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# Magna Carta for Refugees



by **JAMES M. READ**,  
United Nations Deputy High Commissioner

with a Preface

by **G. J. VAN HEUVEN GOEDHART**,  
United Nations High Commissioner for Refugees

*and the*

**TEXT OF THE CONVENTION**

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MAGNA CARTA  
FOR  
REFUGEES

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## PREFACE

I AM very grateful to the Secretary-General of the United Nations for having decided to issue the text of the Convention on the Status of Refugees, together with some comments, as a separate United Nations publication. That Convention most certainly deserves that honor. It is the charter of the rights of refugees, as defined and adopted (unanimously) by twenty-four states, following the invitation of the United Nations to a Plenipotentiary Conference and working successfully under the excellent leadership of Mr. Knud Larsen from Denmark.

We live under circumstances which produce refugees every day and night. Persecution and fear of persecution chase thousands of people from their homes and make them cross — perhaps for the last time — the borders of their fatherlands, walking into an unknown and uncertain future. It is right and good and just that the United Nations concerns itself with their tragic fate. The United Nations is based on the idea of a world in which every human being, wherever they be and wherever they are, has some elementary rights. To secure those rights for refugees — who have no national authority to whom they can appeal — the United Nations made a new and most important effort by drawing up the Convention which is the subject of this publication.

May it find many readers! And may those readers feel, as I do, that protection of refugees is as important a duty for all the survivors of two world wars as is the paying of our tribute to those who fell for our freedom! There is no better tribute to the dead than a contribution to the happiness of the living. And there is no better contribution to the happiness of the living than the one which is directed to the well-being of the poor, the weak and the young. That is why in the United Nations the

work on human rights, on underdeveloped areas, on children's welfare and on refugees is so terribly important. That is why I so strongly recommend the reading of this booklet to everyone who still fully realizes the tremendous significance of the Charter of the United Nations, beginning with those noble words, "We, the peoples of the United Nations, determined to save succeeding generations from the scourge of war which twice in our life-time has brought untold sorrow to mankind. . . ."

Thousands of lives of refugees form part of that "untold sorrow." Very little imagination will do to make one realise what hardly can be told in words. I think you will agree that doing something for refugees means paying off a war debt, a debt of honor which all of us owe to people for whom, not less than for you and me, the noble preamble to the Declaration on Human Rights was written three years after the Second World War.

G. J. VAN HEUVEN GOEDHART,  
*United Nations High Commissioner for Refugees*

18 August 1951

# MAGNA CARTA FOR REFUGEES

By Dr. James M. Read

United Nations Deputy High Commissioner for Refugees

THE Convention Relating to the Status of Refugees recently concluded under United Nations auspices in Geneva marks a new level of world morality. In a time characterized by increasing xenophobia in some parts of the world, the United Nations has succeeded in bringing into being a veritable magna carta for refugees. This document is the most comprehensive charter ever written concerning the rights of refugees. It is also the most international code of ethics yet devised for refugees, adopted as it was by the unanimous vote of representatives from twenty-four nations. It is also possibly the most concrete step forward yet taken in the application of the spirit of the Declaration of Human Rights. The fact that these rights are accorded the uprooted and the outcast is all the more heartening proof that the conscience of mankind has not been completely dulled by the tensions and fears of our age.

The Convention is remarkable on three counts. It covers an unprecedentedly large number of categories of refugees. It establishes a broad base of minimal rights for refugees. It provides for an organ of the United Nations to supervise the application of its provisions.

These are the end results of efforts to put a humanitarian concern for refugees into international law, beginning with the efforts of Fridtjof Nansen after the First World War, and continuing with the Arrangements of 1926 and 1928 on the subject, followed by the Conventions of 1933 and 1938. These were, however, all partial



approaches to the problem of the rights of homeless people. The innovation here is the broad range of people which this Convention takes into its purview. Previous international agreements covered only certain groups of refugees; this one takes in nearly every refugee not being cared for by another United Nations agency, and who is outside the country which recognizes him as a citizen.

## Scope of the Rights

Decent minimal rights for refugees were set up in the preceding covenants but never was such a catalogue of their rights drawn up. Not only, however, is the all-inclusive nature of the catalogue striking; likewise novel are many of the basic rights themselves. In the areas of religion, property rights, commercial enterprise, exercise of liberal professions, certain rights are here for the first time guaranteed to the refugees by international convention.

The value of the rights set forth in this Convention may not be as important in some countries as in others. There are some countries where the immigration of refugees and aliens alike can be solely governed by immigration policy based, to a large extent, on demographic requirements. The geographic location of these countries permits of strict immigration control. Refugees admitted to them can be put on the same footing as other aliens for the simple reason that their admission is based on the same selection criteria as those which are applied to other aliens. In these countries special measures concerning the rights and status of refugees are usually less needed and sometimes not needed at all. Some other countries of the world which throughout the past decades have been countries of first asylum have had to admit large numbers of refugees, often including illegal entrants, in accordance with their traditional humanitarian attitude. Admission to their territories was a matter of life or death for the refugee concerned. It is only natural that in countries where the number of refugees admitted could create serious economic, social, and political problems,



it has been much more difficult to grant refugees equality with aliens, to say nothing of equality with the nationals of the country concerned. The fact that this Convention does equate refugees with nationals in so many respects is one of its remarkable features.

## **Background of the Convention**

The General Assembly of 1946 laid down the principle that the refugee problem must be dealt with on the international level, and in 1947 the International Refugee Organization (IRO) was created with a wide mandate but for a strictly limited period. The IRO inherited all the functions exercised by its predecessor organizations: care, maintenance and repatriation from UNRRA; resettlement from the Inter-Governmental Committee; protection from the League of Nations High Commissioner and the Inter-Governmental Committee on Refugees. It was always clear that even after the end of IRO the question of the legal and political protection of refugees would remain, since refugees, whether resettled or not, may, in many cases, still need these services until they become full citizens of the countries of their residence.

The United Nations, therefore, decided to establish the Office of a United Nations High Commissioner for Refugees. The Economic and Social Council dealt with the matter during its ninth session in 1949 and subsequently the fourth session of the General Assembly established this Office as of January 1, 1951. The General Assembly's fifth session finally adopted the Statute of the High Commissioner's Office and elected Dr. G. J. van Heuven Goedhart, of the Netherlands, as High Commissioner for a term of three years, with Headquarters in Geneva. By adopting this Statute, the United Nations inaugurated a different approach to the solution of refugee problems. Unlike the IRO, the High Commissioner is not provided with operating funds, nor is he entitled to request financial help from governments or other bodies without the prior permission of the General Assembly. His task is to provide, under the United Nations auspices,

international protection to refugees coming within his mandate, to promote measures to improve their situation and to seek permanent solutions of their problems by assisting governments and, with their approval, private organizations in their efforts to attain this common end.

Although the principle that refugees should be dealt with on an international level was decided by the General Assembly five years ago, that principle had not yet been put into the form of a Convention by the United Nations.

The time had come to put the refugee's rights in writing. . . .

In accordance with the resolution of the General Assembly of December 14, 1950, a Conference of Plenipotentiaries met in Geneva from July 2 to July 25, 1951, in order to consider the draft Convention relating to the Status of Refugees, and the draft Protocol relating to the Status of Stateless Persons. The Governments of 26 States were represented by delegates, and two states, Cuba and Iran, were represented by observers. For the basis of its discussions on the preamble to the Convention, the Conference adopted the text adopted by the Economic and Social Council at its eleventh session. For Article 1 of the Convention which defines the term "refugee," the Conference took as its point of departure the text which appeared in the annex to the resolution of the General Assembly which convened the Conference. And for the substance of the Convention, as well as for the Protocol relating to the Status of Stateless Persons, it started with the texts prepared by the Ad Hoc Committee of Experts on Refugees and Stateless Persons.

The Conference did not find time to consider the draft Protocol Relating to the Status of Stateless Persons. It decided to refer it back to the appropriate organs of the United Nations for further study. The draft prepared by the Ad Hoc Committee of Experts provided that the most important provisions of the Convention relating to the Status of Refugees should equally apply to stateless persons who are not refugees. The number of persons who have become stateless by sheer operation of the law or in consequence of territorial changes is very considerable,

and their status is often precarious. It may therefore be hoped that the important problem of the establishment of an international status for stateless persons will receive early consideration by the competent organs of the United Nations.

During the three and a half weeks of intensive work which the Conference devoted to the Convention, the texts underwent not unimportant changes. New articles, such as one granting refugees freedom to practise their religion, another regarding the position of refugee seamen, as well as a federal clause, were introduced. Certain other articles were amended mainly from the aspect of national security, in order to give governments greater freedom in the application of the Convention to cases where considerations of public order and security were involved. On the whole, however, the substance of the text drawn up by the Committee of Experts was maintained.

### **Definition of a "Refugee"**

For the purposes of the Convention the term "refugee" was defined as any person who has been considered a refugee under the pre-war Conventions and Agreements relating to refugees, and under the Constitution of the International Refugee Organization, and in addition any person who has become a refugee as a result of events occurring before 1 January 1951. At the time of signature, ratification or accession, each Contracting State shall make a declaration whether it wishes the term "events occurring before 1 January 1951" to be understood to mean events occurring in Europe or events occurring in Europe or elsewhere.

The Convention does not apply to persons who are at present receiving protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees. This applies to refugees from Palestine, who at present receive assistance from the United Nations Relief and Works Agency for Palestine Refugees in the Near East; but such persons

shall be entitled to the benefit of the Convention when such protection or assistance has ceased for any reason, without their position being definitely settled in accordance with the relevant resolutions adopted by the General Assembly. Furthermore, the Convention does not apply to persons who are recognized by the competent authorities of the country of their residence as having the rights and obligations which are attached to the possession of the nationality of that country. This provision excludes from the Convention, amongst others, the Volksdeutsche refugees in Germany who, under the Constitution of the German Federal Republic, are considered as German nationals.

The provisions of the Convention shall, in addition, not apply to any person with respect to whom there are serious reasons for considering that: (a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; (b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee; (c) he has been guilty of acts contrary to the purposes and principles of the United Nations.

## **Main Provisions**

The substantial provisions of the Convention range over a wide field of subjects. In one of the first articles, the Convention stipulates that, except where it contains more favorable provisions, refugees shall be accorded the same treatment as is accorded to aliens generally. This is not a self-evident principle. One of the greatest disabilities of refugees consists in the fact that they are aliens everywhere, and in addition, aliens without consular and diplomatic protection. Laws are made with the conception of the normal alien in the mind of the law-giver, and the application of these laws to refugees often meets with difficulties. Sometimes the result is that refugees are deprived of certain rights by sheer operation of the



law, simply because the general law has not made any provision for their abnormal legal position.

One of the difficulties of refugees consists in the fact that they are often unable to obtain certain documents which are required under the law for the exercise of rights, such as birth certificates, marriage certificates, documents certifying their professional qualifications, all of which are normally delivered to aliens by their consuls or national authorities. In the past, these difficulties have in certain countries been overcome by the establishment of special offices which have delivered such documents to refugees. The Convention provides that such documents shall be delivered to refugees by a national or an international authority, and that documents delivered by such authorities shall be given credence in the absence of proof to the contrary.

### **Exemption from Reciprocity**

The clause on reciprocity is one of the most important of all, according to several of the delegates thoroughly familiar with difficulties that refugees ordinarily encounter. The Convention provides that refugees shall enjoy, after three years' residence, exemption from legislative reciprocity. Reciprocity means that nationals from Country A shall enjoy those rights granted to foreign nationals in Country B if Country B's nationals are treated the same way in Country A. Exemption from reciprocity means that enjoyment of certain rights by refugees shall not be denied them owing to the rule of reciprocity. Refugees not enjoying the protection of their country of origin are never in a position to invoke reciprocity.

The Convention also contains a recommendation that refugees shall be accorded other rights which are subject to reciprocity, in particular to reciprocity based on treaty arrangements. The significance of this provision can be assessed from the fact that in certain countries of the European Continent very important rights, such as rights

under the Protection of Tenants Laws, the right to engage in commerce and industry as well as agricultural rights are granted to foreigners only on the basis of reciprocity.

Another very important provision of the Convention is that which provides that the personal status of a refugee shall be governed by the law of his country of domicile, or if he has no domicile, by the law of the country of his residence. In countries which apply the law of nationality for questions of personal capacity, marriage capacity, guardianship and adoption, i.e., the countries of Continental Europe and several countries of Latin America, refugees who have formally retained the nationality of their country of origin are subject to the law of that country. Sometimes the courts cannot even assume jurisdiction in the case of refugees, unless their decisions are recognized by the country of nationality of the refugee. This position obviously can lead to real hardship in cases of refugees who have severed their connection with their country of origin, in which the legal system has often, owing to political changes, undergone great material changes, making it quite impossible for refugees to comply with the requirements of the present law of these countries. By placing refugees in these matters under the law of their country of domicile or residence, the application of the Convention will relieve refugees from these difficulties.

## Standards of Individual Rights

As to the individual rights, the Convention establishes three standards: first, the same treatment as is accorded to nationals of that country; second, the most favorable treatment accorded to nationals of a foreign country; third, treatment as favorable as possible, and in any event not less favorable than that accorded to aliens generally in the same circumstances. National treatment is to be accorded to refugees with regard to the protection of their industrial property, such as inventions, trade marks and trade names, and of their rights in literary,



artistic and scientific works; as regards access to courts; legal assistance and exemption from *cautio judicatum solvi*—that is a deposit which has to be made in certain cases by foreigners who initiate legal proceedings, in order to guarantee the payment of the adjudicated amount. Since many refugees are indigent, and therefore unable to make this deposit, this latter provision should facilitate the vindication of refugees' claims by litigation.

The same treatment as accorded to nationals is further to be granted with regard to wage-earning employment to refugees who have completed three years' residence in the country, who have a spouse possessing the nationality of the country, if they have not abandoned that spouse, or who have one or more children possessing the nationality of the country. The wage-earning clause, even with the three-year restriction, is possibly one of the greatest gains on behalf of refugees made in this Convention. Refugees are, further, to be treated on an equal basis with nationals in respect to rationing, elementary education, public relief and assistance, labor legislation and social security, and with regard to taxation.

The question of assistance to indigent aliens has for some time past been on the agenda of the Social Commission and the Economic and Social Council and the provision in the Convention to grant refugees in this field national treatment follows a recommendation by the Council to assimilate aliens to nationals with regard to public assistance. Its importance for destitute refugees can hardly be over-estimated.

Most favored nations treatment is to be accorded to refugees as regards their right to create and to join non-profit-making and non-political associations and trade unions, and furthermore in respect of wage-earning employment for those refugees who have resided in the country less than three years and do not fulfil another of the requisite conditions for national treatment.

Refugees shall receive as favorable treatment as possible, and in any event, not less favorable than that

accorded to aliens in general, with regard to acquisition of movable and immovable property and rights relating to property, such as leases and interests in property; the right to engage on their own account in agriculture, industry, handicrafts and commerce, and to establish commercial and industrial companies; and the right to practise a liberal profession. The same treatment is to be accorded to refugees in matters of housing, where the allocation of accommodation is subject to public control, and as regards higher education, including the recognition of foreign school certificates, diplomas and degrees. Refugees shall also have the right to choose their place of residence, and to move freely within the territory of the Contracting State in the same manner as other aliens.

One of the greatest handicaps of refugees is their lack of documents, particularly of identity and travel documents. The fact alone that they have no identity papers often makes them suspect, and the lack of a national passport greatly hinders their movement and in particular their efforts to find admission into a country of final settlement. The Convention provides that any refugee who does not possess a valid travel document shall receive an identity paper, and that, subject to requirements of national security or public order, all refugees shall be entitled to obtain a travel document which enables them to travel abroad and to return to the country of issue.

Refugees who are fleeing for their lives often cannot wait to obtain the necessary authorization for their entry into another country. The Convention therefore provides that refugees who come directly from a territory where their lives or freedom are threatened, to the territory of a Contracting State without authorization, shall be free from penalty if they present themselves to the authorities without delay.

### **Safeguards Against Expulsion**

Expulsion or deportation of an alien is usually a very serious measure, but it is particularly harsh for a refugee who cannot return to the country from which he fled,

and who may have great difficulty in finding admission into another country. The Convention contains, therefore, certain safeguards on the expulsion of refugees—they shall not be expelled save on grounds of national security or public order, and only pursuant to a decision reached in accordance with due process of law. They shall as a rule be allowed to submit, in expulsion proceedings, evidence to clear themselves, to appeal, and to be represented before the competent authority.

The United Nations have on several occasions affirmed the principle that refugees shall not be expelled or returned to a country where their life or freedom would be threatened for racial, religious or political reasons. This important humanitarian principle has been included in the Convention; it becomes thereby a legal obligation on the Contracting States.

It is most desirable that the refugee status should not be perpetuated, and that it should come to an end as soon as possible, either by voluntary repatriation, or by the settlement and legal absorption of the refugee in his country of reception by his becoming a citizen. The Convention provides that the Contracting States shall, as far as possible, facilitate the assimilation and naturalization of refugees, and that naturalization proceedings shall be expedited and their charges and costs reduced as far as possible.

## **Supervising Application**

The United Nations High Commissioner for Refugees is, according to his Statute, entrusted with the international protection of refugees, and with the supervision of the application of international conventions for their protection. The Convention imposes explicitly on the Contracting States the obligation to co-operate with the Office of the United Nations High Commissioner for Refugees, to facilitate its duty of supervising the application of the provisions of the Convention, and to supply it with the necessary data concerning the conditions of

refugees and the implementation of the Convention. This provision establishes an organic link between the body created by the United Nations for the protection of refugees, and the international instrument established by them for the determination of the status of refugees.

## Reservations

These are the most important substantial provisions of the Convention, but also its final clauses contain various provisions of interest. In order to facilitate the accession of states to the Convention, it allows for unilateral reservations to articles of the Convention, with the exception of the provisions which prohibit discrimination against refugees on the ground of race, religion or country of origin, allow freedom to practise their religion, and the religious education of their children, grant access to courts and prohibit forcible return. The question whether reservations to multilateral conventions require the consent of all Contracting States, has been the subject of an Advisory Opinion by the International Court of Justice and has occupied the International Law Commission at its last session. The insertion of a special provision on reservations into the new Convention should avoid such difficulties of interpretation.

## The Federal Clause

As distinct from other conventions established by the United Nations, the Convention contains a federal clause. According to this provision, Federal States shall, with respect to those articles that come within the legislative jurisdiction of the Federal legislative authorities, have the same obligations as parties which are not Federal States. With respect to articles that come within the legislative jurisdiction of the constituent states, which are not, under the constitutional system of the Federation, bound to take legislative action, the Federal Government shall bring such articles, with favorable recommendation,



to the notice of the appropriate authorities of the constituent states, provinces or cantons. This is an interesting innovation, which should facilitate the accession of Federal States to the Convention. It takes account of the constitutional situation of European Federal States, in which international commitments of the Federation become automatically binding on the constituent states. It also takes into consideration the situation in certain non-European Federal States, where the constituent states retain their freedom of action in matters which, under the Federal constitution, come within their legislative competence.

### Signature and Ratification

The Convention shall be open for signature on behalf of all States Members of the United Nations, and also on behalf of any other states which were invited to the Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons. It shall come into force on the 90th day following the deposit of the sixth instrument of ratification or accession with the Secretary-General of the United Nations. The Convention was signed on July 28, 1951 by representatives of the Governments of Austria, Belgium, Colombia, Denmark, Liechtenstein, Luxembourg, Netherlands, Norway, Sweden, Switzerland, United Kingdom and Yugoslavia, and on August 1 by the representative of Israel. It may be hoped that these signatures will soon be followed by ratifications, and that many more states will accede to the Convention. Representatives from the following states also participated in the Conference: Australia, Brazil, Canada, Egypt, Federal Republic of Germany, France, Greece, Holy See, Iraq, Italy, Monaco, Turkey, United States, Venezuela. Observers came from Cuba and Iran.

### Safeguarding Adequate Standards

The task of drawing up a universal convention for the status of refugees has been a difficult one. Legal, economic and social conditions differ from country to coun-

try. The attitude of countries to the problem depends on whether they function, in view of their geographical situation, mainly as countries of first and second asylum for refugees or as countries of final reception. The treatment of refugees varies according to these considerations. Some of the standards established by the Convention may appear too high to countries of asylum, and some of these countries have in fact made reservations on certain articles of the Convention at the time of signature. On the other hand, countries of reception on the whole assimilate refugee immigrants to nationals as regards civil rights. The importance of the Convention lies in the fact that it establishes adequate average standards, which by the adoption of the Convention become part of international law, and are guaranteed by the safeguards which international law and in particular the existence of international organs provides for their application.

The Convention can indeed be considered not only as an important step in the history of international cooperation and in the endeavors for the improvement of the position of refugees, but also in the development of international law.



# FINAL ACT OF THE UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF REFUGEES AND STATELESS PERSONS

## I.

The General Assembly of the United Nations, by Resolution 429 (V) of 14 December 1950, decided to convene in Geneva a Conference of Plenipotentiaries to complete the drafting of, and to sign, a Convention relating to the Status of Refugees and a Protocol relating to the Status of Stateless Persons.

The Conference met at the European Office of the United Nations in Geneva from 2 to 25 July 1951.

The Governments of the following twenty-six States were represented by delegates who all submitted satisfactory credentials or other communications of appointment authorizing them to participate in the Conference:

Australia	Italy
Austria	Luxembourg
Belgium	Monaco
Brazil	Netherlands
Canada	Norway
Colombia	Sweden
Denmark	Switzerland (the Swiss delegation also represented Liechtenstein)
Egypt	Turkey
France	United Kingdom of Great Britain and Northern Ireland
Federal Republic of Germany	United States of America
Greece	Venezuela
Holy See	Yugoslavia
Iraq	
Israel	

The Governments of the following two States were represented by observers:

Cuba

Iran

Pursuant to the request of the General Assembly, the United Nations High Commissioner for Refugees participated, without the right to vote, in the deliberations of the Conference.

The International Labour Organisation and the International Refugee Organization were represented at the Conference without the right to vote.

The Conference invited a representative of the Council of Europe to be represented at the Conference without the right to vote.

Representatives of the following Non-Governmental Organizations in consultative relationship with the Economic and Social Council were also present as observers:

*Category A*

International Confederation of Free Trade Unions

International Federation of Christian Trade Unions

Inter-Parliamentary Union

*Category B*

Agudas Israel World Organization

Caritas Internationalis

Catholic International Union for Social Service

Commission of the Churches on International Affairs

Consultative Council of Jewish Organizations

Co-ordinating Board of Jewish Organizations

Friends' World Committee for Consultation

International Association of Penal Law

International Bureau for the Unification of Penal Law

International Committee of the Red Cross

International Council of Women

International Federation of Friends of Young Women

International League for the Rights of Man

International Social Service

International Union for Child Welfare

International Union of Catholic Women's Leagues

Pax Romana

Women's International League for Peace and Freedom

World Jewish Congress  
World Union for Progressive Judaism  
World Young Women's Christian Association

*Register*

International Relief Committee for Intellectual Workers  
League of Red Cross Societies  
Standing Conference of Voluntary Agencies  
World Association of Girl Guides and Girl Scouts  
World University Service

Representatives of Non-Governmental Organizations which have been granted consultative status by the Economic and Social Council as well as of those entered by the Secretary-General on the Register referred to in Resolution 288 B (X) of the Economic and Social Council, paragraph 17, had under the rules of procedure adopted by the Conference the right to submit written or oral statements to the Conference.

The Conference elected Mr. Knud Larsen, of Denmark, as President, and Mr. A. Herment, of Belgium, and Mr. Talat Miras, of Turkey, as Vice-Presidents.

At its second meeting, the Conference, acting on a proposal of the representative of Egypt, unanimously decided to address an invitation to the Holy See to designate a plenipotentiary representative to participate in its work. A representative of the Holy See took his place at the Conference on 10 July 1951.

The Conference adopted as its agenda the Provisional Agenda drawn up by the Secretary-General (A/CONF.2/2/Rev.1). It also adopted the Provisional Rules of Procedure drawn up by the Secretary-General, with the addition of a provision which authorized a representative of the Council of Europe to be present at the Conference without the right to vote and to submit proposals (A/CONF.2/3/Rev.1).

In accordance with the Rules of Procedure of the Conference, the President and Vice-Presidents examined the credentials of representatives and on 17 July 1951 reported to the Conference the results of such examination, the Conference adopting the report.

The Conference used as the basis of its discussions the draft Convention relating to the Status of Refugees and the draft Protocol relating to the Status of Stateless Persons prepared by the *ad hoc* Committee on Refugees and Stateless Persons at its second session held in Geneva from 14 to 25 August 1950, with the exception of the preamble and article 1 (Definition of the term "refugee") of the draft Convention. The text of the preamble before the Conference was that which was adopted by the Economic and Social Council on 11 August 1950 in Resolution 319 B II (XI). The text of article 1 before the Conference was that recommended by the General Assembly on 14 December 1950 and contained in the Annex to Resolution 429 (V). The latter was a modification of the text as it had been adopted by the Economic and Social Council in Resolution 319 B II (XI).\*

The Conference adopted the Convention relating to the Status of Refugees in two readings. Prior to its second reading it established a Style Committee composed of the President and the representatives of Belgium, France, Israel, Italy, the United Kingdom of Great Britain and Northern Ireland and the United States of America, together with the High Commissioner for Refugees, which elected as its Chairman Mr. G. Warren, of the United States of America. The Style Committee re-drafted the text which had been adopted by the Conference on first reading, particularly from the point of view of language and of concordance between the English and French texts.

The Convention was adopted on 25 July by 24 votes to none with no abstentions and opened for signature at the European Office of the United Nations from 28 July to 31 August 1951. It will be re-opened for signature at the permanent headquarters of the United Nations in New York from 17 September 1951 to 31 December 1952.

The English and French texts of the Convention, which are equally authentic, are appended to this Final Act.

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\* The texts referred to in the paragraph above are contained in document A/CONF.2/1.



## II.

The Conference decided, by 17 votes to 3 with 3 abstentions, that the titles of the chapters and of the articles of the Convention are included for practical purposes and do not constitute an element of interpretation.

## III.

With respect to the draft Protocol relating to the Status of Stateless Persons, the Conference adopted the following resolution:

“THE CONFERENCE,

“HAVING CONSIDERED the draft Potocol relating to the Status of Stateless Persons,

“CONSIDERING that the subject still requires more detailed study,

“DECIDES not to take a decision on the subject at the present Conference and refers the draft Protocol back to the appropriate organs of the United Nations for further study.”

## IV.

The Conference adopted unanimously the following recommendations:

### A.

“THE CONFERENCE,

“CONSIDERING that the issue and recognition of travel documents is necessary to facilitate the movement of refugees, and in particular their resettlement,

“URGES Governments which are parties to the Inter-Governmental Agreement on Refugee Travel Documents signed in London on 15 October 1946, or which recognize travel documents issued in accordance with the Agreement, to continue to issue or to recognize such travel documents, and to extend the issue of such documents to refugees as defined in article 1 of the Convention relating to the Status of Refugees or to recognize the travel documents so issued to such persons, until they shall have undertaken obligations under article 28 of the said Convention.”

## B.

“THE CONFERENCE,

“CONSIDERING that the unity of the family, the natural and fundamental group unit of society, is an essential right of the refugee, and that such unity is constantly threatened, and

“NOTING with satisfaction that, according to the official commentary of the *ad hoc* Committee on Statelessness and Related Problems (E/1618, p. 40) the rights granted to a refugee are extended to members of his family,

“RECOMMENDS Governments to take the necessary measures for the protection of the refugee's family, especially with a view to:

“(1) Ensuring that the unity of the refugee's family is maintained particularly in cases where the head of the family has fulfilled the necessary conditions for admission to a particular country;

“(2) The protection of refugees who are minors, in particular unaccompanied children and girls, with special reference to guardianship and adoption.”

## C.

“THE CONFERENCE,

“CONSIDERING that, in the moral, legal and material spheres, refugees need the help of suitable welfare services, especially that of appropriate non-governmental organizations;

“RECOMMENDS Governments and inter-governmental bodies to facilitate, encourage and sustain the efforts of properly qualified organizations.”

## D.

“THE CONFERENCE,

“CONSIDERING that many persons still leave their country of origin for reasons of persecution and are entitled to special protection on account of their position,



“RECOMMENDS that Governments continue to receive refugees in their territories and that they act in concert in a true spirit of international co-operation in order that these refugees may find asylum and the possibility of resettlement.”

E.

“THE CONFERENCE,

“EXPRESSES the hope that the Convention relating to the Status of Refugees will have value as an example exceeding its contractual scope and that all nations will be guided by it in granting so far as possible to persons in their territory as refugees and who would not be covered by the terms of the Convention, the treatment for which it provides.”

IN WITNESS WHEREOF the President, Vice-Presidents and the Executive Secretary of the Conference have signed this Final Act.

DONE at Geneva this twenty-eighth day of July one thousand nine hundred and fifty-one in a single copy in the English and French languages, each text being equally authentic. Translations of this Final Act into Chinese, Russian and Spanish will be prepared by the Secretary-General of the United Nations, who will, on request, send copies thereof to each of the Governments invited to attend the Conference.

*The President of the Conference:*

KNUD LARSEN

*The Vice-Presidents of the Conference:*

HERMENT  
TALAT MIRAS

*The Executive Secretary of the Conference:*

JOHN P. HUMPHREY

# CONVENTION RELATING TO THE STATUS OF REFUGEES

## PREAMBLE

### *The High Contracting Parties*

Considering that the Charter of the United Nations and the Universal Declaration of Human Rights approved on 10 December 1948 by the General Assembly have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination,

Considering that the United Nations has, on various occasions, manifested its profound concern for refugees and endeavoured to assure refugees the widest possible exercise of these fundamental rights and freedoms,

Considering that it is desirable to revise and consolidate previous international agreements relating to the status of refugees and to extend the scope of and the protection accorded by such instruments by means of a new agreement,

Considering that the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation,

Expressing the wish that all States, recognizing the social and humanitarian nature of the problem of refugees, will do everything within their power to prevent this problem from becoming a cause of tension between States,

Noting that the United Nations High Commissioner for Refugees is charged with the task of supervising international conventions providing for the protection of refugees, and recognizing that the effective co-ordina-

tion of measures taken to deal with this problem will depend upon the co-operation of States with the High Commissioner,

*Have agreed as follows:*

## CHAPTER I GENERAL PROVISIONS

### *Article 1*

#### DEFINITION OF THE TERM "REFUGEE"

A. For the purposes of the present Convention, the term "refugee" shall apply to any person who:

(1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization;

Decisions of non-eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this section;

(2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it;

In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not

availed himself of the protection of one of the countries of which he is a national.

B. (1) For the purposes of this Convention the words "events occurring before 1 January 1951" in Article 1, Section A, shall be understood to mean either

(a) "events occurring in Europe before 1 January 1951;" or

(b) "events occurring in Europe or elsewhere before 1 January 1951;" and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention.

(2) Any Contracting State which has adopted alternative (a) may at any time extend its obligations by adopting alternative (b) by means of a notification addressed to the Secretary-General of the United Nations.

C. This Convention shall cease to apply to any person falling under the terms of section A if:

(1) He has voluntarily re-availed himself of the protection of the country of his nationality; or

(2) Having lost his nationality, he has voluntarily re-acquired it; or

(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(5) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality;

Provided that this paragraph shall not apply to a refugee falling under section A (1) of this Article who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality;

(6) Being a person who has no nationality he is, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence;



Provided that this paragraph shall not apply to a refugee falling under section A (1) of this Article who is able to invoke compelling reasons arising out of previous persecution for refusing to return to the country of his former habitual residence.

D. This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Convention.

E. This Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.

F. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(c) he has been guilty of acts contrary to the purposes and principles of the United Nations.

## Article 2

### GENERAL OBLIGATIONS

Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order.

### *Article 3*

#### NON-DISCRIMINATION

The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

### *Article 4*

#### RELIGION

The Contracting States shall accord to refugees within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practise their religion and freedom as regards the religious education of their children.

### *Article 5*

#### RIGHTS GRANTED APART FROM THIS CONVENTION

Nothing in this Convention shall be deemed to impair any rights and benefits granted by a Contracting State to refugees apart from this Convention.

### *Article 6*

#### THE TERM "IN THE SAME CIRCUMSTANCES"

For the purpose of this Convention, the term "in the same circumstances" implies that any requirements (including requirements as to length and conditions of sojourn or residence) which the particular individual would have to fulfil for the enjoyment of the right in question, if he were not a refugee, must be fulfilled by him, with the exception of requirements which by their nature a refugee is incapable of fulfilling.

### *Article 7*

#### EXEMPTION FROM RECIPROCITY

1. Except where this Convention contains more favourable provisions, a Contracting State shall accord to refugees the same treatment as is accorded to aliens generally.



2. After a period of three years' residence, all refugees shall enjoy exemption from legislative reciprocity in the territory of the Contracting States.

3. Each Contracting State shall continue to accord to refugees the rights and benefits to which they were already entitled, in the absence of reciprocity, at the date of entry into force of this Convention for that State.

4. The Contracting States shall consider favourably the possibility of according to refugees, in the absence of reciprocity, rights and benefits beyond those to which they are entitled according to paragraphs 2 and 3, and to extending exemption from reciprocity to refugees who do not fulfil the conditions provided for in paragraphs 2 and 3.

5. The provisions of paragraphs 2 and 3 apply both to the rights and benefits referred to in articles 13, 18, 19, 21 and 22 of this Convention and to rights and benefits for which this Convention does not provide.

### *Article 8*

#### EXEMPTION FROM EXCEPTIONAL MEASURES

With regard to exceptional measures which may be taken against the person, property or interests of nationals of a foreign State, the Contracting States, shall not apply such measures to a refugee who is formally a national of the said State solely on account of such nationality. Contracting States which, under their legislation, are prevented from applying the general principle expressed in this article, shall, in appropriate cases, grant exemptions in favour of such refugees.

### *Article 9*

#### PROVISIONAL MEASURES

Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person, pending a determination by

the Contracting State that that person is in fact a refugee and that the continuance of such measures is necessary in his case in the interests of national security.

### *Article 10*

#### CONTINUITY OF RESIDENCE

1. Where a refugee has been forcibly displaced during the Second World War and removed to the territory of a Contracting State, and is resident there, the period of such enforced sojourn shall be considered to have been lawful residence within that territory.

2. Where a refugee has been forcibly displaced during the Second World War from the territory of a Contracting State and has, prior to the date of entry into force of this Convention, returned there for the purpose of taking up residence, the period of residence before and after such enforced displacement shall be regarded as one uninterrupted period for any purposes for which uninterrupted residence is required.

### *Article 11*

#### REFUGEE SEAMEN

In the case of refugees regularly serving as crew members on board a ship flying the flag of a Contracting State, that State shall give sympathetic consideration to their establishment on its territory and the issue of travel documents to them or their temporary admission to its territory particularly with a view to facilitating their establishment in another country.

CHAPTER II  
JURIDICAL STATUS

*Article 12*

PERSONAL STATUS

1. The personal status of a refugee shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.

2. Rights previously acquired by a refugee and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State, subject to compliance, if this be necessary, with the formalities required by the law of that State, provided that the right in question is one which would have been recognized by the law of that State had he not become a refugee.

*Article 13*

MOVABLE AND IMMOVABLE PROPERTY

The Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

*Article 14*

ARTISTIC RIGHTS AND INDUSTRIAL PROPERTY

In respect of the protection of industrial property, such as inventions, designs or models, trade marks, trade names, and of rights in literary, artistic and scientific works, a refugee shall be accorded in the country in which he has his habitual residence the same protection as is accorded to nationals of that country. In the territory of any other Contracting State, he shall be accorded

the same protection as is accorded in that territory to nationals of the country in which he has his habitual residence.

### *Article 15*

#### RIGHT OF ASSOCIATION

As regards non-political and non-profit-making associations and trade unions the Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country, in the same circumstances.

### *Article 16*

#### ACCESS TO COURTS

1. A refugee shall have free access to the courts of law on the territory of all Contracting States.

2. A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the Courts, including legal assistance and exemption from *cautio judicatum solvi*.

3. A refugee shall be accorded in the matters referred to in paragraph 2 in countries other than that in which he has his habitual residence the treatment granted to a national of the country of his habitual residence.

## CHAPTER III

### GAINFUL EMPLOYMENT

#### *Article 17*

##### WAGE-EARNING EMPLOYMENT

1. The Contracting State shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.

2. In any case, restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions:

(a) He has completed three years' residence in the country;

(b) He has a spouse possessing the nationality of the country of residence. A refugee may not invoke the benefits of this provision if he has abandoned his spouse;

(c) He has one or more children possessing the nationality of the country of residence.

3. The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals, and in particular of those refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.

#### *Article 18*

##### SELF-EMPLOYMENT

The Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture,



industry, handicrafts and commerce and to establish commercial and industrial companies.

*Article 19*

LIBERAL PROFESSIONS

1. Each Contracting State shall accord to refugees lawfully staying in their territory who hold diplomas recognized by the competent authorities of that State, and who are desirous of practising a liberal profession, treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

2. The Contracting States shall use their best endeavours consistently with their laws and constitutions to secure the settlement of such refugees in the territories other than the metropolitan territory for whose international relations they are responsible.

## CHAPTER IV

### WELFARE

#### *Article 20*

##### RATIONING

Where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, refugees shall be accorded the same treatment as nationals.

#### *Article 21*

##### HOUSING

As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

#### *Article 22*

##### PUBLIC EDUCATION

1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.

2. The Contracting States shall accord to refugees treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

## *Article 23*

### PUBLIC RELIEF

The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.

## *Article 24*

### LABOUR LEGISLATION AND SOCIAL SECURITY

1. The Contracting States shall accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals in respect of the following matters:

(a) In so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities: remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age of employment, apprenticeship and training, women's work and the work of young persons, and the enjoyment of the benefits of collective bargaining;

(b) Social security (legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:

(i) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;

(ii) National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension.

2. The right to compensation for the death of a refugee resulting from employment injury or from occupational disease shall not be affected by the fact that the residence of the beneficiary is outside the territory of the Contracting State.

3. The Contracting States shall extend to refugees the benefits of agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the States signatory to the agreements in question.

4. The Contracting States will give sympathetic consideration to extending to refugees so far as possible the benefits of similar agreements which may at any time be in force between such Contracting States and non-contracting States.

## CHAPTER V

### ADMINISTRATIVE MEASURES

#### *Article 25*

##### ADMINISTRATIVE ASSISTANCE

1. When the exercise of a right by a refugee would normally require the assistance of authorities of a foreign country to whom he cannot have recourse, the Contracting States in whose territory he is residing shall arrange that such assistance be afforded to him by their own authorities or by an international authority.

2. The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered under their supervision to refugees such documents or certifications as would normally be delivered to aliens by or through their national authorities.

3. Documents or certifications so delivered shall stand in the stead of the official instruments delivered to aliens by or through their national authorities, and shall be given credence in the absence of proof to the contrary.

4. Subject to such exceptional treatment as may be granted to indigent persons, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services.

5. The provisions of this article shall be without prejudice to articles 27 and 28.

#### *Article 26*

##### FREEDOM OF MOVEMENT

Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.



## *Article 27*

### IDENTITY PAPERS

The Contracting States shall issue identity papers to any refugee in their territory who does not possess a valid travel document.

## *Article 28*

### TRAVEL DOCUMENTS

1. The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside the territory, unless compelling reasons of national security or public order otherwise require, and the provisions of the Schedule to this Convention shall apply with respect to such documents. The Contracting States may issue such a travel document to any other refugee in their territory; they shall in particular give sympathetic consideration to the issue of such a travel document to refugees in their territory who are unable to obtain a travel document from the country of their lawful residence.

2. Travel documents issued to refugees under previous international agreements by parties thereto shall be recognized and treated by the Contracting States in the same way as if they had been issued pursuant to this article.

## *Article 29*

### FISCAL CHARGES

1. The Contracting States shall not impose upon refugees duties, charges or taxes, of any description whatsoever, other or higher than those which are or may be levied on their nationals in similar situations.

2. Nothing in the above paragraph shall prevent the application to refugees of the laws and regulations concerning charges in respect of the issue to aliens of administrative documents including identity papers.

### *Article 30*

#### TRANSFER OF ASSETS

1. A Contracting State shall, in conformity with its laws and regulations, permit refugees to transfer assets which they have brought into its territory, to another country where they have been admitted for the purposes of resettlement.

2. A Contracting State shall give sympathetic consideration to the application of refugees for permission to transfer assets wherever they may be and which are necessary for their resettlement in another country to which they have been admitted.

### *Article 31*

#### REFUGEES UNLAWFULLY IN THE COUNTRY OF REFUGE

1. The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

2. The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country. The Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country.

### *Article 32*

#### EXPULSION

1. The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order.

2. The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.

3. The Contracting States shall allow such a refugee a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.

### *Article 33*

#### PROHIBITION OF EXPULSION OR RETURN ("REFAULEMENT")

1. No Contracting State shall expel or return ("refauler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.

### *Article 34*

#### NATURALIZATION

The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

## CHAPTER VI

### EXECUTORY AND TRANSITORY PROVISIONS

#### *Article 35*

##### CO-OPERATION OF THE NATIONAL AUTHORITIES WITH THE UNITED NATIONS

1. The Contracting States undertake to co-operate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention.

2. In order to enable the Office of the High Commissioner or any other agency of the United Nations which may succeed it, to make reports to the competent organs of the United Nations, the Contracting States undertake to provide them in the appropriate form with information and statistical data requested concerning:

- (a) the condition of refugees.
- (b) the implementation of this Convention, and
- (c) laws, regulations and decrees which are, or may hereafter, be in force relating to refugees.

#### *Article 36*

##### INFORMATION ON NATIONAL LEGISLATION

The Contracting States shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of this Convention.

#### *Article 37*

##### RELATION TO PREVIOUS CONVENTIONS

Without prejudice to article 28, paragraph 2, of this Convention, this Convention replaces, as between parties to it, the Arrangements of 5 July 1922, 31 May 1924, 12 May 1926, 30 June 1928 and 30 July 1935, the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 and the Agreement of 15 October 1946.

CHAPTER VII  
FINAL CLAUSES

*Article 38*

SETTLEMENT OF DISPUTES

Any dispute between parties to this Convention relating to its interpretation or application, which cannot be settled by other means shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

*Article 39*

SIGNATURE, RATIFICATION AND ACCESSION

1. This Convention shall be opened for signature at Geneva on 28 July 1951 and shall thereafter be deposited with the Secretary-General of the United Nations. It shall be open for signature at the European Office of the United Nations from 28 July to 31 August 1951 and shall be reopened for signature at the Headquarters of the United Nations from 17 September 1951 to 31 December 1952.

2. This Convention shall be open for signature on behalf of all States Members of the United Nations, and also on behalf of any other State invited to attend the Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons or to which an invitation to sign will have been addressed by the General Assembly. It shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall be open from 28 July 1951 for accession by the States referred to in paragraph 2 of this Article. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.



## *Article 40*

### TERRITORIAL APPLICATION CLAUSE

1. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.

2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.

3. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the governments of such territories.

## *Article 41*

### FEDERAL CLAUSE

In the case of a Federal or non-unitary State, the following provisions shall apply:

(a) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of Parties which are not Federal States;

(b) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the

notice of the appropriate authorities of States, provinces or cantons at the earliest possible moment.

(c) A Federal State Party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention showing the extent to which effect has been given to that provision by legislative or other action.

### *Article 42*

#### RESERVATIONS

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 1, 3, 4, 16 (1), 33, 36-46 inclusive.

2. Any State making a reservation in accordance with paragraph 1 of this article may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

### *Article 43*

#### ENTRY INTO FORCE

1. This Convention shall come into force on the ninetieth day following the day of deposit of the sixth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the sixth instrument of ratification or accession, the Convention shall enter into force on the ninetieth day following the date of deposit by such State of its instrument of ratification or accession.

### *Article 44*

#### DENUNCIATION

1. Any Contracting State may denounce this Convention at any time by a notification addressed to the Secretary-General of the United Nations.

2. Such denunciation shall take effect for the Contracting State concerned one year from the date upon which it is received by the Secretary-General of the United Nations.

3. Any State which has made a declaration or notification under article 40 may, at any time thereafter, by a notification to the Secretary-General of the United Nations, declare that the Convention shall cease to extend to such territory one year after the date of receipt of the notification by the Secretary-General.

#### *Article 45*

##### REVISION

1. Any Contracting State may request revision of this Convention at any time by a notification addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall recommend the steps, if any, to be taken in respect of such request.

#### *Article 46*

##### NOTIFICATIONS BY THE SECRETARY-GENERAL OF THE UNITED NATIONS

The Secretary-General of the United Nations shall inform all Members of the United Nations and non-member States referred to in article 39:

(a) of declarations and notifications in accordance with Section B of Article 1;

(b) of signatures, ratifications and accessions in accordance with article 39;

(c) of declarations and notifications in accordance with article 40;

(d) of reservations and withdrawals in accordance with article 42;

(e) of the date on which this Convention will come into force in accordance with article 43;

(f) of denunciations and notifications in accordance with article 44;

(g) of requests for revision in accordance with article 45.

In faith whereof the undersigned, duly authorized, have signed this Convention on behalf of their respective Governments,

Done at Geneva, this twenty-eighth day of July, one thousand nine hundred and fifty-one, in a single copy, of which the English and French texts are equally authentic and which shall remain deposited in the archives of the United Nations, and certified true copies of which shall be delivered to all Members of the United Nations and to the non-member States referred to in article 39.

## SCHEDULE

### *Paragraph 1*

1. The travel document referred to in article 28 of this Convention shall be similar to the specimen annexed hereto.

2. The document shall be made out in at least two languages, one of which shall be English or French.

### *Paragraph 2*

Subject to the regulations obtaining in the country of issue, children may be included in the travel document of a parent or, in exceptional circumstances, of another adult refugee.

### *Paragraph 3*

The fees charged for issue of the document shall not exceed the lowest scale of charges for national passports.

### *Paragraph 4*

Save in special or exceptional cases, the document shall be made valid for the largest possible number of countries.

### *Paragraph 5*

The document shall have a validity of either one or two years, at the discretion of the issuing authority.

### *Paragraph 6*

1. The renewal or extension of the validity of the document is a matter for the authority which issued it, so long as the holder has not established lawful residence in another territory and resides lawfully in the territory of the said authority. The issue of a new document is, under the same conditions, a matter for the authority which issued the former document.

2. Diplomatic or consular authorities, specially authorized for the purpose, shall be empowered to extend,



for a period not exceeding six months, the validity of travel documents issued by their Governments.

3. The Contracting States shall give sympathetic consideration to renewing or extending the validity of travel documents or issuing new documents to refugees no longer lawfully resident in their territory who are unable to obtain a travel document from the country of their lawful residence.

#### *Paragraph 7*

The Contracting States shall recognize the validity of the documents issued in accordance with the provisions of article 28 of this Convention.

#### *Paragraph 8*

The competent authorities of the country to which the refugee desires to proceed shall, if they are prepared to admit him and if a visa is required, affix a visa on the document of which he is the holder.

#### *Paragraph 9*

1. The Contracting States undertake to issue transit visas to refugees who have obtained visas for a territory of final destination.

2. The issue of such visas may be refused on grounds which would justify refusal of a visa to any alien.

#### *Paragraph 10*

The fees for the issue of exist, entry or transit visas shall not exceed the lowest scale of charges for visas on foreign passports.

#### *Paragraph 11*

When a refugee has lawfully taken up residence in the territory of another Contracting State, the responsibility for the issue of a new document, under the terms and conditions of article 28, shall be that of the competent authority of that territory, to which the refugee shall be entitled to apply.

### *Paragraph 12*

The authority issuing a new document shall withdraw the old document and shall return it to the country of issue, if it is stated in the document that it should be so returned; otherwise it shall withdraw and cancel the document.

### *Paragraph 13*

1. Each Contracting State undertakes that the holder of a travel document issued by it in accordance with article 28 of this Convention shall be readmitted to its territory at any time during the period of its validity.

2. Subject to the provisions of the preceding subparagraph, a Contracting State may require the holder of the document to comply with such formalities as may be prescribed in regard to exit from or return to its territory.

3. The Contracting States reserve the right, in exceptional cases, or in cases where the refugee's stay is authorized for a specific period, when issuing the document, to limit the period during which the refugee may return to a period of not less than three months.

### *Paragraph 14*

Subject only to the terms of paragraph 13, the provisions of this Schedule in no way affect the laws and regulations governing the conditions of admission to, transit through, residence and establishment in, and departure from, the territories of the Contracting States.

### *Paragraph 15*

Neither the issue of the document nor the entries made thereon determine or affect the status of the holder, particularly as regards nationality.

### *Paragraph 16*

The issue of the document does not in any way entitle the holder to the protection of the diplomatic or consular authorities of the country of issue, and does not confer on these authorities a right of protection.

# ANNEX

## Specimen Travel Document

The document will be in booklet form (approximately 15 × 10 centimetres).

It is recommended that it be so printed that any erasure or alteration by chemical or other means can be readily detected, and that the words "Convention of 25 July 1951" be printed in continuous repetition on each page, in the language of the issuing country.

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(Cover of booklet)

### TRAVEL DOCUMENT

(Convention of 25 July 1951)

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No. ....

(1)

### TRAVEL DOCUMENT

(Convention of 25 July 1951)

This document expires on .....  
unless its validity is extended or renewed.

Name .....

Forename(s) .....

Accompanied by ..... child (children).

1. This document is issued solely with a view to providing the holder with a travel document which can serve in lieu of a national passport. It is without prejudice to and in no way affects the holder's nationality.

2. The holder is authorized to return to .....  
..... [state here the country whose authorities are issuing the document] on or before .....  
..... unless some later date is hereafter specified.

[The period during which the holder is allowed to return must not be less than three months.]

3. Should the holder take up residence in a country other than that which issued the present document, he must, if he wishes to travel again, apply to the competent authorities of

his country of residence for a new document. [The old travel document shall be withdrawn by the authority issuing the new document and returned to the authority which issued it.]<sup>1</sup>

(This document contains \_\_\_\_\_ pages, exclusive of cover.)

---

(2)

Place and date of birth .....

Occupation .....

Present residence .....

\*Maiden name and forename(s) of wife .....

\*Name and forename(s) of husband .....

#### Description

Height .....

Hair .....

Colour of eyes .....

Nose .....

Shape of face .....

Complexion .....

Special peculiarities .....

#### Children accompanying holder

Name

Forename(s)

Place and  
date of birth

Sex

Name	Forename(s)	Place and date of birth	Sex
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

\*Strike out whichever does not apply.

(This document contains \_\_\_\_\_ pages, exclusive of cover.)

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<sup>1</sup>The sentence in brackets to be inserted by Governments which so desire.





Extension or renewal of validity

Fee paid: From .....  
To .....

Done at ..... Date .....

Signature and stamp of authority  
extending or renewing the validity  
of the document:

(This document contains        pages, exclusive of cover.)

---

(6)

Extension or renewal of validity

Fee paid: From .....  
To .....

Done at ..... Date .....

Signature and stamp of authority  
extending or renewing the validity  
of the document:

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Extension or renewal of validity

Fee paid: From .....  
To .....

Done at ..... Date .....

Signature and stamp of authority  
extending or renewing the validity  
of the document:

(This document contains        pages, exclusive of cover.)

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(7-32)

Visas

The name of the holder of the document must be repeated  
in each visa.

(This document contains        pages, exclusive of cover.)

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