

ANNEXURE - V

EXTRACTS FROM GENERAL CONDITIONS  
AND RECOMMENDATIONS OF THE EURO-  
PEAN SEMINAR ON THE SOCIAL AND  
ECONOMIC ASPECTS OF REFUGEE  
INTEGRATION

(Sweden, 27 April—7 May, 1960)

**I. Legal Protection**

**(a) Naturalisation**

It is a generally accepted fact that the granting of citizenship to refugees is the optimum and the most desirable contribution which governments can make towards the solution of the overall refugee problem, as well as towards the solution of the problems of the individual refugee, since it permits him to regain the status of full citizen of a national community. It is, therefore, desirable that governments facilitate the acquisition of citizenship by the refugees they admit to their territory, and that during the interval before naturalisation they make available all facilities, including social benefits, to help them bridge the transitory period.

Governments should further contemplate other practical measures to remove all existing obstacles to the naturalisation of refugees. Such measures may include: (a) waiving of naturalisation fees; (b) the reduction of the waiting period; (c) the granting of a form of "prospective citizenship" to reduce the refugee's sense of insecurity.

Wherever the liberalisation of legislation on naturalisation would entail considerable delay, the immediate application to refugees qualifying for naturalisation of existing preferential provisions benefiting nationals of the most-favoured-nation (s) is recommended.

While the naturalisation of the refugee is a primary factor in achieving integration, it is recognized that the individual refugee's free decision should prevail in this respect. A refugee should, however, not only be entitled to rights but should have a moral obligation also to accept duties. Application for citizenship is the most adequate means whereby a refugee can accept such responsibilities. Counsellors should be encouraged to assist the refugee to reach a realistic decision; they should stress the advantages for himself and his family in becoming an active participant in the life of his new country.

As a corollary, all governments of countries of asylum should be asked to improve the existing legislation and to prepare new legislative measures with a view to granting refugees all the material benefits which are available to the nationals of those countries with regard to: legal assistance, work facilities including permission to work, recognition of foreign diplomas and degrees, free education, spiritual freedom, freedom of movement, suitable accommodation and housing, social security benefits and collateral social and health protection as available to the nationals, and counselling services.

**(b) Other aspects relating to legal protection**

In cases where governments contemplate exercising their right to deport refugees to a country of first asylum, this procedure should only be followed in exceptional cases and after all efforts had been exhausted to solve the problems from which the need for deportation arose.

It was also felt that there should be a review of the 1951 Geneva Convention on Refugees.

It was suggested that UNHCR should collect and disseminate information to all interested agencies concerning the social benefits and civil rights available to refugees in various countries of asylum.



## ANNEXURE - VI

### SWEDISH LEGISLATION CONCERNING FOREIGNERS

(An article by Mr. B. Strange, National Office for Aliens)

In the introductory clause of the Swedish Aliens Act of 1954 - the statute now in force - it is provided that an alien has the right to enter the country and to stay and to work here, subject to conditions laid down by law. Furthermore, an alien cannot be forced to leave the country by other measures than those indicated in the Aliens Act. Last but not least, an alien must not be subjected to restrictions of his freedom that are more rigorous than is necessary. In addition to the Aliens Act, there are complementary orders giving the Act a certain flexibility.

After a period of emigration Sweden has - since about 1930 - become an immigration country.

Without making comments on the statistics I should like to say a few words concerning the naturalization of aliens in Sweden. In 1946 about 5,000 aliens became Swedish citizens. In 1959 the number was double than this. In the period from 1948 to 1959 about 43,000 Scandinavians, 18,000 Balts and 15,000 Germans were naturalized, many of whom were refugees. The main requirements for the granting of naturalization by the Ministry of Justice are :

- (1) the alien must have resided in Sweden for at least seven years ;
- (2) he must have reached the age of eighteen years;
- (3) he must be able to support himself and his family ;  
and
- (4) he must have led an honourable life.

An alien born in Sweden and having an unbroken residence here may become a Swedish citizen at the age of 21 years after making application to the competent authority.

The purpose of the Swedish aliens legislation is, first, to manage the control of aliens in order to administer our immigration policy. This control is maintained by regulations regarding the obligation of aliens to have passports, residence and labour permits and to register themselves with the authorities. Secondly, the law has to regulate the special cases and the procedure by which an alien can be forced to leave the country or by which other measures might be taken against him.

Furthermore, the law provides for political refugees.

First of all it should be noted that a visa is still required by nationals of the Eastern European countries and of some countries in Africa and Asia and by stateless persons. All other nationals are free to enter and stay in Sweden for a period of three months, provided that they are not rejected at the passport control. Scandinavians are not even obliged to have passports. Labour permits are obligatory for all aliens, except for refugees and for Scandinavians. A labour permit is not required for domestic work.

At the expiration of three months the alien—if he wants to stay—has to apply for an extension of his residence permit. These applications will be examined by the National Aliens Office. There can be no appeal against decisions made by the Office on these questions.

After the first extension, the National Office for Aliens may delegate its right to renew the permits in question for aliens including refugees to the local police authorities. This will as a rule be done in most of the routine cases. At present about 30% of all applications are granted by the local police authorities.



In this connection it should be mentioned that provisions are being made to allow refugees residing in the Scandinavian countries to travel in Scandinavia without having visas.

The less agreeable part of the activity of the National Office for Aliens is the management of deportation cases.

As mentioned before, an alien can be sent back at the frontier or immediately after his arrival in Sweden. If the alien claims to be a political refugee, his case will be submitted to the National Office for Aliens. A refusal of admission can be appealed against.

The Swedish aliens law recognizes three types of deportation. The first one is to be applied against an alien who lacks a passport or residence permit or is on various grounds regarded as undesirable. The decision is made by the National Office for Aliens and can be appealed against on certain conditions.

A special form of deportation can be exercised by a court as a part of a sentence. In 1959 this form, which has been in use for a few years only, led to about 250 aliens leaving Sweden including a few refugees.

The last form is expulsion, mainly used on grounds of anti-social behaviour or because of crimes committed in the alien's home country. The decision is made by the country administration or police authorities and can be appealed against to the National Office for Aliens and in the highest instance to the Government.

Deportations of all types mentioned above may be accompanied by a prohibition of the alien to return to the country without permission. This prohibition may either be permanent or for a limited period.

Obviously the Swedish aliens law gives the authorities very strong powers to deal with aliens who on various grounds are deemed undesirable.

The law, however, has also provided for the protection of aliens in a very efficient way. A residence permit guarantees the holder the right to stay here during the validity of his permit. The sojourn permit cannot—unlike the labour permit—be challenged. It will cease, however, in case of deportation. Before deciding on a case of deportation or of the execution of an expulsion of an alien, the National Office for Aliens must consult a special council or jury - the Aliens Council. It is laid down that if the Council, or any member of it, holds an opinion contrary to that of the National Office for Aliens, this will establish the alien's right to appeal to the Government. Even if there should be no such right, there is a clause in the Aliens Act permitting the alien to appeal to the Government on grounds of new circumstances.

One of the most important provisions of the Aliens Act is that of the declaration of asylum. A political refugee shall not, without special reasons, be refused asylum when he is in need of it. There is also a definition of the terms "political refugee" and "political persecution".

Obviously it is a very delicate problem to assess refugee status. In most cases we have no means of checking the statement made by the refugee. We have, however, treated this problem with the utmost care and generosity and venture to say that our policy has been a very liberal one.

The Aliens Act also regulates the protection of political refugees. The main rule is that a political refugee must not be returned to the territory of any State where he is in danger of being persecuted for political reasons or to the territory of a State where he is not safe from being expelled to such a State.



It should also be mentioned that the Aliens Act has a regulation concerning the forfeiting of refugee status. There are two criteria governing the expulsion of a political refugee. The first arises when an alien by reason of serious criminality can be regarded as a considerable danger to the security and public order of the country where he is and the persecution that will threaten him in a country such as referred to above cannot be regarded as a danger to his life or otherwise of a particularly serious nature ; provided that he cannot be sent to another country. Secondly, an alien who has, here or elsewhere, been working against the security of this country and concerning whom there are reasonable grounds for considering that he would continue such activity in this country may be removed to a country such as mentioned above, provided there is no other country to which he can be sent. These provisions mainly correspond to those of the Geneva Convention. They even go further weighing the crime against the persecution that will threaten the alien. It should be mentioned that the National Office for Aliens has to submit these cases to the Government for decision. Under these provisions only a few criminals have been returned to their home countries.

Ever since the war we have admitted to permanent residence and in many cases to citizenship something like 200,000 people ; refugees from the Scandinavian countries, from the Baltic countries, from Germany, Poland and Hungary and elsewhere. We grant asylum to anyone whose life is in danger and whose existence would be likely to be made intolerable for political reasons. We have been fortunate enough - owing to the prevailing conditions - to be able to provide work for most of the aliens in our country.

On the other hand, we shall always remember that the aliens - and among them not least the refugees - really have been a considerable asset to Sweden, especially during the war.

## ANNEXURE VII

### TEXT OF LAW NO. 114 OF 1959 OF THE REPUBLIC OF IRAQ FOR REFUGEES

In the name of the People,  
The Sovereignty Council,

After perusal of the Interim Constitution and according to the proposal of the Minister of Interior and to the approval of the Council of Ministers, do hereby enact the following Law;

#### Article 1

The word "refugee" shall mean , in this Law, the political refugee, civilian or military person, together with the members of his family for whom he is legally responsible.

#### Article 2

Refugee shall be taken in the following ways;

- (1) By an application put in by a foreigner living abroad to approve of his resorting and entering Iraq.
- (2) By an application put in by the foreigners residing in Iraq to be regarded as refugees.
- (3) By immigration of a person/persons from the boundaries region to the Iraqi territory, applying for being regarded as refugees.

#### Article 3

The refugee shall never be submitted to his State, but in case of rejection of a person's resorting to Iraq, it will be likely to send him away to another State according to the concerned offices' proposal and to the Minister of Interior's approval.



## Article 4

Unless being certain of the following, nobody's resorting shall be approved:

- (1) That he is a refugee;
- (2) That, by his resorting, his faithfulness to the Republic of Iraq has been verified;
- (3) That his application shall admit of no doubt or risk; and
- (4) That his sole purpose shall not be only to find a means of earning living.

## Article 5

A Central Committee shall be formed in the Capital, and others in the other *liwas*, adjacent to the boundaries to examine the refugees' affairs, according to instructions the Minister of Interior shall issue.

## Article 6

- (a) The Central Committee shall be the competent authority to examine the refugees' affairs in relation to the whole parts of Iraq, regarding Paras 1 and 2 of Article 2 of this Law. As to the competence of the *Liwas* Committee they shall be confined to the case defined in Para 3 of the said Article, each within the limits of its *Liwa*.
- (b) As to the matters concerning the persons residing abroad, it shall be permissible to entrust the Iraq Diplomatic Corps with examination of them.

## Article 7

The Committee, in accordance with the jurisdiction of each, shall pass a decision in favour of, or against the foreigners' application for resorting, and state the justificative reasons

for that. The Central Committee shall put in its decisions through the Director General of Police to the Ministry of Interior. As to the Committees in the *Liwas*, they shall put in them through the *Mutasarrifiyats*.

## Article 8

The *Mutasarrif* and the Director General of Police shall respectively, have the right to return the decision to the Committee for re-examination or to put it in to the Minister of Interior, together with their recommendation of settlement.

## Article 9

- (a) The Minister of Interior shall have the right to sanction or reject resorting. His decision shall be objectionable to the Council of Ministers within fifteen days as from the date of notification.
- (b) The competent offices of security shall have the right of objection, pursuant to Para (a).
- (c) The Council of Ministers' decision for this shall be conclusive.

## Article 10

In relation to the case mentioned in Para 3 of Article 2 of the Law, the *Mutasarrif* of the *Liwa* shall have the right to order the Police not to make legal proceedings in pursuance of the Residence Law, to arraign the persons who applied for resorting to Iraq until coming to a decision concerning them. The Police shall pass this order. In case resorting is approved, they shall be exempted from the text of the Residence Law.



## Article 11

In case one's resorting has been rejected for lack of fulfilment of the conditions stated in Para I of Article 4 of this Law, and in case Para 3 of Article 2 of this Law, pertains to him, the *Mutasarrif* of the *Liwa* shall have the right, after taking legal proceedings against him, in pursuance of the Residence Law, to send him out of Iraq. But in case he fulfils the condition stated in Para I of Article 4 of this Law, but is lacking the fulfilment of the other conditions stated in the said Article, the text of Article 3 of this Law shall be applied to him by the *Mutasarrif* of the *Liwa* and the Department of Residence in conformity to relevant rules.

## Article 12

In case of rejection of one's resorting to whom the texts of paras 1 and 2 of Article 2 of this Law pertain, the Minister of Interior shall have the right to approve his residence, in pursuance of the Residence Law, or to reject it. His decision shall be conclusive.

## Article 13

In case a person's resorting is approved, he shall be provided with a document by the Director General of Police, by whom this will entitle, or by the *Mutasarrif* of the *Liwa*, pursuant to the jurisdiction of each. The said document shall be considered as a census book and as an official identity. It shall be registered at the Census Office, the Administrative Office, the Police Office, and the Security Office. The Ministry of Interior shall issue the requisite instructions concerning this.

## Article 14

- (a) The refugee shall enjoy the following Iraqi citizen's rights after issuance of an approbative decision on his resorting :

- (1) The right of taking advantage of all of the sanitary, educational and social services.
  - (2) The right of practising professions and business.
  - (3) The right of being provided with agricultural lands, in pursuance of the text of the Agrarian Reform Law, provided that unless he has obtained the Iraqi nationality, the deed of the land should not be registered by his name.
  - (4) The right of being appointed or employed according to the competent Minister's proposal and to the Council of Minister's approval.
- (b) The Council of Ministers shall have the right, according to the Minister of Interior's proposal, to entitle some of the refugees or all of them further rights as the Iraqi citizens enjoy.

## Article 15

The refugees shall be responsible for the whole tasks for for which the Iraqi citizens are responsible, excluding the state of being on service or else the Council of Ministers shall approve, providing that relevant Laws shall be observed.

## Article 16

In case the refugee disturbs peace of State or its political interests the Council of Ministers, according to the Minister of Interior's proposal, shall have the right to abolish the decision regarding his resorting, and order expulsion of him, as well as to arraign him in case his action is punishable, provided that the text of this Law shall be observed in events of expulsion.

## Article 17

The Ministry of Interior in relation to the *Liwas*, and the Ministry of Social Affairs in relation to the Capital, shall have



the right to house the refugees, free of charge, provided that the refugee shall maintain the house at his own expense.

## Article 18

- (1) The refugee shall take an oath of allegiance to the Republic of Iraq for the whole duration of his stay in Iraq, in the presence of the appropriate Committee mentioned in this Law after approbation of his resorting, prior to be provided with the refugees indentify.
- (2) The form of oath shall be composed in conformity to instructions issued by the Ministry of Interior.

## Article 19

The Authorities and Committees mentioned in the foregoing Articles shall verify the refugee's financial situation respecting his capability of earning living. In case the refugee proves unable to make living, the Committee shall have to give the necessary information about him, in conformity with the instructions issued by the Ministry of Interior and shall state the period it suggests to have him paid a certain sum of monthly expenses.

## Article 20

- (a) The Minister of Interior according to the Committee's report, pursuant to the foregoing Article and to the confirmation of the *Mutasarrif* of the *Liwa* or the Director General of Police, shall have the right to fix the monthly expenses allocated to the refugee.
- (b) The Ministry of Interior shall defray the said expenses.

## Article 21

The Ministry of Interior shall be confided with surveillance, administration, expenditure, and social guidance of the refugees.

## Article 22

The Minister of Interior's jurisdiction of giving orders to defray the monthly expenses or to provide for the refugee's living costs, shall be limited to a period not exceeding one year. The allocated expenses shall be intercepted prior to the termination of this period in case the refugee proves to be able to make living. It shall be impermissible to defray the refugee's expenses after expiry of the said period, except in urgent cases determined by the Council of Ministers.

## Article 23

The refugee's place of residence shall be determined by the proposal of the *Mutasarrif* or the Director General of Police according to their jurisdiction respectively. The proposal shall be put to the Minister of Interior who shall have the right to decide on the determined place of residence or to change it.

## Article 24

- (a) As soon as he traverses the Iraqi boundaries, the refugee shall give up his arms to the Iraqi Authorities which shall hold it in trust for him, or else he shall be compensated for its price.
- (b) Unless the Council of Ministers shall approve, the refugee shall not be permitted to bear arms.
- (c) The refugee shall register his possessions at the *Mutasarrifiyats*.



## Article 25

The Minister of Interior, regarding the Capital, and the *Mutasarrif* regarding the *Liwas*, shall have the right to give order to arrest the refugee in case he disturbs peace of State or Order, for a period not exceeding two months until expulsion of him is decided upon, in accordance with the method stated in this Law.

The *Mutasarrif's* decision in connection with this matter shall be subject to the approval of the Minister of Interior.

## Article 26

The *Mutasarrifs* of the *Liwas*, regarding the *Liwas*, and the Director General of Police, regarding the Capital, shall have the right according to the requirements of keeping order and public security to have the refugee bailed by a guarantor or by a personal guarantee in security for both. In case he breaks the guarantee or the bail, he or his guarantor shall be bound to competent courts for the sum defined in the bail, which shall be obtained from him in pursuance of relevant Laws.

## Article 27

Anyone who infringes the text of this Law, instructions, notifications, or orders shall be punished with imprisonment for a period neither less than a month nor exceeding six months, or with a fine neither less than ID.2 nor exceeding ID. 50, or with both.

## Article 28

In case the refugee deserts, his properties and possessions existing in Iraq shall be confiscated according to the Minister of Interior's decision and to the Council of Ministers' approval. The legal proceedings shall also be taken against his guarantor in the light of Article 26 of this Law.

## Article 29

The Minister of Interior shall issue the instructions that the text of this Law requires within a month as from the date of putting it into force. He shall have the right to amend or change them when it is necessary.

## Article 30

This Law shall be put into force from the date of its publication in the Official Gazette.

## Article 31

The Ministers shall execute this Law.

Made at Baghdad on June 30, 1959.



ANNEXURE VIII  
EXTRACTS FROM THE CONSTITUTION  
OF JAPAN

Chapter III : Rights and Duties of the People

Article 16

Every person shall have the right of peaceful petition for the redress of damage for the removal of public officials, for the enactment, repeal or amendment of laws, ordinances or regulations and for other matters ; nor shall any person be in any way discriminated against for sponsoring such a petition.

Article 17

Every person may sue for redress as provided by laws from the State or a public entity, in case he has suffered damage through illegal act of any public official.

Article 18

No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited.

Article 19

Freedom of thought and conscience shall not be violated.

Article 20

Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority.

No person shall be compelled to take part in any religious act, celebration, rite or practice. The State and its organs shall refrain from religious education or any other religious activity.

Article 21

Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed.

No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

Article 22

Every person shall have freedom to choose and change his residence and to choose his occupation to the extent that it does not interfere with the public welfare.

Freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate.

Article 23

Academic freedom is guaranteed.

Article 24

Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with equal rights of husband and wife as a basis.

With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes.

Article 29

The right to own or to hold property is inviolable. Property rights shall be defined by law, in conformity with the public welfare. Private property may be taken for public use upon just compensation therefore.



## Article 31

No person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed, except according to procedure established by law.

## Article 32

No person shall be denied the right of access to the courts.

## Article 33

No person shall be apprehended except upon warrant issued by a competent judicial officer which specifies the offense with which the person is charged, unless he is apprehended, the offense being committed.

## Article 34

No person shall be arrested or detained without being at once informed of the charges against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel.

## Article 35

The right of all persons to be secure in their houses, papers and effects against entries, searches and seizures shall not be impaired except upon warrant issued for adequate cause and particularly describing the place to be searched and things to be seized, or except as provided by Article 33.

Each search or seizure shall be made upon separate warrant issued by a competent judicial officer.

## Article 36

The infliction of torture by any public officer and cruel punishment are absolutely forbidden.

## Article 37

In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal.

He shall be permitted full opportunity to examine all witnesses and he shall have the right of compulsory process for obtaining witness on his behalf at public expense.

At all times the accused shall have the assistance of competent counsel who shall, if the accused is unable to secure the same by his own efforts, be assigned to his use by the State.

## Article 38

No person shall be compelled to testify against himself. Confession made under compulsion, torture or threat, or after prolonged arrest or detention shall not be admitted in evidence.

No person shall be convicted or punished in cases where the only proof against is his own confession.

## Article 39

No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted, nor shall he be placed in double jeopardy.

## Article 40

Any person, in case he is acquitted after he has been arrested or detained may sue the State for redress as provided by law.

*Note:* Chapter III consists of Articles 10 to 40. Those Articles, which are not reproduced here, are applicable only to the Japanese nationals.



## ANNEXURE IX

### TEXT OF AGREEMENT BETWEEN THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING PAYMENTS IN FAVOUR OF PERSONS DAMAGED BY REASON OF THEIR NATIONALITY

The United Nations High Commissioner for Refugees and the Government of the Federal Republic of Germany have agreed as follows:

#### Article 1

The Government of the Federal Republic of Germany shall treat those persons who have claims on account of permanent injury to body or health according to Paragraphs 167 and 168 of the Federal Law for the Indemnification of Victims of National-Socialist Persecution (Federal Indemnification Law - BEG -) in the same way as persons defined in Paragraph 160, Sub-Paragraph 1 BEG are treated according to Paragraph 161, BEG with regard to the scale of compensation for injury to body and health. For this purpose assistance granted by a State or an inter-governmental organization shall not be taken into account.

#### Article 2

1. The Government of the Federal Republic of Germany, in addition, places at the disposal of the United Nations High Commissioner for Refugees the sum of DM 45 million for measures of assistance to refugees to enable the High Commissioner to make payments to the following persons:

- (a) Persons who were damaged under the national-socialist regime by reason of their nationality in disregard

of human rights and who on 1 October 1953 were refugees in the sense of the Geneva Convention of 28 July 1951 ;

- (b) Surviving dependants of persons who were damaged under the National-Socialist regime by reason of their nationality in disregard of human rights in so far as the surviving dependants on 1 October 1953 were refugees in the sense of the Geneva Convention of 28 July 1951.

2. The Federal Government shall place the aforementioned sum at the disposal of the United Nations High Commissioner for Refugees within the framework of World Refugee Year in two equal instalments. The first instalment is payable one month after the Agreement comes into force, the second instalment three months later.

#### Article 3

The United Nations High Commissioner for Refugees shall apply the sum mentioned in Article 2 for the purpose stated. He shall co-operate in this matter with welfare organizations which have assumed the care of the group of person in question as well as with representatives of the refugees.

#### Article 4

The United Nations High Commissioner for Refugees declares that - without prejudice to German legal provisions in favour of persons who have been damaged by reason of their nationality in disregard of human rights - the payments foreseen according to Articles 1 and 2 are considered by him as a final settlement of the questions which relate to an indemnification of the group of persons named in articles 1 and 2.

#### Article 5

This Agreement applies also to the Land Berlin in so far as the Government of the Federal Republic of Germany does not make a contrary declaration to the United Nations High Commissioner for Refugees within three months after the coming into force of the Agreement.



## Article 6

This Agreement comes into force on the day of its signature.

Done at Bonn on the fifth of October one thousand nine hundred and sixty in two originals in the German language.

The United Nations High  
Commissioner for Refugees

For the Government of the  
Federal Republic of  
Germany

(signed) A. R. LINDT

(signed) Carstens.

## ANNEXURE X

TEXT OF AGREEMENT RELATING TO  
REFUGEE SEAMEN OF  
23 NOVEMBER 1957 ADOPTED  
AT THE HAGUE

## Preamble

The Government of the Kingdom of Belgium, the Kingdom of Denmark, the French Republic, the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland, the Kingdom of the Netherlands, the Kingdom of Norway and the Kingdom of Sweden,

Being Governments of States Parties to the Convention of the 28th of July 1951 relating to the Status of Refugees,

Desirous of making further progress towards a solution of the problem of refugee seamen in the spirit of Article 11 and of maintaining co-operation with the United Nations High Commissioner for Refugees in the fulfilment of his functions, especially having regard to Article 35 of the above-mentioned Convention,

Have agreed as follows :

## CHAPTER I

## Article 1

For the purposes of this Agreement :

- (a) the term "Convention" shall apply to the Convention relating to the Status of Refugees of 28 July 1951;
- (b) the term "refugee seaman" shall apply to any person who, being a refugee according to the definition in Article 1 of the Convention and the declara-



tion or notification made by the Contracting State concerned in accordance with Section B of that Article, is serving as a seafarer in any capacity on a mercantile ship, or habitually earns his living as a seafarer on such a ship.

## CHAPTER II

### Article 2

A refugee seaman who is not lawfully staying in the territory of any State and who is not entitled to admission for the purpose of so staying to the territory of any State other than a State where he has well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, shall become entitled to be regarded, for the purpose of Article 28 of the Convention, as lawfully staying in the territory:

- (a) of the Contracting Party under whose flag he, while a refugee, has served as a seafarer for a total of 600 days within the three years preceding the application of this Agreement to his case on ships calling at least twice a year at ports in that territory, provided that for the purposes of this paragraph no account shall be taken of any service performed while or before he had a residence established in the territory of another State; or if there is no such Contracting Party,
- (b) of the Contracting Party where he, while a refugee, has had his last lawful residence in the three years preceding the application of this Agreement to his case, provided that he has not, in the meantime, a residence established in the territory of another State.

### Article 3

A refugee seaman who on the date when this Agreement enters into force:

- (i) is not lawfully staying in the territory of any State and is not entitled to admission for the purpose of so staying to the territory of any State, other than a State where he has well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, and
- (ii) is not in accordance with Article 2 of this Agreement regarded as lawfully staying in the territory of a Contracting Party

shall become entitled to be regarded, for the purpose of Article 28 of the Convention, as lawfully staying in the territory:

- (a) of the Contracting Party which after 31 December 1945 and before the entry into force of this Agreement last issued to, or extended or renewed for him while a refugee, a travel document valid for return to that territory whether or not that document is still in force; or, if there is no such Contracting Party,
- (b) of Contracting Party where he, while a refugee, after 31 December 1945 and before the entry into force of this Agreement was last lawfully staying; or, if there is no such Contracting Party,
- (c) of the Contracting Party under whose flag he, while a refugee, after 31 December 1945 and before the entry into force of this Agreement last has served as a seafarer for a total of 600 days within any period of three years on ships calling at least twice a year at ports in that territory.