



Dual Distribution

CONFERENCE OF PLENIPOTENTIARIES  
ON THE STATUS OF REFUGEES AND  
STATELESS PERSONS .

(Item 6 of the agenda)

DRAFT CONVENTION RELATING  
TO THE STATUS OF REFUGEES

Style Committee

Text of Articles Adopted

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 persons defined in Article 1, without discrimination as to race, religion or country of origin.

Article 3(A)

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

Article 3(B)

For the purpose of this Convention:

- (a) 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 4

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. The rights and benefits already enjoyed by certain refugees, without regard to reciprocity, at the date of entry into force of this Convention shall continue to be accorded to them by the Contracting States.

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

3. The provisions of paragraph 2 apply equally to the rights and benefits referred to in articles 8, 13, 14 and 16 of this Convention as well as to rights and benefits other than those specified in this Convention.

Article 5 (a)

Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstance, from taking provisional 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 such measures are still necessary in his case in the interests of national security.

Article 6

Continuity of residence

The Contracting States agree that :

1. Where a refugee has been forcibly displaced during the Second World War and removed to the territory of a Contracting State, and is residing 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 subsequently returned there prior to the date of the entering into force of this Convention, 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 7

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 dependent on personal status, more particularly rights attaching to marriage, previously acquired by a refugee, 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 is one which would have been recognised by the law of that State had he not become a refugee.

Article 8

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 generally to aliens 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 9

Artistic rights and industrial property

In respect of the protection of industrial property, such as inventions, industrial designs or models, trade marks, trade names, and of rights in literary, scientific and artistic 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 10

Right of Association

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

Article 11

Access to Courts

1. A refugee shall have free access to the courts of law on the territory of the Contracting States.
2. In the country in which he has his habitual residence, a refugee shall enjoy in this respect the same rights and privileges as a national. He shall, on the same conditions as a national, enjoy the benefit of legal assistance and be exempt from cautio judicatum solvi.
3. In countries other than that in which he has his habitual residence, a refugee shall be accorded, in these matters, the treatment granted to a national of the country of his habitual residence.

Article 12

Wage-earning employment

1. The Contracting State shall accord to refugees lawfully living 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 in this regard to those of nationals, and in particular those refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.

Article 13

Self-employment

The Contracting State shall accord to a refugee lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded generally to aliens 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 14

Liberal professions

1. The Contracting States shall accord to refugees lawfully in their territory who hold diplomas recognized by the competent authorities of the country of residence, and who are desirous of practising a liberal profession, treatment as favourable as possible and, in any event, not less favourable than that accorded generally to aliens 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 their colonies, protectorates or in Trust Territories under their administration,

Article 15

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 treated on the same footing as nationals.

Article 16

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 in their territory treatment as favourable as possible, and, in any event, not less favourable than that accorded generally to aliens in the same circumstances.

Article 17

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 no less favourable than that accorded generally to aliens in the same circumstances with respect to education other than elementary education and, in particular, as regards access to studies, the remission of fees and charges and the award of scholarships.

Article 18  
Public relief

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

Article 19  
Labour legislation and social security

1. The Contracting States shall accord to refugees lawfully 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, 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 individual 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.



## Article 20

### Administrative Assistance

1. When the exercise of a right by a refugee would normally require the assistance of authorities in 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 other 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 regarded as authentic in the absence of proof to the contrary.
4. Subject to such exceptional treatment as may be granted to indigent refugees, 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 22 and 23.

## Article 21

### Freedom of movement

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

Article 22

Identity papers

The Contracting States shall issue identity papers to any refugee in their territory who does not possess a valid travel document issued pursuant to article 23.

Article 23

Travel documents

1. The Contracting States shall issue to refugees lawfully resident in their territory travel documents for the purpose of travel outside their territory, unless imperative 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 and shall give sympathetic consideration 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 24

Fiscal charges

1. The Contracting States shall not impose upon refugees in their territory 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 25

Transfer of assets

1. A Contracting State shall, in conformity with its laws and regulations, permit a refugee to transfer assets which he has brought into its territory, to another country where he has been admitted for the purposes of resettlement.
2. The Contracting State shall give sympathetic consideration to the application of a refugee for permission to transfer assets wherever they may be and which are necessary for his resettlement to another country where he has been admitted.

Article 26

Refugees not lawfully admitted

- "1. The Contracting States shall not impose penalties, on account of his illegal entry or presence, on a refugee who, being unable to find asylum even temporarily in a country other than one in which his life or freedom would be threatened, enters or is present in their territory without authorization, provided he presents himself without delay to the authorities and shows good cause for his illegal entry or presence."
2. The Contracting States shall not apply to such refugees restrictions of movement other than those which are necessary and such restrictions shall only be applied until his status in the country is regularized or he obtains admission into another country. The Contracting States shall allow such refugee a reasonable period and all the necessary facilities to obtain admission into another country.

Article 27

Expulsion of refugees lawfully admitted

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

- 2.\* Except where this is precluded for imperative reasons of national security the refugee shall be allowed to submit evidence to clear himself, to lodge an appeal and be represented for the purpose before a competent authority or a person or persons specially designated by the competent authority.
3. The Contracting States shall allow such refugees 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 28

##### Prohibition of expulsion to territories where the life or freedom of a refugee is threatened

1. No Contracting State shall expel or return 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 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 finds himself, or who, having been definitely convicted of particularly serious crimes, constitutes a danger to the community thereof.

#### Article 29

##### 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.

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\* The Conference adopted this paragraph on the basis of the French text. The above wording is a translation made by the Secretariat,

Article 30

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 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 other appropriate 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 data, statistics, and information requested concerning
  - (a) the condition of refugees,
  - (b) the implementation of this Convention, and
  - (c) all regulations, laws, decrees, etc., made by them concerning refugees.