by this Convention to the nationals of one of the High Contracting Parties living in the territory of the other shall apply from the date of the entry into force of this Convention to workers who migrated before that date.

Article XI

The consular representatives of each of the High Contracting Parties accredited to the other shall watch over the application of this Convention and for that purpose shall communicate freely with their nationals and be permitted, for the protection of the latter, to maintain contact with local authorities in order to submit to them all requests and complaints.

A Joint Committee of officials of the High Contracting Parties shall meet to study all relevant information and recommend to both Governments the means of ensuring the application of this Convention in the most effective manner and any modifications it might consider desirable for the protection of the interests of the nationals of those countries.

Article XII

This Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible at Madrid.

It shall enter into force on the first day of the month immediately after the month following that during which the instruments of ratification have been exchanged.

It shall remain in force for one year reckoned from the date of its entry into force. It shall be renewed automatically from year to year, unless denounced at least three months before the date of expiry.

In the event of denunciation, the conditions of this Convention shall continue to apply to acquired rights, notwithstanding any restrictions imposed by the Governments concerned in respect of foreign nationals.

IN WITNESS WHEREOF the respective plenipotentiaries have signed this Convention and affixed their seals thereto.

DONE in duplicate at Brussels on 28 November 1956, in the French and Spanish languages, both texts being equally authentic.

For Belgium :
P. H. SPAAK

For Spain :
Count DE CASA MIRANDA