

No. 19603

—

**SPAIN
and
VENEZUELA**

Agreement on migration. Signed at Caracas on 17 May 1979

Authentic text: Spanish.

Registered by Spain on 25 February 1981.

—————

**ESPAGNE
et
VENEZUELA**

Accord relatif à la migration. Signé à Caracas le 17 mai 1979

Texte authentique : espagnol.

Enregistré par l'Espagne le 25 février 1981.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON MIGRATION BETWEEN THE GOVERNMENT
OF THE KINGDOM OF SPAIN AND THE GOVERNMENT OF
THE REPUBLIC OF VENEZUELA

The Government of the Kingdom of Spain and the Government of the Republic of Venezuela, having regard to the fraternal relations existing between the two countries and desirous of strengthening the historic ties uniting their peoples,

Convinced that the migration of workers on a selective basis will be beneficial to both countries,

Have decided to sign, to that end, the following Agreement on migration, based on the spirit of international co-operation which in any case should strengthen existing ties of friendship:

Article 1. The purposes of this Agreement are as follows:

1. To facilitate the hiring of skilled workers of both countries through the recruitment, selection, transfer and placement of such workers;
2. To promote the professional, vocational and manual training of Venezuelan workers through the input of Spanish immigrants.

Article 2. 1. The body responsible for implementing the provisions set forth in the Agreement shall be, on the Spanish side, the Spanish Emigration Institute and, on the Venezuelan side, the Human Resources Programme (HRP) of CORDIPLAN.

2. Both Governments may, through the diplomatic channel, designate other bodies to implement the Agreement.

3. The Venezuelan Government shall, through the diplomatic channel, inform the Spanish Government of the appointment of representatives in Spain for the purpose of interviewing interested Spanish workers, reviewing the suitability of the offers of employment transmitted to the Spanish Emigration Institute and carrying out the medical selection.

4. The Venezuelan Government may appoint representatives in Spain for the purpose of supervising the implementation of this Agreement.

Article 3. 1. HRP shall, whenever it deems it necessary, send to the Spanish Emigration Institute a report on occupation or trades in which employment opportunities exist in Venezuela.

2. The Spanish Emigration Institute shall in turn send to the competent Venezuelan body the updated report on occupations and trades for which workers wishing to move to Venezuela are available.

Article 4. Emigration to Venezuela may be carried out through individual or collective employment offers made through HRP.

¹ Came into force on 7 April 1980, the date of the last of the notifications (effected on 9 July 1979 and 7 April 1980) by which the Contracting Parties informed each other of the completion of the legal formalities, in accordance with article 17.

Article 5. HRP shall transmit offers of employment to the Spanish Emigration Institute with the following specifications:

1. Number of workers requested;
2. Characteristics of the work to be performed;
3. Professional qualifications required;
4. Experience required and probation period;
5. Conditions of travel to Venezuela, remuneration, legal deductions therefrom and other conditions of employment offered.

Article 6. The Spanish Emigration Institute shall, in due time, inform HRP of the availability of Spanish workers to cover the offers of employment transmitted in conformity with the previous article.

Article 7. 1. The Spanish Emigration Institute shall be responsible for the recruitment, preliminary selection, and transfer of Spanish workers interested in employment opportunities in Venezuela, and shall send the curricula vitae and professional certificates to HRP. HRP shall transmit the results to the Spanish Emigration Institute, and in any case the workers shall be notified by the Spanish Emigration Institute of the decision taken.

2. HRP may authorize representatives of the public or private entities requiring workers in Spain to hold the appropriate interviews with, among others, the workers covered by the report sent by the Spanish Emigration Institute in accordance with article 3, paragraph 2, of the Agreement.

3. The Spanish Emigration Institute shall, in co-operation with the provincial health departments, carry out the medical selection of workers in accordance with the existing rules concerning the entry of foreigners into Venezuela. The examinations shall be conducted free of charge.

4. The necessary steps shall be taken to provide free of charge to the selected Spanish workers the Spanish documentation, including passports, required for emigration to Venezuela.

Article 8. Venezuela shall entrust the services related to the selection of migrant workers to representatives which the Government shall, through the diplomatic channel, accredit to Spain specifically for those purposes.

It shall provide or supervise reception, placement or integration services for migrant workers directly or in co-operation with the Intergovernmental Committee for European Migration (ICEM) or other bodies which it may consider appropriate.

Article 9. 1. Workers who satisfy the requirements of the human resources programme for entry into Venezuela shall be provided with an employment contract in conformity with Venezuelan legal and contractual provisions. The contract shall be signed by the Venezuelan contractor or his legal representative and approved by HRP, which shall transmit it to the Spanish Emigration Institute. After approving the contract, the Institute shall deliver it to the worker to be signed prior to his departure from Spain.

2. Recruited workers shall, when so requested, provide vocational training assistance in their areas of specialization to apprentices who may be assigned to them. The training shall be undertaken without additional remuneration when it is

provided at the place of employment during working hours. If it must be undertaken elsewhere, and outside working hours, the contractor and the worker shall agree on the relevant contractual conditions.

3. The contract shall likewise set forth all the conditions for the repatriation of the workers, whether because of termination of the probation period, expiry of the contract, work stoppage, or any other reason which might curtail the legal stay of the worker in Venezuela.

4. All clauses of the employment contract shall be subject to Venezuelan legislation and collective bargaining. The contract shall state that Venezuelan courts have jurisdiction and are competent to hear disputes arising from its interpretation or implementation.

5. If the contract is rescinded for reasons attributable to the contractor, the latter shall defray the expenses incurred in connection with the return of the worker to his country of origin, unless the worker obtains other employment in Venezuela in the area of specialization for which he was initially recruited.

Article 10. HRP shall arrange for the competent Venezuelan authorities to grant the necessary entry visas and identification documents authorizing the selected workers to reside and work legally in Venezuela.

HRP shall likewise arrange for the competent Venezuelan authorities to authorize Spanish workers to import, on one occasion only, in accordance with the relevant legal provisions, their personal effects, books, tools, and technical equipment related to their occupation, free of import duties and other taxes, within three months of their entry into Venezuela or when they are joined by their families.

Article 11. 1. Workers recruited in accordance with the provisions of this Agreement shall preferably travel on ships and aircraft of Venezuelan and Spanish companies, with equitable participation by the shipping and air lines of both Parties.

2. Spanish workers, their spouses and minor children may, for the purpose of travel to Venezuela, be granted special rates by Venezuelan transport companies and shall also enjoy the special rates established in Spain for the transportation of Spanish migrant workers.

3. The cost of transporting the worker from his place of residence to his place of employment in Venezuela shall be defrayed by the contractor.

Article 12. 1. The worker may request that his spouse and minor children be moved to Venezuela.

2. The spouse and minor children of the emigrant worker shall be authorized to join him, provided that he has suitable, sanitary housing for his family comparable to that of Venezuelan workers in the area where he is employed.

Article 13. Recruited workers may, in accordance with the prevailing rules of Venezuelan law, transfer to Spain funds derived from their employment.

Article 14. With a view to achieving the purposes of this Agreement in a practical and efficient way, a mixed working group shall be set up, composed of representatives of both Governments, appointed through the diplomatic channel, which shall meet at the request of either of the Parties.

The purpose of the mixed working group shall be to ensure the proper implementation of this Agreement and make proposals to the Parties concerning the possibility of updating it.

Article 15. Any disagreements which may arise concerning the interpretation or application of this Agreement shall be resolved by agreement between the Parties.

Article 16. This Agreement may be denounced at any time in writing by either of the Parties and shall cease to have effect six months after the date of denunciation.

The denunciation shall not affect the programmes and projects which are under way, unless the Contracting Parties agree otherwise.

Article 17. This Agreement shall enter into force on the date of the last of the notifications which the Contracting Parties are to give each other of having completed the legal formalities to that end.

IN WITNESS WHEREOF the plenipotentiaries of both Governments have signed this Agreement in duplicate, both texts being equally authentic.

DONE at Caracas, on 17 May 1979.

For the Government
of the Kingdom of Spain:

[Signed]

JOSÉ VICENTE TORRENTE SECORÚN
Ambassador

For the Government
of the Republic of Venezuela:

[Signed]

JOSÉ ALBERTO ZAMBRANO VELASCO
Minister for Foreign Affairs