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MEETING OF EXPERTS ON PASSPORTS AND FRONTIER FORMALITIES

REVISED MINUTES OF THE NINTH PLENARY MEETING

held at the Palais des Nations, Geneva, on Friday,  
18 April, 1947, at 2.15 p.m.

Chairman: Mr. CAREW-ROBINSON (United Kingdom).

1. FORMALITIES FOR OBTAINING VISAS (item B.2 (c) of the  
draft agenda)

The CHAIRMAN opened the meeting by suggesting that as the United States proposal was the most general in content concerning the question under discussion, it might be profitable to have the views of the representative of the United States.

Mr. WILKINSON (United States of America) said that the Government of the United States had consistently sought to give effect to the principles contained in the proposal now before the meeting, within, however, the limitations of the United States immigration laws.

Provision of a border crossing identification card and the recent simplification of the application card for a non-immigrant visa were developments of this point of view.

Mr. Wilkinson added that the allocation of adequate and convenient facilities for issuing visas, the simplification of forms and the elimination of the requirement that the Foreign Office be consulted in routine cases were the more important steps which might be taken to do away with the visa barrier to travel.

It had been the practice of certain Governments to discriminate against commercial visitors. However, the restoration and expansion of international trade could be greatly facilitated by permitting business men of different nationalities to travel freely. Although the conventions referred to in the Economic and Social Council's preparatory memorandum were silent on the subject, a committee of experts on consular and customs formalities convened by the United States associates of the International Chamber of Commerce in 1946 to prepare data for this meeting, specified that its recommendations were being made on behalf of business men and tourists.

In reply to a question by the CHAIRMAN, Mr. Wilkinson said that the form of application for a non-immigrant visa had been greatly simplified recently and the new form was now in use.

In reply to a question by the representative of POLAND, Mr. Wilkinson said that immigrants did not come under the same category for applications for visas.

After being seconded by the representative of the UNITED KINGDOM the United States proposal was put to a vote.

Decision: The United States proposal was adopted.

Mr. PRZEWANSKI (Poland) felt that if the United States Government reserved the right to exclude immigrants then the Polish Government would also like to reserve the right to make certain discriminations against particular categories of persons entering the country.

It might be that for some particular trade or economic reason the Polish Government would be willing to grant visas immediately, but, on the other hand, it might not always be possible to grant the same facility and priority for tourists because the offices might be overcrowded. The Polish representative emphasized that his Government would like sometimes to give priority to persons who will be travelling in the interests of trade.

The CHAIRMAN said that he thought it was the intention of the United States proposal not to discriminate against any legitimate cause for a hurried journey. The representative of the UNITED STATES confirmed that this was the case.

Mr. PRZEWANSKI (Poland) made the suggestion that the word "normally" might be included in the United States proposal so that it would read ".... should normally be no discrimination".

The CHAIRMAN thought that there was confusion over two different points. The United States representative had suggested as he read it, that as a practice there should be no discrimination

Mr. PRZEWANSKI (Poland), although agreeing with the suggestion made by the Chairman, felt that there existed a differentiation regarding discrimination and non-discrimination.

In order to allow for the various points of view expressed, the CHAIRMAN proposed that the Drafting Committee should work out the exact phraseology, taking into consideration any differing views expounded.

The Chairman then drew attention to paragraph 1, page 5 of document E/CONF/PASS/PC/4. He thought that this recommendation should be considered in conjunction with the proposal on this subject made by the United Kingdom, which itself might provide the text for discussion.

The United Kingdom recommendation was proposed officially by Mr. JEFFES (United Kingdom) and seconded by Mr. WILKINSON (United States of America).

Mr. PRZEWANSKI (Poland) was of the opinion that this question was a matter for decision by the government concerned and was not one to be decided by the Meeting. It was, he thought, an internal question and as such, the Meeting could only express a wish that certain steps should be taken.

Mr. CONTEMPRE (Belgium) added his support to the United Kingdom proposal, mentioning that Belgium was, he thought, in the forefront of countries facilitating the simplification of visa procedure.

Mr. VILLA MICHEL (Mexico) regretted that he was unable to support the United Kingdom proposal and felt that he would have to reserve his attitude on this question. He was inclined to agree with the representative of Poland that it was an internal matter and he did not think that the conference could determine the procedure by which a Government should issue visas.

Mr. PRZEWANSKI (Poland) asked the representative of the United States whether visas for immigrants were included in the present proposal under discussion. In reply Mr. WILKINSON (United States of America) said that all recommendations made by his Government to this Meeting were within its terms of reference and therefore did not deal with immigrants, but solely with non-immigrant travellers.

In clarifying this point the CHAIRMAN read out the final paragraph on page five of the preparatory memorandum (document E/CONF/PASS/PC/2) adding that he did not wish to have to rule any questions out of order but if the question of immigrants was raised again he felt he would have to do this.

Mr. PERIER (France) said that, apart from the question of immigration, most countries enforced certain regulations regarding the duration of stay of foreigners. The regulations and the duration of stay varied between countries. Persons who wished to reside in the country for more than three months should not necessarily be considered as immigrants, but countries accepting travellers for a stay of more than three months would expect to receive more complete guarantees.

France had for some time authorized her consular agents abroad to issue non-immigrant visas valid for three months without preliminary consultation with the central authorities; however, she still reserved the right to extend the duration of validity under identical conditions by means of bi-lateral agreements. The representative of France therefore did not think he would be able to vote in favour of the United Kingdom proposal as it was drafted at present, but if the proposal were amended to mention such qualifications regarding bi-lateral agreements as he had indicated, it might be possible for him to agree to the proposal.

In reply to a question by the CHAIRMAN, the representative of France explained that bi-lateral agreements on this question would be those whereby visas might be given to particular categories of travellers without consulting the Foreign Office.

The CHAIRMAN pointed out that in his view the important principle was, that liberty of action should be given to consular and other representatives so that they could take prompt action.

Mr. BOER (Netherlands) thought that sufficient protection against allowing all agents abroad to grant visas without discrimination was given in the words "unless particular circumstances make it undesirable".

In certain cases it was advantageous for prior consultation to be made with the home Government and such cases were, he thought, covered in the clause he had mentioned.

Mr. KIRKWOOD (Canada) supported the United States proposal and said that he held similar views to the representative of the Netherlands on the suggestions he had just made. He thought that

the provisos in the proposal were sufficient to cover any difficulties arising. The purpose of the measure was to alleviate difficulties of travel and one of the chief difficulties encountered in the issue of visas was the question of reference back to the home government which caused the greatest inconvenience. Delays of weeks sometimes occurred and, in addition, cable charges were sometimes made. All these factors added to the cost of the visa, and the representative of Canada thought that this was most unfortunate for the purposes of free travel. However, should there be occasion when these regulations were really necessary, they could be covered by the clause he had referred to previously.

Mr. PRZEWANSKI (Poland) wished to clarify his position regarding the proposal under discussion. As he considered it an internal matter he thought it best that the subject should not be discussed or voted on but should be left to the respective Governments. He was not necessarily opposed to the proposal.

The CHAIRMAN emphasized that the Meeting did not have the power to bind Governments to a certain course of action. It could only make suggestions and recommendations. He felt that the representative of Poland need have no fear that any attempt was being made to instruct his Government, or any other Government.

Mr. EMBIRICOS-CONMOUNDOUROS (Greece) added his support to the United Kingdom proposal. It was, he said, well known that one of the chief difficulties in obtaining visas was this question of reference back to the home government, sometimes involving delays of weeks and even months.

The CHAIRMAN put the United Kingdom proposal as outlined in paragraph 15 of document E/CONF/PASS/PC/9 to a vote.

Decision: The United Kingdom proposal was adopted by sixteen votes to two.

The meeting passed to a consideration of paragraph 2, page 5, of the consolidated statement (E/CONF/PASS/PC/4), which read:

"Diplomatic and Consular authorities should be empowered to grant visas to persons not domiciled in their area, and should not as a rule require the applicant to appear in person or to prove the necessity of the journey."

It was agreed that the paragraph should be dealt with in separate parts, and the CHAIRMAN put for discussion the first proposition, that the meeting recommend that diplomatic and consular authorities be empowered to grant visas to persons not domiciled in their area.

Mr. CONTEMPRE (Belgium) felt the text was too concise. It was not always desirable that diplomatic and consular agents should issue visas to persons who did not reside in their area. He suggested that the clause should be altered to read that in special circumstances such authorization could be granted. If such authority were the general practice, it might become dangerous: certain dishonest persons, refused a visa in a place where they were known, might apply to a consul who did not know them. Therefore the Belgian delegation felt that the clause should be modified.

Mr. PERIER (France) said he was in entire agreement with the representative of Belgium.

Mr. STURM (Luxembourg) also supported this view.

Mr. WU Nan-Ju (CHINA) suggested that the clause should be amended to read:

"Diplomatic and consular authorities should be empowered to grant visas to persons not domiciled in their area, provided that there is no diplomatic or consular authority of the same country in the area in which those persons are domiciled."

Mr. CONTEMPRE (Belgium) explained that the point he himself had raised applied to a case where there was a consular authority with jurisdiction, and yet a person chose to go before another agent. He, therefore, wished to maintain his point about special cases.

The CHAIRMAN felt that the clause was not intended in any way to encourage a traveller to apply outside the area where he normally lived; it was intended to deal with the case of a traveller who had perhaps started a journey through France and who arrived in the United States and found there that he wanted to go on to some other country. The clause was intended to make it unnecessary for him to go back to the place where he resided in a foreign country, but to enable him to apply to another representative of that foreign country in the place where the traveller happened to be.

Mr. CONTEMPRE (Belgium) said that was precisely the special case that he wanted specified in the text.

Mr. PRZEWANSKI (Poland) said Polish consuls had power to grant visas to travellers not domiciled in their area; he felt, however, that they should consider the point so that the representatives of Belgium, France and Luxembourg might find it possible to accept the paragraph, because it was their task at the present meeting to find a way in which they might collaborate as closely as possible.

Mr. JEFFES (United Kingdom) felt that the Drafting Committee would probably find a perfectly happy solution which they could all agree to later.

Mr. SODERBLOM (Sweden) favoured the inclusion in the document of a sentence of the kind proposed. He himself had had the experience of being refused a visa by an agent because it was outside his competence to give one. He felt it necessary to have a formula that would make it possible for a competent agent always to be found, but he was sure that the Drafting Committee would find the appropriate formula.

The CHAIRMAN put it that the proposition be approved in principle, subject to the Drafting Committee's incorporating such words as might give effect to the sense of the proposals made.

Decision: The proposal was adopted.

The meeting then considered the second part of the clause: that diplomatic and consular authorities should not as a rule require the applicant to appear in person.

The CHAIRMAN said that this clause corresponded almost verbally to paragraph 16 in the proposals of the United Kingdom delegation: "That personal attendance should not normally be required of an applicant in order to obtain a visa."

Mr. JEFFES (United Kingdom) said that experience had shown them in the United Kingdom that a great deal of trouble could be saved to an applicant if he could, under rather special circumstances, make application in writing rather than apply in person. For a good many years that practice had been followed in the United Kingdom with not bad results, and he would like the meeting to consider recommending that it should be possible.

Mr. PERIER (France) said his delegation had no objection to that proposal, but the question was linked with that of finger prints. It was quite obvious that if finger prints were required the applicant must present himself in person.

Mr. BOER (Netherlands) felt that no country would require its consul to obtain finger prints in such cases: he believed the police authorities would give sufficient guarantees and that it would not be necessary for the applicant to appear before the consul, the more so as such personal appearance might in some countries, such as Canada, entail a lengthy journey of perhaps more than a day.

The CHAIRMAN asked whether any representative wished to put as a point of order that they depart from the subject under discussion and discuss finger prints.

Mr. KIRKWOOD (Canada) wondered if they could avoid such a reversal of order by making the clause read that as a rule diplomatic and consular authorities should not require applicants to appear in person unless finger prints were required. Subsequently, if the meeting arrived at the conclusion that finger prints were not required, they might eliminate the qualification.

Mr. PETERS (Australia) felt that if a reference to finger prints were left in the clause, it might convey the suggestion that they might be obtained, whereas if the meeting could dispose of item 3 (f) (E/CONF/PASS/PC/4, page 5) at once, the question of finger prints could be ruled right out of the document. He wished to propose accordingly.

Mr. SODERBLOM (Sweden) supported the suggestion, expressing the hope that the element of finger prints would not enter into the discussion.

It was agreed that the point be dealt with forthwith and the CHAIRMAN put the proposition: That in applying for a visa the requirement of taking finger prints should be abolished.

Decision: The proposal was adopted.

The meeting returned to consideration of the proposal that personal attendance should not normally be required of an applicant in order to obtain a visa. The CHAIRMAN thought the proposition had already been proposed and supported.

Mr. PRZEWANSKI (Poland) suggested that they take the text in the positive form in which it appeared in the document E/CONF/PASS/PC/4, to the effect that diplomatic and consular authorities should be empowered to grant visas without asking



for personal attendance of the applicant.

The CHAIRMAN said he would be perfectly agreeable, if the Meeting agreed, to adopt some modified form of proposal such as the Polish representative had suggested, provided they were not binding that representative's Government.

Mr. PRZEWANSKI (Poland) enquired whether the CHAIRMAN would agree to a note being made of his last sentence.

The CHAIRMAN signified his assent.

Mr. STURM (Luxembourg) had great pleasure in seconding the proposal made by the representative of Poland; he felt it was quite unnecessary to ask an applicant to come personally before a consul to obtain his visa. The practice was already in force in his own country and in many others. He personally, however, preferred the text of the United Kingdom proposal at paragraph 16 (E/CONF/PASS/PC/9). He felt that the text of E/CONF/PASS/4, on this particular point went somewhat too far. It was said on page 5, paragraph 2, of that paper that no request should be made to the traveller to prove the necessity of his journey. He thought that was going too far and that the consul would be right in asking a person why he was undertaking a journey and if the journey was in the interests of his country.

The CHAIRMAN explained that he had intended to deal later with the point of proving the necessity of the journey and that meantime it was not under consideration.

The CHAIRMAN put the proposal that, subject to some adjustment of the wording by the Drafting Committee, they accept the proposition that it should be possible to grant visas without requiring the personal attendance of the applicant.

Decision: The proposal was adopted.

The CHAIRMAN invited the meeting to consider the last part of the clause under discussion, which he said was, in effect, that consular authorities should be empowered to grant a visa to an applicant without requiring him to prove the necessity for the journey.

Mr. CONTEMPRE (Belgium) was in agreement with the principle so long as it was worded in such a way that it would not be a general rule.

Mr. BOER (Netherlands) was in favour of the proposal in so far as it was expressed in paragraph 17 of E/CONF/PASS/PC/9: That the documents required in support of an application for a visa should be kept to the irreducible minimum. The proposal before them, however, was that an applicant should not be required to prove the necessity of the journey. "Necessity", he felt, was a very strict word: people travelling simply as tourists were not exactly under the necessity of making the journey.

Mr. PRZEWANSKI (Poland) supported the representative of the Netherlands.

Mr. STURM (Luxembourg) also supported the proposal that the United Kingdom text be adopted.

Mr. WILKINSON (United States of America) said his delegation also wished to support the United Kingdom text.

The CHAIRMAN said he thought the representative of Belgium was in favour of retaining the proposed text, subject to some slight amendment. He asked whether the representative of Belgium was willing to withdraw his proposal.

Mr. CONTEMPRE (Belgium) felt that paragraph 17 of E/CONF/PASS/PC/9 did not cover the same point.

The CHAIRMAN said he had been wondering himself exactly what was the point of proving the necessity of the journey; he thought it was an echo from 1926, and he saw that on page 45 of E/CONF/PASS/PC/2, it was said "that the necessity of the journey need not be proved by the applicant for a visa in any but exceptional cases", and the passage went on to refer to security and public health or internal difficulties. He thought that probably all that was meant in the clause under consideration was that the applicant need not establish some reason of national importance for his journey, but that any reasonable purpose should be acceptable: for instance, if he wished to travel for pleasure, that should be quite sufficient.

Mr. KIRKWOOD (Canada) suggested the abandonment of the phrase "necessity of the journey". He pointed out that in the case of tourists a journey could better be described as optional or voluntary. The use of the words "necessity of the journey" would be appropriate, he felt, only in the case of a person applying for a priority visa. In such a case it would be necessary to emphasise the necessity.

Mr. BOER (Netherlands) suggested that paragraph 17 of the United Kingdom paper did not correspond exactly with the point in the clause under discussion. He interpreted paragraph 17 to mean that the number of documents which were required to be presented should be reduced to the strictest minimum.

The CHAIRMAN said he would be very glad to adopt, if the meeting was in agreement, the suggestion of the representative of Canada that they need not pursue the question of proving necessity. He thought that it had been originally raised only because there was a suggestion that in certain circumstances visas should not be granted except on proof of a real need to travel. Such was not the situation they were visualising now and he proposed that they need not spend time discussing it.

Mr. BOER (Netherlands) agreed that they should not continue with the debate on the point but wished to know if the United Kingdom delegation was, then, withdrawing paragraph 17 of his paper.

Mr. JEFFES (United Kingdom) said it was not his delegation's wish to withdraw item no.17.

The CHAIRMAN thought they might perhaps enlarge the discussion without getting into too much detail as to what they meant, by simply adopting formally the first two lines of



E/CONF/PASS/PC/4, page 5, paragraph 3: "the formalities to be undergone when applying for a visa should be simplified". If they could agree that formalities should be simplified, then they might have made some progress. Whether it was necessary to detail what formalities were standing in the way of simplification he was not sure; perhaps something of that kind might be included in their report, if that would commend itself to representatives and if someone would propose it.

Mr. PRZEWANSKI (Poland) felt that the United Kingdom proposal was quite clear and simple and that they should accept it.

The CHAIRMAN suggested wording the clause: "That the formalities to be undergone when applying for a visa should be simplified, particularly, by keeping to a minimum the documents required in support of the application".

Mr. JEFFES (United Kingdom) said that as the proposer of the recommendation in paragraph 17, he wished to support that suggestion.

Mr. PETERS (Australia) seconded the proposal.

The CHAIRMAN put the proposal, as re-worded, to the meeting.

Decision: The proposal was adopted.

The CHAIRMAN said he proposed to regard that decision as disposing of the whole of the detailed examples under paragraph 3 (E/CONF/PASS/PC/4, page 5), unless any delegate wished specifically to mention others. They would in the draft report instance some of the examples, if that was the representative's wish, and perhaps they could leave it to the Drafting Committee to settle the lay-out for that purpose.

Mr. PERIER (France) pointed out that sub-paragraph I of paragraph 3 had already been voted on.

The meeting proceeded to the consideration of paragraph 4: "A transit visa should be issued automatically if the country of destination has granted an entrance visa".

The CHAIRMAN pointed out that the proposition had been in the 1926 recommendations; he did not think it was specifically reproduced in any of the recommendations that had been submitted by delegations.

Mr. BOER (Netherlands) felt he must make some reservation on the point. Under present circumstances, with transport services not yet fully restored, it often happened that persons wishing to make a journey had not available the necessary means of transport and might have to wait days, weeks or perhaps months. He felt it would not be in conformity with the intention of the meeting to deliver a transit visa to a person who had not the means of transport to give effect to his intention to travel.

Mr. JEFFES (United Kingdom) said paragraph 10 of the United Kingdom proposals covered almost exactly the same ground and he felt that its wording would satisfy the representative of the Netherlands.

The meeting rose at 4.46 p.m.