

Provisional Arrangement of 4th 1936 concerning the Status of Refugees coming from Germany

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The undersigned representatives, acting in the name of their respective Governments, agree, as a temporary arrangements, to adopt the following provisions:

CHAPTER I. - DEFINITION OF THE TERM "REFUGEE COMING FROM GERMANY"

Article 1.

For the purpose of the present arrangement, the term "refugee coming from Germany" shall be deemed to apply to any person who was settled in that country, who does not possess any nationality other than German nationality, and in respect of whom it is established that in law or in fact he or she does not enjoy the protection of the Government of the Reich.

CHAPTER II. - CERTIFICATES OF IDENTITY

Article 2.

Issue and Renewal

1. The Contracting Governments shall issue to refugee coming from Germany and lawfully residing in their territory an identity certificate in conformity with the attached specimen (see Annex), or some other document having the same object.

As a transitory measure, this certificate may be issued to refugees whose residence in the territory on the date of the coming into force of the present Arrangement was irregular, if they report themselves to the authorities within a time-limit to be determined by the Government concerned.

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

- (a) It shall not contravene any law or regulation governing the supervision of foreigners in any country to which the present Arrangement applies;
- (b) It shall, in general, be valid for one year as from the date of issue;
- (c) the Government issuing a certificate shall be qualified to renew or extend it until such time as the holder shall have been able to secure the issue of a fresh certificate. If the refugee are become settled in a regular manner in another country, the authority of that country shall be bound to issue a new certificate to him;
- (d) Consuls specially authroised by the country issuing the certificate shall be able to extend its validity for a period which shall not, as a rule, exceed six months;
- (e) The identity certificate shall be made cut in the language of the issuing country, and also in French;
- (f) Children under sixteen years of age shall, if necessary, be included in the certificate of their parent(s),
- (g) The fees for the issue of certificates shall not exceed the lowest tariff applied to national passports. It is recommended that when certificates are issued to destitute persons no charge whatever shall be made.

Article 3

Effects

1. Without prejudice to the State's power to regulate the right of residence, the holder of the certificate shall be entitled to move about freely in the territory of the country in which the certificate has been issued.

2. The certificate shall entitle the holder to leave the country which has issued it to him, and to return to that country, during the period of validity of the certificate.

The Contracting Governments reserve the right, in exceptional cases, to limit the period during which the refugee may return, such limitation being noted on the certificate.

3. The competent authorities of the country to whose territory the refugee desires to proceed, shall visa the identity certificate of which he is the holder, if they are prepared to admit him.

4. The intermediate countries undertake to grant facilities for the issue of transit visas to refugees who have obtained visas from the country of final destination.

5. The fees for the issue of admission or transit visas shall not exceed the lowest tariff for visas on foreign passports. It is recommended that when visas are issued to destitute refugees no charge whatever shall be made.

CHAPTER III. - ADMINISTRATIVE MEASURES

Article 4.

1. In every case in which a refugee is required to leave the territory of one of the contracting countries, he shall be granted a suitable period to make the necessary arrangement.

2. Without prejudice to the measures which may be taken within the country, refugees who have been authorised to reside in a country may not be subject by the authorities of that country to measures of expulsion or be sent back across the frontier unless such measures are dictated by reasons of national security or public order.

3. Even in this last-mentioned case the Governments undertake that refugees shall not be sent back across the frontier of the Reich unless they have been warned and have refused to make the necessary arrangements to proceed to another country or to take advantage of the arrangements made for them with that object.

In such case the identity certificates may be cancelled or withdrawn.

CHAPTER IV. - LEGAL STANDING OF REFUGEES

Article 5

Determination of the Law Governing the Personal Status 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 possess in a nationality. Save as otherwise previously provided by treaty, the personal status of refugee 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 6.

Rights acquired under the National Law

In countries where these matters are governed by the national law of the parities, rights acquired under the former national law of the refugee, 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 7

Right to appear before the Court as Plaintiff or Defendant

1. Refugees shall have in the territories of the countries to which the present Arrangement 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 its 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 V. - FINAL CLAUSES

Article 8.

The present Arrangement, which is drawn up in French and English, shall bear this day's date. It may be signed on behalf of the Government of any Member of the League of Nations or of any non-Member State to which the Council of the league shall have communicated a copy for that purpose.

Article 9.

The Secretary-General shall give notices of the signatures received to all the members of the League and to the non-Member States referred to in the preceding Article, mentioning the date on which the signature was received.

Article 10

1. This Arrangement shall come into force thirty days after the Secretary-General of the league of Nations shall have received signatures on behalf of at least two Governments.
2. In respect of each of the Governments on whose behalf a signature is subsequently deposited, this Arrangement shall come into force on the thirtieth day after the date of such deposit.
3. The Arrangement shall be registered by the Secretary-General on the day on its entry into force.

Article 11.

1. This Arrangement may be denounced at any time.
2. Denunciation shall be effected by a written notification addressed to the Secretary-General, who will inform all the Members of the League and the non-Member States referred to in Article 8 of each notification and of the date of the receipt thereof.
3. The denunciation shall take effect forty-five days after the receipt of the notification.

Article 12.

1. Any Government may declare, at the time of signature, that in accepting this Arrangement it is not assuming any obligation in respect of all or any of its colonies, protectorates, overseas territories or the territories under its suzerainty, or territories in respect of which a mandate has been entrusted to it; this Arrangement shall, in that case, not be applicable to the territories named in such declaration.
2. Any Government may subsequently notify the Secretary-General of the League of Nations that it desires this Arrangement 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 Arrangement shall, in that case, apply to all the territories named in such notification thirty days after the receipt thereof by the Secretary-General.
3. Any Contracting Government may at any time declare that it desires this Arrangement to cease to apply to all or any of its colonies, protectorates, overseas territories or the territories under its suzerainty, or territories in respect of which a mandate has been entrusted to it; the Arrangement shall in

that case cease to apply to the territories named in such declaration forty-five days after the receipt thereof by the Secretary-General.

Article 13.

The Secretary-General of the League of Nations shall communicate to all the Members of the League and to non-Member States referred to in Article 8, the declarations and notifications received in virtue of articles 11 and 12, together with the dates of the receipt thereof.

Article 14.

The Governments may make reservations at the moment of signature.

The Contracting Parties shall have the right at any moment to withdraw all or some of their reservations or to make further reservations by means of a declaration addressed to the Secretary-General of the League of Nations. Such declaration shall come into effect one month after its receipt. The Secretary-General shall communicate such declaration to all the States Members of the League and to the non-Member states referred to in Article 8, specifying the date of receipt.

IN FAITH WHEREOF the undersigned have affixed their signatures to the present Arrangement.

DONE at Geneva the fourth day of July, one thousand nine hundred and thirty-six, in a single copy, which shall remain deposited in the archives of the Secretariat of the League of Nations and certified true copies which shall be transmitted to all the Members of the League and to the non-Member States referred to in Article 8.

BELGIUM	R. BEKAERT
	In application of Article 12, paragraph 1, the Belgian Government, in accepting the present Arrangement, does not intend to assume any obligation in regard to the colony of the Congo, the mandated territories of Ruanda Urundi or any other territory provided in the said Article 12, paragraph 1.
DENMARK	William BORBERG KRARUP
FRANCE	Jean LONGUET
	The French Government by its acceptance of the present Arrangement, does not intend to assume any obligation in regard to any of its colonies, protectorates, overseas territories, territories under its suzerainty and territories for which a mandate has been entrusted to it.
NORWAY	Michael HANSSON
THE NETHERLANDS	C. VAN RAPPARD
SWITZERLAND	Heinrich ROTHMUND

APPENDIX

Provisional Arrangement of 4th 1936 concerning the Status of Refugees fcoming from Germany

Signatories:		Definitive Signatures:	
Belgium	4.7.1936	Belgium	7.10.1936
Denmark	"	Great Britain and Northern	

France	"	Ireland	25.9.1936
Netherlands	"	Denmark	4.7.1936
Norway	"	France	4.7.1936
Switzerland	"	Norway	21.9.1936
		Spain	27.1.1937
		Switzerland	30.8.1937