

Convention concerning the Status of Refugees coming from Germany

Geneva, February 10th, 1938

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His Majesty the King of the Belgians;

His Majesty the King of Great Britain and Ireland and the British Dominions beyond the Seas;

Emperor of India;

His Majesty the King of Denmark and Iceland;

The President of the Spanish Republic;

The President of the French Republic;

His Majesty the King of Norway;

Her Majesty the Queen of the Netherlands;

Being desirous of supplementing and consolidating the work done by the League of Nations on behalf of refugees generally;

Having regard to the measures previously taken on behalf of refugees coming from Germany, and, in particular, the provisional Inter-Governmental Arrangement of July 4th, 1936, at present in force in regard to certain of the High Contracting Parties;

Taking into account the resolution adopted by the eighteenth Assembly, in accordance with which the League of Nations High Commissioner for Refugees coming from Germany is instructed to convene for the beginning of 1938, an Inter-Governmental Conference for the adoption of an international convention for the benefit of refugees coming from Germany;

Considering that the making of arrangements for the emigration of those who cannot be absorbed in the countries in which they have taken refuge is an essential part of the work undertaken for the benefit of the said refugees;

Being anxious to establish conditions which shall enable the decisions already taken by the various Governments with this object to be fully effective, and desirous that refugees shall be ensured the enjoyment of civil rights, free and ready access to the courts, security and stability as regards establishment and work, facilities in the exercise of the professions, of industry and of commerce, and in regard to the movement of persons, admission to schools and universities: have appointed as their plenipotentiaries:

His Majesty the King of the Belgians:

M. Hermann BEKAERT, Deputy Head of the Criminal Investigation Department, Lecturer at the University of Brussels;

M. Joseph SCHNEIDER, Director at the Ministry of Foreign Affairs and External Trade.

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:

For the United Kingdom of Great Britain and Northern Ireland:

Mr. Ernest Napier COOPER, Principal in the Aliens Department of the Home Office

His Majesty the King of Denmark and Iceland:

M. William BORBERG, Permanent Delegate to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary;

M. Hans Jakob HANSEN, First Secretary of the Permanent Delegation to the League of Nations;

M. Treols HOFF, Assistant Head of Department at the Ministry of Justice.

The President of the Spanish Republic:

M. José QUERO MOLARES, Legal Adviser at the Ministry of Foreign Affairs.

The President of the French Republic:

M. P. M. VERCHERE DE REFFYE, Minister Plenipotentiary.

His Majesty the King of Norway:

Judge Michael HANSSON, former President of the Mixed court of Appeal in Egypt, Member of the Court of Arbitration at the Hague, President of the Governing Body of the Nansen International Office for Refugees.

Her Majesty the Queen of the Netherlands:

Dr. A. LOUDON, Permanent Representative to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary accredited to the Swiss Federal Council.

Who, having communicated their full powers, found in good and due form, have agreed upon the following provisions:

CHAPTER I. - DEFINITION

Article I.

1. For the purposes of the present Convention, the term "refugees coming from Germany" shall be deemed to apply to:

(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 Germany territory after being established therein and who are proved not to enjoy, in law or in fact, the protection of the German Government.

2. Persons who leave Germany for reasons of purely personal convenience are not include in this definition.

CHAPTER II. - RIGHT OF SOJOURN AND RESIDENCE.

Article 2.

Without prejudice to the power of the High Contracting Party to regulate the right of sojourn and residence, a refugee shall be entitled to move about freely, to sojourn or reside in the territory to which the present Convention applies, in accordance with the laws and internal regulations applying therein.

CHAPTER III - TRAVEL DOCUMENT

Article 3.

Issue and renewal

1. (a) The High Contracting Parties shall issue, to refugee coming from Germany and sojourning lawfully in their territory to which the present Convention applies, a travel document in the form of a certificate similar to the attached specimen (see Annex), or some other document taking the place of a passport.

(b) As a transitional measure, such travel documents may be issued to refugees not staying lawfully in these territories on the date of the coming into force of the present Convention, provided such

refugees report themselves to the authorities within the period prescribed by the Government of the High Contracting Party concerned.

2. The issue of the travel document shall be subject to the following conditions:

(a) It shall be in conformity with the laws and regulations governing the supervisions of foreigners in force in the territories of the High Contracting Party to which the present convention is applicable;

(b) It shall as a general rule be valid for one year as from the date of issue;

(c) The renewal or extension of the travel document shall be a matter for the issuing authority, until such time as the holder may be able to secure the issue of a fresh travel document. Should a refugee lawfully take up residence on another territory to which the Convention applies, the authorities of that territory shall be required to supply him with a new travel document;

(d) Consuls specially authorised for the purpose by the country issuing the travel document shall be empowered to extend its validity for a period which, as a rule, shall not exceed six months;

(e) The travel document shall be made out in the language of the issuing authority, and also in French;

(f) Children under 16 years of age shall be entered on the travel document issued to their parent or parents;

(g) The fees charged for the issue of travel documents shall not exceed the lowest scale of charges for national passports.

It is recommended that, in the case of indigent persons, travel documents should be issued entirely free of charge.

Article 4

Effects

1. (a) The travel documents shall entitle the holder to leave the territory where it has been issued and to return thereto during the period of validity of the said travel document.

(b) The High Contracting Parties reserve the right, in exceptional cases, to limit the period during which the refugee may return, such limitation being noted on the travel document.

2. The competent authorities of the territory to which the refugee desires to proceed shall, if they are prepared to admit him, affix a visa to the travel document of which he is the holder

3. The authorities of the territories of transit undertake to grant facilities for the issue of transit visas to refugees who have obtained visas for the territory of final destination.

4. The fees for the issue of entrance or transit visas shall not exceed the lowest scale of charges for visas on foreign passports. It is recommended that, in the case of indigent persons, visas should be issued free of charge.

CHAPTER IV. - ADMINISTRATIVE MEASURES

Article 5

1. In every case in which a refugee is required to leave the territory of one of the High Contracting Parties to which the present Convention applies, he shall be granted a suitable period to make the necessary arrangements.

2. Without prejudice to the measures which may be taken within any territory, refugees who have been authorised to reside therein may not be subjected by the authorities to measures of expulsion or recondition unless such measures are dictated by reasons of national security or public order.

3. (a) The High Contracting Parties undertake not to reconduct refugees to German territory unless they have been warned and have refused, without just cause, to make the necessary arrangements to proceed to another territory or to take advantage of the arrangements made for them with that object.

(b) In such case, the travel document may be cancelled or withdrawn.

CHAPTER V. - LEGAL STANDING OF REFUGEES

Article 6

Determination of the law governing the personal states of refugees

The personal status of refugees who have retained their original nationality shall be governed by the rules applicable in the country concerned to foreigners possessing a nationality. Save as otherwise previously provided by treaty, the personal status of refugees having no nationality shall be governed by the law of their country of domicile or, failing such, by the law of their country of residence.

Article 7

Rights acquired under the nationality

In countries where these matters are governed by the nationality law of the parties, rights acquired under the former national law of the refugees - for instance, rights resulting from marriage, such as the matrimonial regime, the legal capacity of married women, etc. - shall be respected, subject to compliance with the formalities prescribed by the law of their country of domicile or, failing such, by the law of their country of residence, if this be necessary.

Article 8

Right to appear before the courts as plaintiff or defendant

1. Refugees shall have, in the territories to which the present Convention applies, free and ready access to the courts of law.
2. In the countries in which they have their domicile or regular residence, they shall enjoy in this respect, save where otherwise expressly provided by law, the same rights and privileges as nationals. They shall on the same conditions enjoy the benefit of legal assistance and be exempt from *cautio judicatum solvi*.

CHAPTER VI - LABOUR CONDITIONS

Article 9ⁱ

1. The restrictions ensuring from the application of laws for the protection of the National labour market shall not be applied in all their severity to refugees domiciled or regularly resident in the country.
2. They shall be automatically suspended in favour of refugees domiciled or regularly resident in the country, if one of the following conditions is fulfilled:
 - (a) The refugee has been resident for not less than three years in the country;
 - (b) The refugee is married to a person possessing the nationality of the country of residence;
 - (c) The refugee have on or more children possessing the nationality of the country of residence.

CHAPTER VII - INDUSTRIAL ACCIDENTS

Article 10ⁱⁱ

Each of the High Contracting Parties undertakes to accord to refugees who meet with industrial accidents in any of his territories to which the present Convention applies, or to their beneficiaries, the most favourable treatment that he accords to the nationals of a foreign country.

CHAPTER VIII-WELFARE AND RELIEF

Article 11ⁱⁱⁱ

Refugees residing in a territory to which the present Convention applies who are unemployed persons, persons suffering from physical or mental disease, aged persons or infirm persons incapable of earning a livelihood, children for whose upkeep no adequate provision is made either by their families or by third

parties, pregnant women, women in childbed or nursing mothers, shall receive therein the most favourable treatment accorded to nationals of a foreign country, in respect of such relief and assistance as they may require, including medical attendance and hospital treatment.

Article 12

The High Contracting Parties undertake to apply to refugees, as regards social insurance laws at present in force or which may subsequently be established, the most favourable treatment accorded to the nationals of a foreign country.

Article 13^{iv}

Refugees shall, as regards the setting-up of associations for mutual relief and assistance and admission to the said associations, enjoy in the territories of the High Contracting Parties to which the present Convention applies the most favourable treatment accorded to the nationals of a foreign country.

CHAPTER IX - EDUCATION

Article 14^v

Refugees shall enjoy in the schools, courses, faculties and universities of each of the High Contracting Parties treatment as favourable as other foreigners in general. They shall benefit in particular to the same extent as the latter by the total or partial remission of fees and charges and the award of scholarships.

CHAPTER X - PROFESSIONAL TRAINING WITH A VIEW TO EMIGRATION

Article 15

With a view to facilitating the emigration of refugees to overseas countries, every facility shall be granted to the refugees and to the organizations which deal with them for the establishment of schools for professional re-adaptation and technical training.

CHAPTER XI - TAXATION

Article 16^{vi}

1. The High Contracting Parties undertake not to impose, upon refugees residing in their territories to which the present Convention applies, duties, charges or taxes, under any denomination whatsoever, other or higher than those which are or may be levied on their nationals in similar circumstances.
2. Nothing in the foregoing provisions shall affect the application of the stipulations of the laws and regulations concerning charges in respect of the issue to foreigners of administrative documents, and the extension of the validity of such documents.
3. The present article is the only one in the Convention that governs fiscal matters. The latter are not subject to any other provisions of this Convention.

CHAPTER XII - EXEMPTION FROM RECIPROCITY

Article 17^{vii}

The enjoyment of certain rights and the benefit of certain favours accorded to foreigners subject to reciprocity shall not be refused to refugees in the absence of reciprocity.

CHAPTER XIII - GENERAL PROVISIONS

Article 18

The present Convention replaces the Provisional Arrangements of July 4th, 1936, as between all Parties to the present Convention. It does not affect the operation of that Arrangement as regards Parties thereto who are not Parties to the present Convention.

Article 19

The present Convention, which shall bear to-day's date, may be signed on or before August 9th, 1938, on behalf of any Member of the League of Nations or any non-member State invited to the Conference, or to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

Article 20

The present Convention shall be ratified. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who will notify the deposit thereof to all the Members of the League of Nations and to the non-member States referred to in Article 1, indicating the date at which such deposit has been effected.

Article 21

1. On the after August 10th, 1938, any Member of the League of Nations and any of the non-member States referred to in Article 19 may accede to it.
2. The instruments of accession shall be deposited with the Secretary-General of the League of Nations, who will notify such deposit and the date thereof to all the Member of the League of Nations and to the non-member States referred to in Article 19.

Article 22

1. The present Convention shall be registered by the Secretary-General of the League of Nations in accordance with the provisions of Article 18 of the Covenant thirty days after the receipt by him of the second ratification or accession.
2. The Convention shall come into force on the day of such registration.
3. Ratifications or accessions deposited after the deposit of the second ratification or accession shall take effect on the expiration of a period of thirty days after the date of their receipt by the Secretary-General of the League of Nations.

Article 23

1. The present Convention may be denounced at any time, but such denunciation shall not take effect until one year after notice thereof has been given.
2. Denunciation of the Convention shall be effected by a written notification addressed to the Secretary-General of the League of Nations, who will inform all the Members of the League of Nations, and also to non-member States referred to in Article 19, of each notification, of the date of receipt thereof and of the date on which denunciation is to take effect.

Article 24

1. Any High Contracting Party may declare, at the time of signature, ratification or accession, that, in accepting the present Convention, he is not assuming any obligation in respect of all or any of his colonies, protectorates, overseas territories, or the territories under his suzerainty or territories in respect of which a mandate has been entrusted to him; the present Convention shall, in that case, not be applicable to the territories named in such declaration.
2. Any High Contraction Party may subsequently notify the Secretary-General of the League of Nations that he desires the present Convention to apply to all or any of the territories in respect of which the declaration provided for in the preceding paragraph has been made. The Convention shall, in that case, apply to all the territories named in such notification thirty days after the receipt thereof by the Secretary-General of the League of Nations.
3. Any High Contracting Party may at any time declare that he desires the present Convention to cease to apply to all or any of his colonies, protectorates, overseas territories, or the territories under his suzerainty or territories in respect of which a mandate has been entrusted to him; the convention shall, in that, case, cease to apply to the territories named in such declaration under the same conditions as these stipulated in Article 23 above.
4. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations, and to the non-member States referred to in Article 19, the declarations and notifications received in virtue of the present article, together with the dates of the receipt thereof.

Article 25

1. The High Contracting Parties shall, at the time of signature, ratification, accession or declaration under paragraph 2 of the Article 24, indicate whether their signature, ratification, accession or declaration applies to the whole of the provisions of Chapters I, II, III, IV, V and XIII (the last chapter contains the general provisions) or applies to the Convention in its entirety.
2. Failing such indication, the signature, ratification, accession or declaration shall be deemed to apply to the Convention as a whole.
3. In addition, the High Contracting Parties may make reservations concerning articles contained in chapters to which their obligation extends.
4. The High Contracting Parties shall have the right at any time to extend their obligation to cover further chapters of the Convention, or to withdraw all or part of their exceptions or reservations, by means of a declaration addressed to the Secretary-General of the League of Nations. The Secretary-General shall communicate such declaration to all the Members of the League of Nations and to the non-member states referred to in Article 19, stating the date of receipt.

IN FAITH WHEREOF the above-mentioned Plenipotentiaries have signed the present Convention.

DONE at Geneva, the tenth day of February, one thousand nine hundred and thirty-eight, in a single copy, which shall remain deposited in the archives of the Secretariat of the League of Nations and certified copies of which shall be transmitted to all the Members of the League and to the non-member States referred to in Article 19.

BELGIUM

Article 9.

The Belgian Government specifies that the meaning given in the Convention, with special reference to Article 9 (a), to the concept of residence is that which it possesses under the laws and internal regulations of Belgium.

Article 11.

Article 11, in so far as it concerns the application of the provisions of the domestic legislation relating to "Unemployment insurance", cannot be accepted.

Article 12.

Article 12, concerning social insurance laws, cannot be favourably received.

Article 17.

Article 17, which concerns the enjoyment of the rights and favours accorded to foreigners, subject to reciprocity, cannot be admitted.

Article 24.

In application of paragraph 1 of Article 24, the Belgian Government, by its acceptance of the present Convention, is not assuming any obligation as regards the Colony of the Congo, the mandated territories of Ruanda-Urundi, or any other territory provided in paragraph 1 of Article 24.

Ad referendum:	
	Hermann BEKAERT
	SCHNEIDER

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Article 1.

His Majesty's Government in the United Kingdom regards the definition as applicable only to refugees coming from Germany as defined, who at the date of ratification no longer enjoy the protection of the German Government.

Article 5.

Refugees who are the subject of extradition proceedings begun in the United Kingdom will not be regarded as being entitled to claim the protection otherwise afforded to them under this Article.

Paragraph 2 of this article will not be applicable to refugees who have been admitted to the United Kingdom for a temporary visit or purpose. The term "public order" is deemed to include matters relating to crime and morals.

Article 9.

The provisions of this article will not be applicable to refugees who have been admitted to the United Kingdom for a temporary visit or purpose.

Article 14.

Cannot be accepted, owing to the special position of schools and universities in the United Kingdom.

Article 24.

His Majesty's Government in the United Kingdom declares that It does not assume any obligations in respect of any of its Colonies, Protectorates, overseas territories, territories under suzerainty, or territories administered under mandate.

E. N. COOPER

DENMARK

Article 9 and 17 are excluded from the undertaking given by Denmark.

The Convention will not apply to Greenland.

William BORBERG

Hand Jakob HANSEN

Troels HOFF

SPAIN

I declare that I sign the present Convention with the following reservations:

The Spanish government, by its signature of the present Convention, is not assuming any obligations in regard to the whole of its protectorates and colonies.

It likewise declares that Article 9 to 12 will not preclude the application of the provisions relating to labour and social insurance.

J. QUERO MOLARES

FRANCE

The French Government, by its acceptance of the present Convention, renews the reservations renews the reservations made by it on signing the Conventions of October 28th, 1933, and the Provisional Arrangement of July 4th, 1936, and declares, in particular, that is not assuming any obligation in regard to the whole of its colonies, protectorates, overseas territories, territories placed under its suzerainty, or territories in respect of which a mandate has been confided to it.

Ad referendum.

P. DE REFFYE

NORWAY

I declare that I sign the Convention with the following reservations:

Paragraph 2 (d) of Article 3 and Article 17 will not be applicable

Michael HANSSON

THE NETHERLANDS

For the Kingdom in Europe, and with reservation as regards Article 5, paragraph 3, and Article 9.

A. LOUDON

Certified true copy.

Geneva,

For the Secretary-General:

APPENDIX

Convention concerning the Status of Refugees coming from Germany

Signatories:		Ratifications:	
	Date of signature:		Date of adhesion or ratification:
Belgium	10.2.1938	Belgium	1.9.1938
Great Britain and Northern		great Britain and Northern	
Ireland		Ireland	26.9.1938
Denmark	"		
Spain	"		
France	"		
Norway	"		
Netherlands	"		

ⁱ This article reproduces Article 7 of the Convention of October 28th, 1933. The last condition of Article 7, namely, (d) The refugee is an ex-combatant of the Great War" is not reproduced.

ⁱⁱ This article reproduces Article 8 of the Convention of October 28th, 1933,

ⁱⁱⁱ This article reproduces Article 9 of the Convention of October 28th, 1933, with the exception of some purely formal modifications.

^{iv} This article reproduces almost exactly Article 10 of the Convention of October 28th, 1933.

^v Refugees shall, as regards the setting-up of associations for mutual relief and assistance and admission to the said associations, enjoy in the territories of the High Contracting Parties to which the present Convention applies the most favourable treatment accorded to the nationals of a foreign country.

^{vi} This article reproduces Article 12 of the Convention of October 28th, 1933, with the exception of some purely formal modifications.

^{vii} This article reproduces Article 13 of the Convention of October 28th, 1933, with the exception of some purely formal modifications. A provision with regard to the Nansen stamp has, however, been omitted.