

**Document symbol: E/AC.32/L.32**

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UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



LIMITED

E/AC.32/L.32  
9 February 1950  
ORIGINAL: ENGLISH-  
FRENCH

AD HOC COMMITTEE ON STATELESSNESS

DRAFT CONVENTION RELATING TO THE  
STATUS OF REFUGEES

DECISIONS OF THE WORKING GROUP TAKEN ON  
9 FEBRUARY 1950

PREAMBLE

The Contracting States,

Considering the concern of the United Nations for the protection of human rights without any discrimination as given expression in the Universal Declaration of Human Rights; and in particular their concern for the protection of the rights of refugees as evinced in various resolutions of the General Assembly of the United Nations, and

Considering further that it is desirable to revise and consolidate existing international agreements relating to the protection of refugees, to extend the scope of such agreements to additional groups of refugees and to increase the protection accorded by these instruments,

Have agreed

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/CHAPTER I  
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CHAPTER I

GENERAL PROVISIONS

Article 1

Definition of the term "refugee"

A. For the purposes of this Convention, the term "refugee" shall apply to:

1. Any person who:

- (a) as a result of events in Europe after 3 September 1939 and before 1 January 1951 has well-founded fear of being the victim of persecution for reasons of race, religion, nationality or political opinion; and
- (b) has left or, owing to such fear, is outside the country of his nationality, or if he has no nationality, the country of his former habitual residence; and
- (c) is unable or owing to such fear unwilling to avail himself of the protection of the government of his country of nationality.

This provision shall not include a person who was a member of a German minority in a country outside Germany and who is in Germany.

2. Any person who:

- (a) (i) was a victim of the Nazi regime in Germany or in a territory purported to have been incorporated into Germany, or of a regime which took part on its side in the Second World War or of a regime in a country occupied by Germany which assisted Germany against the United Nations; or
- (ii) was or has well-founded fear of being a victim of the Falangist regime in Spain; and
- (b) has left or is outside the country of his nationality or, if he has no nationality, the country of his former habitual residence; and
- (c) is unable or for reasons other than those of purely personal convenience unwilling to avail himself of the protection of the government of his country of nationality.

3. Any person who in the period between 4 August 1914 and 3 September 1939 was considered to be a refugee.

B. The Contracting States may agree to add to the definition "refugee" contained in this Article persons in other categories recommended by the General Assembly.

C. No Contracting State shall apply the benefits of this Convention to any person who in its opinion has committed a crime specified in article VI of the London Charter of the International Military Tribunal or any other act contrary to the purposes and principles of the Charter of the United Nations.

D. This Convention shall cease to apply to any refugee when:

1. he acquires a new nationality, or
2. he returns to the country of his nationality, or if he has no nationality, to the country of his former habitual residence.

Article 2 (10)

General obligations

In any country in which a refugee finds himself he must conform to the laws and regulations, including measures taken for the maintenance of public order.

Article 3 (new)

Non-discrimination

The Contracting States shall not discriminate against a refugee on account of his race, religion, or country of origin, or because he is a refugee.

Article 4 (8)

Exemption from reciprocity

Where rights and favours are accorded to aliens generally, but are made subject to reciprocity, those rights and favours shall not be refused to refugees.

Article 5 (25)

Exemption from exceptional measures

Any exceptional measures which a Contracting State may take against the person, property or interests of nationals of a foreign State, shall not be applied to a refugee who is formally a national of the said State, solely on account of such nationality.

Article 6 (29)

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

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, 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.

CHAPTER II

LEGAL STATUS

Article 7 (4)

Personal status

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.

Rights acquired under a law other than the law of the country of domicile or residence of a refugee, more particularly rights attaching to marriage, shall be respected, subject to compliance, if this be necessary, with the formalities prescribed by the law of the country of his domicile, or, if he has no domicile, by the law of the country of his residence.

Article 8 (5)

Movable and immovable property

The Contracting States shall accord to a refugee the most favourable treatment possible, and in any event, treatment 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 (6)

Artistic rights and industrial property

In respect of literary, artistic and scientific rights, and of industrial property such as patents, designs, models, licences, trademarks, trade names, etc., a refugee shall enjoy the most favourable treatment accorded to nationals of foreign countries.

Article 10 (7)

Right of association

As regards 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 foreign countries.

Article 11 (9)

Article 11 (9)

Access to Courts

1. A refugee shall have free access to the courts of law in the territories 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 States undertake to accord to refugees lawfully in their territory the most favourable treatment given 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 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 3 years' residence in the country;
- (b) He has a spouse possessing the nationality of the country of residence;
- (c) He has one or more children possessing the nationality of the country of residence.

3. Contracting States shall give sympathetic consideration to relaxing the rights of all refugees in this regard to those of nationals, in particular for those refugees who have entered their territory pursuant to schemes of labour recruitment or under immigration schemes.

Article 13 (14)

Self-employment

1. Contracting States shall accord to a refugee lawfully in their territory

/the most favourable

the most favourable treatment possible, and in any event, treatment not less favourable than that accorded generally to aliens in the same circumstances, as regards the right to engage in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

Article 14 (15)

Liberal professions

1. The Contracting States shall accord to refugees lawfully resident 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, the most favourable treatment possible, and in any event, treatment 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.



CHAPTER IV

WELFARE

Article 15 (18)

Rationing

Where a rationing system exists, refugees shall be treated on the same footing as nationals.

Article 16

Housing

As regards housing, the Contracting States, insofar 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 the most favourable treatment possible and, in any event, treatment not less favourable than that accorded generally to aliens in the same circumstances.

Article 17 (20)

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 the most favourable treatment accorded to nationals of a foreign country with respect to other education and in particular as regards the remission of fees and charges and the award of scholarships.

Article 18 (19)

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 nationals.

Article 19 (16 and 17)

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) Insofar as

(a) Insofar 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 for 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. Contracting States whose nationals enjoy the benefits of agreements for the maintenance of acquired rights and rights in the process of acquisition in regard to social security, shall extend the benefits of such agreements to refugees subject only to the conditions which apply to nationals.

3. Contracting States will give sympathetic consideration to extending to individual refugees so far as possible the benefits of similar agreements which may have been concluded by such Contracting States with the country of the individual's nationality or former nationality.

CHAPTER V

ADMINISTRATIVE MEASURES

Administrative Assistance

Article 20 (23)

1. The Contracting States in whose territory the exercise of a right by aliens would normally require the assistance of the authorities of his country of nationality shall arrange that such assistance is afforded to refugees by an authority or authorities, national or international.

2. The authority or authorities mentioned in paragraph 1 shall, so far as possible, deliver or cause to be delivered to refugees such documents or certifications as would normally be delivered to other aliens by their national authorities.

3. Documents or certifications so delivered shall stand in the stead of and be accorded the same validity as would be accorded to similar instruments delivered to aliens by their national authorities.

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.

Article 21 (new)

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 governing aliens generally and to the conditions under which such refugees were admitted.

Article 22 (21)

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 (22)

Travel documents

1. The Contracting States shall issue, on request, to a refugee lawfully resident in their territory, a travel document for the purpose of travel outside their territory; and the provisions of the Schedule to this Convention shall apply with respect to such document. The Contracting States may issue such a travel document to a refugee not lawfully resident in their territory.

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 (11)

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.

3. The Contracting States reserve the right to impose upon refugees a special duty payable either on identity cards, or residence permits or on travel documents. Revenue accruing from this duty shall be wholly applied to charities for the relief of refugees.

Article 25 (new)

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 with him into its territory to another country where he has been admitted for the purposes of resettlement.

2. The Contracting States 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 (24 third article)

Refugees not lawfully admitted

1. The Contracting States shall not impose penalties, on account of his illegal entry or presence, on a refugee who enters or who is present in their territory without authorization, and who 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 refugee 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 (24 second article)

Expulsion of lawfully resident refugee

1. The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order and in pursuance of a decision reached in accordance with due process of law.

2. Such refugee shall be entitled, in accordance with the established law and procedure of the country, to submit evidence to clear himself and to be represented before the competent authority.

3. The Contracting States shall allow such 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 28 (24 first article)

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

Each of the Contracting States shall not expel or return, in any manner whatsoever, a refugee to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality or political opinion.

Article 29 (28)

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

### IMPLEMENTATION AND TRANSITORY PROVISIONS

#### Article 30 (26 and 27)

##### Co-operation of the national authorities with the United Nations

1. The Contracting States shall facilitate the work of the agencies charged by the United Nations with the international protection of refugees such as the United Nations High Commissioner for Refugees.
2. In order to enable such agencies to make reports to the competent organs of the United Nations, the Contracting States shall provide them in the form prescribed with data, statistics and information concerning:
  - (a) the condition of refugees,
  - (b) the implementation of this Convention, and
  - (c) all regulations, laws, decrees etc., made by them concerning refugees

#### Article 31 (30)

##### Measures of implementation of the Convention

Each of the Contracting States shall adopt in accordance with its Constitution, any legislative or other measures necessary to ensure the application of this Convention.

#### Article 32 (31)

##### Relation to previous Conventions

1. Without prejudice to Article 23 paragraph 2 of this Convention, this Convention replaces the Arrangements of 5 July 1922, 31 May 1924, 12 May 1926, 30 June 1928 and 30 July 1935, and the Conventions of 28 October 1933 and 10 February 1938 and the Agreement of 15 October 1946, as between all parties to this Convention.
2. As between two States parties to a previous instrument mentioned in paragraph 1 of this Article, one of which is not party to this Convention the previous Agreement shall continue in force.
3. Each of the above-mentioned instruments shall be deemed to be terminated when all the States parties thereto shall have become parties to this Convention.

CHAPTER VII

FINAL CLAUSES

Article 33 (32)

Settlement of disputes

If any dispute shall arise between Parties to this Convention relating to its interpretation or application, and if such dispute cannot be settled by other means, the dispute shall, at the request of any one of the Parties to the dispute, be referred to the International Court of Justice.

Article 34 (33)

Signature, ratification and accession

1. This Convention shall be open until ... (one year after the Convention is opened for signature) for signature on behalf of any Member State of the United Nations and on behalf of any non-member State to which an invitation has been addressed by the Economic and Social Council.

2. It shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The States mentioned in the first paragraph which have not signed the Convention by the ... (date indicated in the first paragraph) may accede to it.

Accession shall be effected by deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 35 (36)

Colonial Clause

1. Any State may, at the time of signature, ratification or accession or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that the present Convention shall extend to all or any of the territories for the international relations of which it is responsible. This Convention shall extend to the territory or territories named in the notification as from the thirtieth day after the day of receipt by the Secretary-General of the United Nations of this notification.

2. Each State undertakes with respect to those territories to which the Convention is not extended at the time of signature, ratification or accession to take as soon as possible the necessary steps in order to extend the application of

/this Convention



this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the governments of such territories.

3. The Secretary-General of the United Nations shall communicate the present Convention to the States referred to in Article 36 for transmission to the responsible authorities of:

- (a) Any Non-Self-Governing Territory administered by them;
- (b) Any Trust Territory administered by them;
- (c) Any other non-metropolitan territory for the international relations of which they are responsible.

Article 36 (35)

Reservations

1. The Contracting States reserve the right to make such reservations with regard to this Convention as may be called for by their constitutional structure, firmly established international usages or their particular contractual obligations.

2. In no case shall a Contracting State make a reservation with regard to Articles 1 and 23 of this Convention.

Article 37 (34)

Entry into force

This Convention shall come into force on the ninetieth day following the day of deposit of the second instrument of ratification or accession.

For each State ratifying or acceding to the Convention after the deposit of the second 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 38 (37)

Denunciation

1. Any Contracting State may denounce this Convention at any time by a written 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 Contracting State which has made a declaration under Article 35 paragraph 1 may at any time thereafter, by notification to the Secretary-General of

/the United

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 39 (38)

Revision

Any Contracting State may request revision of this Convention at any time by written notification addressed to the Secretary-General of the United Nations.

The Economic and Social Council shall recommend the steps, if any, to be taken in respect of such request.

Article 40 (39)

Notifications by the Secretary-General

The Secretary-General of the United Nations shall inform all Members of the United Nations and non-member States referred to in Article 34 (33):

- (a) of signatures, ratifications and accessions received in accordance with Article 34 (33);
- (b) of the date on which the present Convention will come into force in accordance with Article 37 (34);
- (c) of reservations made in accordance with Article 36 (paragraph I);
- (d) of denunciations received in accordance with Article 38 (37);
- (e) of requests for revision received in accordance with Article 39 (38).

In faith whereof the undersigned, duly authorized, have signed the present Protocol on behalf of their respective Governments, and of which the English, French, Russian, Spanish and Chinese official texts have equal validity.  
(or are equally authentic)

Done at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, in a single copy, which shall remain deposited in the archives of the United Nations, and certified true copies of which shall be delivered to all the Members of the United Nations and to the non-member States referred to in Article 34.

PROTOCOL  
CONCERNING STATELESS PERSONS

The Contracting States,

Considering that the Convention Relating to the Status of Refugees dated \_\_\_\_\_ deals only with refugees, whether stateless or not, who are the special concern of the United Nations, as evinced in numerous resolutions of the General Assembly, and

Considering, moreover, that there are many stateless persons not covered by the said Convention who do not enjoy any national protection and, pending a more special solution of the problem of such persons, it appears desirable to improve the status of these persons;

Now therefore undertake to apply, *mutatis mutandis*, the provisions of Articles 2 to 4, 6 to 11, 12 paragraph 1, 13, 14 paragraph 1, 15 to 23, 24 paragraphs 1 and 2, 27 and 29 of the Convention Relating to the Status of Refugees, to whom that Convention does not apply to stateless persons.

This Protocol shall not apply to a person who was a member of a German minority in a country outside Germany and who is in Germany.

The standard final clauses follow.

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