

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 benefit 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 recognised 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,

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 State 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 certificates as would normally be delivered to aliens by or through their national authorities.

3. Documents or certificates 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 their 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 recognised 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 authorisation, 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 regularised 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 the period such internal measures as they may deem necessary.

#### Article 33

##### Prohibition of expulsion or return ("Refoulement")

1. No Contracting State shall expel or return ("refouler") 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

##### Naturalisation

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

CHAPTER VI  
EXECUTORY AND TRANSITORY  
PROVISIONS

Article 35

**Cooperation of the national authorities with the United Nations**

1. The Contracting States undertake to cooperate 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 July 5, 1922, May 31, 1924, May 12, 1926, June 30, 1928, and July 30, 1935, the Conventions of October 28, 1933, and February 10, 1938, the Protocol of September 14, 1939, and the Agreement of October 115, 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 July 28, 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 July 28 to August 31, 1951, and shall be re-opened for signature at the Headquarters of the United Nations from September 17, 1951 to December 31, 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 July 28, 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

##### Notification 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 authorised, 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 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 authorised 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 recognise 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 the ground which would justify refusal of a visa to any alien.

## Paragraph 10

The fees for the issue of exit, 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 sub-paragraph, 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 authorised 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.

---

(Cover of booklet)

TRAVEL DOCUMENT

(Convention of 25 July, 1951)

---

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 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 authorised 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.)<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
.....	.....	.....	.....
.....	.....	.....	.....

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

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

\* Strike out whichever does not apply.

(This document contains pages, exclusive of cover)

(3)

Photograph of holder and stamp of issuing authority, finger-prints of holder (if required)

Signature of holder.....  
 (This document contains pages, exclusive of cover.)

(4)

1. This document is valid for the following countries :

.....  
 .....  
 .....  
 .....  
 .....  
 2. Document or documents on the basis of which the present document is issued :

.....  
 .....  
 .....  
 Issued at.....  
 Date.....

Signature & stamps of authority issuing the document :

Fee paid :

(This document contains pages, exclusive of cover.)

(5)

## Extension or renewal of validity

Fee paid : From.....  
 To.....  
 Done at..... Date.....  
 Signature & stamps of  
 authority extending  
 the validity of the  
 document :

---

## 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 :

---

## Extension or renewal of validity

Fee paid : From.....  
 To.....  
 Done at Date.....  
 Signature and stamps of authority  
 extending or renewing the validity  
 of the document :

(This document contains pages, exclusive of cover.)

(7—32)

Visas

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

(This document contains pages, exclusive of cover.)

## II

# UNHCR AIDE MEMOIRE ON THE CONVENTION TO THE STATUS OF REFUGEES 1951.

### Purpose and Background

1. After the Second World War, the United Nations recognized the necessity of drawing up a Convention which would consolidate and extend various pre-War instruments for the protection of refugees. The text of the 1951 Convention was adopted by a Conference of Plenipotentiaries, which met in Geneva at the invitation of the United Nations. It is a humanitarian instrument, the purpose of which is to provide a minimum legal status and standards of treatment for persons who are outside their country because of well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group, or political opinion.

### Accession to the Convention

2. States which have not yet signed the Convention may accede at any time by the deposit of a letter of accession through their representative accredited to the United Nations in New York, with the Secretary-General, after complying with the national procedure required in their particular country, *i.e.* after Government decision or ratification by Parliament.

3. Reservation may be made, at the time of ratification or accession, to any of the articles of Convention, with the exception of Articles 1 (definition of refugees), 3 (non-discrimination), 4 (freedom to practise religion), 16 paragraph 1 (free access to courts), 33 (prohibition of expulsion or return to countries of persecution), and 36 to 46 inclusive (the final clauses).

### Scope of the Convention

4. The scope of the Convention is limited to those persons whose fear of persecution is a result of events occurring before 1 January 1951. Thus States which adhere to the Convention are not required to "sign a blank cheque" and accept certain responsibilities for all persons who may become refugees in the future, but only for those whose fear of persecution is related to events which occurred before 1951. This does not mean that the refugees must have left their country before any particular date; for example, a refugee leaving a country in 1959 may qualify as a refugee if he has well-founded fear of persecution because such fear of persecution by the existing regime may be traceable to events occurring before 1951.

5. Further, each State becoming a party to the Convention must decide whether she accepts the Convention on the understanding that "events occurring before 1 January 1951" mean "events occurring before that date *in Europe*" or "events occurring before that date *in Europe or elsewhere*". Naturally acceptance of the broader scope covered by the second alternative would be welcomed by UNHCR, but certain States may be obliged to limit their acceptance of the Convention to groups covered by the former alternative only.

6. If the more restrictive alternative is adopted, States parties to the Convention can nevertheless extend the treatment for which it provides to additional groups. A recommendation that they should do so is contained in paragraph E of the final act of the Conference.

7. The determination whether an individual is a refugee in the sense of Article 1 of the Convention, and whether therefore the Convention is to be applied to him is within the competence of the Contracting State. Article 35 of the Convention refers to co-operation of Contracting States with the UNHCR and this Office is prepared to give any advice