



BELIZE

**REFUGEES ACT
CHAPTER 165**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-

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ARRANGEMENT OF SECTIONS

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REFUGEES ACT

5

Amendments in force as at 31st December, 2000.



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CHAPTER 165

REFUGEES

ARRANGEMENT OF SECTIONS

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SCHEDULE

CHAPTER 165**REFUGEES**

26 of 1991.

[16th August, 1991]

1. This Act may be cited as the Refugees Act. Short title.
2. In this Act, unless the context otherwise requires- Interpretation.

“the Committee” means the Refugee Eligibility Committee established under section 6 of this Act;

“the Convention” means the Convention Relating to the Status of Refugees done at Geneva on the 28th July, 1951, as set out in the Schedule to this Act; Schedule.

“country of nationality” in relation to a person who has more than one nationality, means each of the countries of which that person is a national;

“member of his family”, in relation to a refugee, means -

- (a) any spouse of the refugee; or
- (b) any unmarried child of the refugee under the age of eighteen years; or
- (c) any other person who is related to the refugee by blood or marriage and who is dependent upon the refugee;

“Minister” means the Minister for the time being responsible for refugees;

“protected person” means -

- (a) a member of the family of a recognised refugee; or
- (b) a person who, in terms of subsection (3) or (4) of section 12, is permitted to continue to remain within Belize;

Schedule.

“the Protocol” means the Protocol Relating to the Status of Refugees of the 31st January, 1967, as set out in the Schedule to this Act,

“recognised refugee” means a refugee who has been recognised as a refugee in terms of section 8;

“refugee” means any person who is a refugee in terms of section 4;

“spouse” includes a common law spouse.

Convention and Protocol to have force of law.

3. Subject to the provisions of this Act, the Convention and the Protocol shall have the force of law in Belize.

Meaning of “refugee”.

4.-(1) Subject to the provisions of this section, a person shall be a refugee for the purposes of this Act if-

- (a) owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, he 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
- (b) not having a nationality and being outside the country of his former habitual residence, he is unable or, owing to a well-founded fear of being persecuted for reasons of race, religion, membership of a particular social group or political opinion, is unwilling to return to it; or

- (c) owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, he is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.
- (2) A person shall not be a refugee for the purposes of this Act if-
- (a) he has committed a crime against peace, a war crime or a crime against humanity, as defined in any international instrument to which Belize is a party and which has been drawn up to make provision in respect of such crimes; or
- (b) he has committed a serious non-political crime outside Belize prior to his admission to Belize as a refugee; or
- (c) he has been guilty of acts contrary to the purposes and principles of the United Nations Organization or the Organization of American States; or
- (d) having more than one nationality, he has not availed himself of the protection of one of the countries of which he is a national and has no valid reason, based on well-founded fear of persecution or on a reason referred to in paragraph (c) of subsection (1), for not having availed himself of its protection.
- (3) A person shall cease to be a refugee for the purposes of this Act if-
- (a) he voluntarily re-avails himself of the protection of the country of his nationality; or

- (b) having lost his nationality, he voluntarily reacquires it; or
- (c) he becomes a citizen of Belize, or acquires the nationality of some other country and enjoys the protection of the country of his new nationality; or
- (d) he voluntarily re-establishes himself in the country which he left, or outside which remained owing to a reason referred in paragraph (c) of subsection (1), as the case may be; or
- (e) he can no longer, because the circumstances in connection with which he was recognized as a refugee have ceased to exist-
 - (i) continue to refuse to avail himself of the protection of his country of nationality; or
 - (ii) if he has lost his nationality, continue to refuse to return to the country of his former habitual residence.

Refugees Office
and Director of
Refugees.

5.-(1) There shall be established under the Ministry for the time being responsible for refugees an office to be known as the “Refugees Office” which shall be headed by a Director of Refugees.

(2) Subject to the provisions of this section, the functions of the Refugees office shall be-

- (a) to receive persons claiming refugee status and render them all necessary assistance, including assistance in applying for refugee status;
- (b) to endeavour to ensure the provision of adequate

facilities and services for the care of refugees within Belize;

- (c) to house the Committee and provide secretarial assistance thereto; and
- (d) to exercise any other powers and to perform any other duties that may be assigned by the Minister.

6.-(1) There shall be established a committee, to be known as “the Refugee Eligibility Committee”, which shall consist of nine persons appointed by the Minister and shall include-

Establishment of
Refugee
Eligibility
Committee.

- (a) subject to the provisions of subsection (3), the Director of Refugees, who shall be the Chairman of the Committee;
- (b) the Legal Protection Officer, Refugees Office;
- (c) a representative of the Ministry for the time being responsible for immigration;
- (d) the Senior Social Worker, Refugees Office;
- (e) a representative of the United Nations High Commissioner for Refugees;
- (f) a representative of the Commissioner of Police;
- (g) a member of the clergy;
- (h) a member of the Trade Union Congress; and
- (i) a member of the Chamber of Commerce and Industry.

(2) For the purpose of discharging its functions under this Act, the Committee may, if it considers necessary, co-opt other social workers or persons who may be of assistance to the Committee:

Provided that any social worker or other person co-opted under this subsection shall have no voting rights.

(3) Whenever the Director of Refugees is for any reason unable to perform the functions of Chairman of the Committee, such functions shall be performed by the Legal Protection Officer, Refugees Office.

(4) The decisions of the Committee shall be by a majority of votes and, in the event of equality of votes, the Chairman shall have a casting vote in addition to his original vote.

(5) At any meeting of the Committee, four of its members shall form a quorum.

(6) Subject to the provisions of this Act, the Committee may regulate its own procedure.

Functions of the Committee.

7. The functions of the Committee shall be-

- (a) to receive and consider applications made to the Committee in terms of section 8; and
- (b) to exercise any other powers and to perform any other duties that may be assigned to the Committee by or in terms of this Act.

Recognition of refugees.

8.-(1) Any person who is within Belize, whether he has entered Belize lawfully or otherwise, and who wishes to remain within Belize as a refugee in terms of this Act shall within fourteen days of his arrival in Belize apply to the Committee for recognition of his status as a refugee.

(2) Unless it is impossible or inexpedient to do so, the Committee shall consider every application made to it in terms of subsection (1) within thirty days of the application being so made, and may, either within such period of thirty days or thereafter, make such inquiry or investigation as the Committee thinks necessary into any such application.

(3) After considering any application made to it under this section, the Committee-

- (a) may, subject to confirmation by the Minister, recognize the applicant concerned as a refugee; or
- (b) may refuse to recognize the applicant as a refugee; and
- (c) shall cause the applicant concerned to be notified of its decision within seven days.

(4) Every determination of the Committee to recognize an applicant as a refugee shall be subject to confirmation by the Minister.

(5) Any person who is aggrieved by a refusal by the Committee to recognize him as a refugee may, within fourteen days of being notified of such refusal, appeal in writing to the Minister.

(6) In any appeal in terms of subsection (4), the Minister may confirm or set aside the decision of the Committee and shall cause the appellant concerned to be notified of his decision in the matter, and the decision of the Minister shall be final:

Provided that, before reaching a decision in an appeal, the Minister may do all or any of the following-

- (a) invite the representative in Belize of the United Nations High Commissioner for Refugees to make oral or written

representations in the matter;

- (b) refer the matter back to the Committee for further inquiry and investigation to be made;
- (c) himself, make such further inquiry and investigation into the matter as he thinks fit.

Residence in Belize pending recognition as refugee or after refusal of recognition.

9.-(1) Notwithstanding the provisions of any other law, any person who has applied in terms of section 8 for recognition of his status as a refugee, and every member of his family, shall have the right to remain within Belize:-

- (a) until such person has been recognised as a refugee in terms of that section; or
- (b) in the event of the application of such person being unsuccessful, until such person has had an opportunity to exhaust his right of appeal in terms of subsection (4) of that section; or
- (c) where such person has appealed in terms of subsection (4) of that section and his appeal has been unsuccessful, until such person has been allowed a reasonable time, not exceeding three months, and, if he is in detention, has in addition been afforded reasonable facilities, to seek admission to a country of his choice.

(2) The Minister may, on application being made to him by the person concerned, extend the three-month period referred to in paragraph (c) of subsection (1) if he is satisfied that there is a reasonable likelihood of the person being admitted to a country of his choice within such extended period.

10.-(1) Notwithstanding the provisions of the Immigration Act, a person or any member of his family shall be deemed not to have committed the offence of illegal entry under that Act or any regulations made thereunder:-

Saving in respect of illegal entry by refugees. CAP. 156.

- (a) if such person applies in terms of section 8 for recognition of his status as a refugee, until a decision has been made on the application and, where appropriate, such person has had an opportunity to exhaust his right of appeal in terms of that section; or
- (b) if such person has become a recognised refugee.

(2) An immigration officer or a police officer who is apprised of facts indicating that a person in Belize may be eligible, and intends to apply, for recognition of his status as a refugee pursuant to section 8 shall refer that person to the Refugees Office.

11. Every recognized refugee shall, subject to the provisions of this Act-

Residence in Belize of recognised refugees.

- (a) be issued with an identity card in the form prescribed; and
- (b) be permitted to remain within Belize in accordance with the provisions of this Act.

12.-(1) The Minister shall endeavour to ensure that members of the family of a recognized refugee are permitted to enter Belize and, subject to the provisions of this section, to remain therein.

Family of recognised refugees.

(2) A member of the family of a recognized refugee who has entered Belize shall, subject to the provisions of this Act-

- (a) be issued with an identity card in the form prescribed; and

- (b) subject to the provisions of subsections (3) and (4), be permitted to remain within Belize for as long as the recognized refugee concerned is permitted so to remain.

(3) Where a member of the family of a recognized refugee is within Belize in terms of this section and ceases to be a member of such family by reason of his marriage, his attaining the age of eighteen years or the cessation of his dependence upon the recognized refugee, as the case may be, he shall be permitted to continue to remain within Belize in accordance with the provisions of this Act.

(4) Upon the death of a recognized refugee or upon his divorce or legal separation from any spouse, every person who, immediately before such death, divorce or legal separation, was within Belize in terms of this section as a member of the family of such recognized refugee shall be permitted to continue to remain within Belize in accordance with the provisions of this Act.

(5) Nothing in this section shall prevent a member of the family of a recognized refugee or a person who has, in terms of subsection (3) or (4), been permitted to continue to remain in Belize from himself applying for recognition and being recognized as a refugee in terms of section 8.

Rights and duties
of recognised
refugees in Belize.

13. Subject to the provisions of this Act, every recognized refugee within Belize-

- (a) shall be entitled to the rights and be subject to the duties contained in the Convention as if the references therein to refugees were references to recognized refugees;
- (b) shall be subject to all laws in force within Belize; and

- (c) shall be afforded a reasonable opportunity to work and contribute to the development of Belize.

14.-(1) Notwithstanding the provisions of any other law, no person shall be refused entry into Belize, expelled, extradited or returned from Belize to any other country or be subjected to any similar measure if, as a result of such refusal, expulsion, return or other measure, such person is compelled to return to or remain in a country where -

Non-return of refugees, their families or other persons.

- (a) he may be subjected to persecution on account of his race, religion, nationality, membership of a particular social group or political opinion; or
- (b) his life, physical integrity or liberty would be threatened on account of external aggression, occupation, foreign domination or events seriously disrupting public order in a part or the whole of that country.

(2) The Minister shall take steps as he considers necessary to ensure that the provisions of subsection (1) are applied in respect of persons to whom the subsection relates.

15.-(1) If at any time the Director of Refugees considers that there are reasonable grounds for believing that a person who has been recognized as a refugee for the purposes of this Act -

Withdrawn of recognition of refugees.

- (a) should not have been so recognized; or
- (b) has ceased to be a refugee for the purposes of this Act,

the Director shall refer the case to the Committee.

(2) Where a case has been referred to it in terms of subsection (1), the Committee shall cause a written notice to be served upon the person

whose status as a refugee is under reconsideration-

- (a) informing such person of the fact that his status as a refugee is to be reconsidered; and
- (b) inviting such person to make written representations to the Committee within a period of fourteen days from the date of service of the notice, regarding his status as a refugee.

(3) The Committee shall consider every case referred to it in terms of subsection (1) and may make any inquiry or investigation it thinks necessary into any such case.

(4) After considering all the evidence, the Committee:-

- (a) may withdraw the recognition of the person concerned as a refugee; and
- (b) shall cause the person concerned to be notified of its decision in the matter within seven days.

(5) Any person who is aggrieved by a decision of the Committee to withdraw the recognition of such person as a refugee may, within fourteen days of being notified of such withdrawal, appeal in writing to the Minister.

(6) In any appeal in terms of subsection (5), the Minister may confirm or set aside the decision of the Committee and shall cause the Committee and the person concerned to be informed of his decision in the matter:

Provided that, before reaching a decision in an appeal, the Minister may do all or any of the following:-

- (a) invite the representative in Belize of the United Nations High Commissioner for refugees to make oral or written representations in the matter;
- (b) refer the matter back to the Committee for further inquiry and investigation to be made;
- (c) himself, make such further inquiry and investigation into the matter as he thinks fit.

(7) Where the Committee has in terms of this section withdrawn the recognition of any person as a refugee, that person shall cease to be a recognized refugee, and any persons who became protected persons as a result of being members of his family shall cease to be protected persons, with effect from-

- (a) fourteen days after the date on which the Committee notifies the person concerned that his recognition has been withdrawn; or
- (b) where the person concerned has appealed to the Minister in terms of subsection (5), the date on which the Minister notifies him that he confirms the decision of the Committee:

Provided that nothing in this subsection shall prevent a protected person who became such as a result of being a member of the family of the person concerned from himself applying for recognition and being recognized as a refugee in terms of section 8.

16.-(1) Subject to section 14, nothing contained in this Act shall affect the power of the Minister or the court to order the detention or deportation of undesirable persons (including recognised refugees and protected persons) under the provisions of the Aliens Act or the Deportation (British Subjects)

Expulsion of recognised refugees and protected persons.

CAP. 159.
CAP. 136.

Act.

(2) Every refugee or protected person who is the subject of a detention or deportation order pursuant to subsection (1) shall have the right of appeal as provided in the Acts mentioned therein.

Regulations.

17.-(1) The Minister may make regulations prescribing all matters which by this Act are required or permitted to be prescribed or which, in the opinion of the Minister, are necessary or convenient to be prescribed for the better carrying out of or giving effect to the provisions of this Act.

(2) Without prejudice to the generality of the foregoing, regulations made in terms of subsection (1) may provide for-

- (a) the procedure to be followed in applications for recognition of refugee status and the form in which such applications shall be made;
- (b) the manner and form in which appeals may be made to the Minister in terms of sections 8 and 15;
- (c) the issue of identification documents to persons who have applied for recognition of their refugee status, and to members of their families;
- (d) the form and issue of identification and travel documents to recognized refugees and protected persons;
- (e) the form of any order or notice required to be served on any person in terms of section 15 and the manner in which such order or notice may be served;
- (f) the affording, to persons who are detained after

appealing unsuccessfully in terms of section 8 or 15, of facilities for them to seek admission to a country of their choice;

- (g) co-operation and consultation with the United Nations High Commissioner for Refugees concerning applicants for refugee status, the making of representations by the High Commissioner in relation to any persons for the purposes of this Act, and the services and assistance that may be rendered by the High Commissioner for or on behalf of any persons for the purposes of this Act; and
- (h) the form and manner in which effect shall be given to Article 35 of the Convention and Article 11 of the Protocol, concerning cooperation of the national authorities with the United Nations.

(3) All regulations made by the Minister under this Act shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution.

18.-(1) The Director of Refugees shall prepare a quarterly report containing the number of persons granted refugee status during that quarter and their places of origin, and every such report shall be published in the *Gazette* within one month of the end of the quarter to which it relates. Reports.

(2) Within three months of the close of each calendar year, the Director of Refugees shall prepare and submit a report dealing generally with the operations of the Refugees Office during the preceding calendar year and containing information on the number of persons granted refugee status and such other information as may be considered necessary.

(3) The Minister shall cause a copy of the annual report contained

in subsection (2) to be laid on the table of both Houses of the National Assembly as soon as practicable.

SCHEDULE

[Section 2]

CONVENTION RELATING TO THE STATUS OF REFUGEES¹

Done at Geneva on 28 July 1951

Entry into force: 22 April 1954, in accordance with Article 43
Text: United Nations Treaty Series No. 2545, Vol. 189, p. 137

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,

¹The Convention was adopted by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, held at Geneva from 2 to 25 July 1951. The Conference was convened pursuant to resolution 429 (V), adopted by the General Assembly of the United Nations on 14 December 1950. For the text of this resolution, see Official Records of the General Assembly, Fifth Session, Supplement No. 20(A/1775), p. 48. The Text of the Final Act of the Conference is reproduced in Appendix.

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-ordination of measures taken to deal with this problem will depend upon the cooperation 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 connection 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 connection 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 or 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 or 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 or 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 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 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
("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

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 re-opened 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 TO CONVENTION

[ARTICLE 28.1]

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 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 re-admitted 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 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 x 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 28 July 1951” be printed in continuous repetition on each page, in the language of the issuing country.

(Cover of booklet) TRAVEL DOCUMENT (Convention of 28 July 1951)
<div style="text-align: right; margin-bottom: 5px;">No. _____</div> <div style="text-align: center;"> (1) TRAVEL DOCUMENT (Convention of 28 July 1951) </div> <p>This document expires on _____ unless its validity is extended or renewed.</p> <p>Name _____</p> <p>Forename(s) _____</p> <p>Accompanied by _____ child (children)</p> <p>1. This document is used solely with a view to provide 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.</p> <p>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]</p> <p>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.] ¹</p> <p>_____ (This document contains _____ pages, exclusive of cover.)</p> <p>¹ The sentence in brackets to be inserted by Governments which so desire.</p>
<div style="text-align: center;">(2)</div> <p>Place and date of birth _____</p> <p>Occupation _____</p> <p>Present residence _____</p> <p>*Maiden name and forename(s) of wife _____</p> <p>*Name and forename(s) of husband _____</p>

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
* 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 and stamp of authority issuing the document:	
Fee paid: _____ (This document contains _____ pages, exclusive of cover.)			

<p>(5)</p> <p>Extension or renewal of validity</p>	
<p>Fee paid:</p> <p>Done at:</p>	<p>From:</p> <p>To:</p> <p>Date:</p> <p style="text-align: center;">Signature and stamp of authority extending or renewing the validity of the document:</p>
<p>_____</p> <p>Extension or renewal of validity</p>	
<p>Fee paid:</p> <p>Done at:</p>	<p>From:</p> <p>To:</p> <p>Date:</p> <p style="text-align: center;">Signature and stamp of authority extending or renewing the validity of the document:</p>
<p>(This document contains—— pages, exclusive of cover.)</p>	
<p>(6)</p> <p>Extension or renewal of validity</p>	
<p>Fee paid:</p> <p>Done at:</p>	<p>From:</p> <p>To:</p> <p>Date:</p> <p style="text-align: center;">Signature and stamp of authority extending or renewing the validity of the document:</p>
<p>_____</p> <p>Extension or renewal of validity</p>	
<p>Fee paid:</p> <p>Done at:</p>	<p>From:</p> <p>To:</p> <p>Date:</p> <p style="text-align: center;">Signature and stamp of authority extending or renewing the validity of the document:</p>
<p>(This document contains pages, exclusive of cover.)</p>	
<p>(7-32)</p> <p>Visas</p>	
<p>The name of the holder of the document must be repeated in each visa.</p> <p>(This document contains—— pages, exclusive of cover.)</p>	

APPENDIX

**FINAL ACT OF THE 1951 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
Germany, Federal Republic of	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 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 14 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 BII (XI).¹

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

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.

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 Protocol 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.

(Facilitation of refugee travels)¹

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.

(Principle of unity of the family)¹

¹Headline added.

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.

(Welfare services)¹

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.

¹Headline added.

D.

(International co-operation in the Field of asylum and resettlement)¹

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.

(Extension of treatment provided by the Convention)¹

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,

¹Headline added.

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: A. HERMENT
 TALAT MIRAS

The Executive Secretary of the Conference: JOHN P. HUMPHREY

III**PROTOCOL RELATING TO THE STATUS
OF REFUGEES OF 31 JANUARY 1967¹**

Entry into Force: 4 October 1967, in accordance with Article VIII
Text: United Nations Treaty Series No. 8791, Vol. 606, p. 267

The States Parties to the present Protocol,

Considering that the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 (hereinafter referred to as the Convention) covers only those persons who have become refugees as a result of events occurring before 1 January, 1951,

Considering that new refugee situations have arisen since the Convention was adopted and that the refugees concerned may therefore not fall within the scope of the Convention,

Considering that it is desirable that equal status should be enjoyed by all refugees covered by the definition in the Convention irrespective of the dateline 1 January 1951,

Have agreed as follows:

Article I**General provision**

¹The Protocol was signed by the President of the General Assembly and by the Secretary General on 31 January 1967. The text of the General Assembly Resolution 2198 (XX 1) of 16 December 1966 concerning the accession to the 1967 Protocol relating to the Status of Refugees is reproduced in Appendix.

1. The States Parties to the present Protocol undertake to apply Articles 2 to 34 inclusive of the Convention to refugees as hereinafter defined.

2. For the purpose of the present Protocol, the term “refugee” shall, except as regards the application of paragraph 3 of this Article, mean any person within the definition of Article 1 of the Convention as if the words “As a result of events occurring before 1 January 1951 and . . .” and the words “...as a result of such events”, in Article 1 A (2) were omitted.

3. The present Protocol shall be applied by the States Parties hereto without any geographic limitation, save that existing declarations made by States already Parties to the Convention in accordance with Article 1 B (1) (a) of the Convention, shall, unless extended under Article 1 B (2) thereof, apply also under the present Protocol.

Article II

Co-operation of the national authorities with the United Nations

1. The States Parties to the present Protocol 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 the present Protocol.

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 States Parties to the present Protocol undertake to provide them with the information and statistical data requested, in the appropriate form, concerning:

(a) The condition of refugees;

- (b) The implementation of the present Protocol,
- (c) Laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

Article III

Information on national legislation

The States Parties to the present Protocol shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of the present Protocol.

Article IV

Settlement of disputes

Any dispute between States Parties to the present Protocol which relates to its interpretation or application and 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 V

Accession

The present Protocol shall be open for accession on behalf of all States Parties to the Convention and of any other State Member of the United Nations or member of any of the specialized agencies or to which an invitation to accede may have been addressed by the General Assembly of the United Nations. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article VI

Federal clause

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

- (a) With respect to those articles of the Convention to be applied in accordance with Article 1, paragraph 1, of the present Protocol 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 States Parties which are not Federal States;
- (b) With respect to those articles of the Convention to be applied in accordance with Article 1, paragraph 1, of the present Protocol 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 the present Protocol shall, at the request of any other State Party hereto 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 to be applied in accordance With Article 1, paragraph 1, of the present Protocol, showing the extent to which effect has been

given to that provision by legislative or other action.

Article VII

Reservations and declarations

1. At the time of accession, any State may make reservations in respect of Article IV of the present Protocol and in respect of the application in accordance with Article I of the present Protocol of any provisions of the Convention other than those contained in Articles 1, 3, 4, 16 (1) and 33 thereof, provided that in the case of a State Party to the Convention reservations made under this Article shall not extend to refugees in respect of whom the Convention applies.

2. Reservations made by States Parties to the Convention in accordance with Article 42 thereof shall, unless withdrawn, be applicable in relation to their obligations under the present Protocol.

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

4. Declarations made under Article 40, paragraphs 1 and 2, of the Convention by a State Party thereto which accedes to the present Protocol shall be deemed to apply in respect of the present Protocol, unless upon accession a notification to the contrary is addressed by the State Party concerned to the Secretary-General of the United Nations. The provisions of Article 40, paragraphs 2 and 3, and of Article 44, paragraph 3, of the Convention shall be deemed to apply *mutatis mutandis* to the present Protocol.

Article VIII

Entry into force

1. The present Protocol shall come into force on the day of deposit of the sixth instrument of accession.
2. For each State acceding to the Protocol after the deposit of the sixth instrument of accession, the Protocol shall come into force on the date of deposit by such State of its instrument of accession.

Article IX

Denunciation

1. Any State Party hereto may denounce this Protocol at any time by a notification addressed to the Secretary-General of the United Nations.
2. Such denunciation shall take effect for the State Party concerned one year from the date on which it is received by the Secretary-General of the United Nations.

Article X

Notifications by the Secretary-General of the United Nations

The Secretary-General of the United Nations shall inform the States referred to in Article V above of the date of entry into force, accessions, reservations and withdrawals of reservations to and denunciations of the present Protocol, and of declarations and notifications relating hereto.

Article XI

Deposit in the archives of the Secretariat of the United Nations

A copy of the present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, signed by the President of the General Assembly and by the Secretary-General of the United Nations, shall be deposited in the archives of the Secretariat of the United Nations. The Secretary-General will transmit certified copies thereof to all States Members of the United Nations and to the other States referred to in Article V above.

APPENDIX

GENERAL ASSEMBLY RESOLUTION 2198(XXI)**Protocol relating to the Status of Refugees**

The General Assembly,

Considering that the Convention relating to the Status of Refugees, signed at Geneva on 28 July 1951,¹ covers only those persons who have become refugees as a result of events occurring before 1 January 1951,

Considering that new refugee situations have arisen since the Convention was adopted and that the refugees concerned may therefore not fall within the scope of the Convention,

Considering that it is desirable that equal status should be enjoyed by all refugees covered by the definition in the Convention, irrespective of the dateline of 1 January 1951,

¹United Nations, *Treaty Series*, vol. 189 (1954), No. 2545.

²See A/6311/Rev. 1/Add.1, part two, para. 38.

Taking note of the recommendation of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees² that the draft Protocol relating to the Status of Refugees should be submitted to the General Assembly after consideration by the Economic and Social Council, in order that the Secretary-General might be authorized to open the Protocol for accession by Governments within the shortest possible time,

Considering that the Economic and Social Council, in its resolution 11 86 (XLI) of 18 November 1966, took note with approval of the draft Protocol contained in the addendum to the report of the United Nations High Commissioner for Refugees and concerning measures to extend the personal scope of the Convention¹ and transmitted the addendum to the General Assembly,

1. *Takes note* of the Protocol relating to the Status of Refugees, the text of which¹ is contained in the addendum to the report of the United Nations High Commissioner for Refugees;

2. *Requests* the Secretary-General to transmit the text of the Protocol to the States mentioned in Article V thereof, with a view to enabling them to accede to the Protocol.²

1495th plenary meeting,
16 December 1966.

¹See A/6311/Rev.1/Add.1, part one, para. 2.

²The Protocol was signed by the President of the General Assembly and by the Secretary-General on 31 January 1967.

IV

**DEFINITIONS OF “REFUGEE” ACCORDING TO
AGREEMENTS,
CONVENTIONS AND PROTOCOLS MENTIONED IN ARTICLE
1 A (1) OF THE GENEVA CONVENTION OF 28 JULY 1951**

Section 1. - Pre-war refugees

The following pre-war categories are included in the provisions of the definitions in the Statute and the Convention:

- i) **The Arrangement of 12 May 1926**
(League of Nations Treaty Series No. 2004, Vol. LXXXIX (89), p. 47.)

Category 1. *Russian* pre-war or Nansen refugees, defined as “Any person of Russian origin who does not enjoy or who no longer enjoys the protection of the Government of the USSR and who has not acquired another nationality.”

Category 2. *Armenian* pre-war or Nansen refugees defined as: “Any person of Armenian origin formerly a subject of the Ottoman Empire who does not enjoys or who no longer enjoys the protection of the Government of the Turkish Republic and who has not acquired another nationality.”

- ii) **The Arrangement or 30 June 1928**
(League of Nations Treaty Series No. 2006, Vol. LXXXIX (89), p. 63.)

Category 3. *Assyrian or Assyro-Chaldean and assimilated refugees* defined as: “Any person of Assyrian or Assyro-Chaldean origin, and also by assimilation any person of Syrian or Kurdish origin, who does not enjoy or who no longer enjoys the protection of the State to which he previously belonged and who has not acquired or does not possess another nationality.”

Category 4. *Turkish refugees* defined as: “Any person of Turkish origin, previously a subject of the Ottoman Empire, who under the terms of the Protocol of Lausanne of 24 July 1923, does not enjoy or no longer enjoys the protection of the Turkish Republic and who has not acquired another nationality.”

iii) **The Convention of 28 October 1933**

(League of Nations Treaty Series No. 3663, Vol. CLIX (159), p. 199.)

Category 5. *Spanish refugees*. These were defined as: “Persons possessing or having possessed Spanish nationality, not possessing any other nationality and with regard to whom it has been established that, in law or in fact, they do not enjoy the protection of the Spanish Government.”

iv) **The Convention of 10 February 1938**

(League of Nations Treaty Series No. 4461, Vol. CXCII (192), p. 59.)

Category 6. *Refugees coming from Germany*, defined as: “(a) Persons possessing or having possessed German nationality and not possessing any other nationality who are proved not to enjoy, in law or in fact, the protection of the German Government.” “(b) Stateless persons not covered by previous Conventions or Agreements who have left German territory after being established therein and who are proved not to enjoy, in law or in fact, the protection of the German Government.”

“Persons who leave Germany for reasons of purely personal convenience are not included in this definition.”

- v) **The Protocol of 14 September 1939**
(League of Nations Treaty Series No. 4634, Vol. CXCVIII (198), p. 141.)

Category 7. *Austrian refugees* (victims of Nazi persecution), defined as:

(a) “Persons having possessed Austrian nationality not possessing any nationality other than German nationality, who are proved not to enjoy, in law or in fact, the protection of the German Government, and

(b) Stateless persons, not covered by any previous Convention or Arrangement and having left the territory which formerly constituted Austria after being established therein, who are proved not to enjoy, in law or in fact, the protection of the German Government.

“Persons who leave the territories which formerly constituted Austria for reasons of purely personal convenience are not included in this definition.”

Section 2. - Refugees in the war and post-war periods

- vi) **The Constitution of the International Refugee Organization**
(United Nations Treaty Series No. 283, Vol. 18, p. 3.)

Category 8. *Any person* who has been considered a refugee under the Constitution of IRO is automatically within the terms of the Statute and the Convention, unless he falls under one of the “cessation” or “exclusion” clauses.

Category 9. *Victims of Nazi or Fascist regimes*, or of regimes

which took part on their side in the second world war, or of the quisling or similar regimes which assisted them against the United Nations, whether enjoying international status as refugees or not.

Category 10. *Saar refugee*, defined as “all persons who, having previously had the status of inhabitants of the Saar, have left the territory on the occasion of the plebiscite and are not in possession of national passports”.

Category 11. *Refugees from Sudetenland* as defined in the Resolution of the 104th Session of the Council of the League of Nations dated 19 January 1939: “These are refugees who, having possessed Czecho-Slovak nationality and not now possessing any nationality other than German, have been obliged to leave the territory which was formerly part of the Czecho-Slovak State- that is, the territory known as the Sudetenland- where they were settled and which is now incorporated in Germany.

They consist of persons who do not enjoy the protection of either the German or the Czecho-Slovak Government.”

Category 12. “*Any other refugees* - whether *de jure* or *de facto* stateless who were refugees before the War although they did not belong to a recognized category of refugees and who have continued to be refugees in spite of the changed circumstances.”

Category 13. “Subject to the provisions of section D and of Part II of this Annex, the term ‘refugee’ also applies to *persons* who, having resided in *Germany, or Austria*, and being of *Jewish origin* or foreigners or stateless persons, were victims of Nazi persecution and were detained in, or were obliged to flee from and were subsequently returned to, one of those countries as a result of enemy action, or of war circumstances, and have not been firmly resettled therein.”

Category 14. “The term ‘refugee’ also applies to *unaccompanied children* who are war orphans or whose parents have disappeared, and who are outside their countries of origin. Such children, 16 years of age or under, shall be given all possible priority assistance, including, normally, assistance in repatriation in the case of those whose nationality can be determined.”
