

Convention of 28 October, 1933 relating to the International Status of Refugees

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His Majesty the King of the Belgians, His Majesty the King of the Bulgarians, His Majesty the King of Egypt, The President of the French Republic, His Majesty the King of Norway,

Whereas the Preamble to the Covenant of the league of Nations contains the provisions: "in order to promote international co-operation by the maintenance of justice" and whereas Article 23 (a) of the Covenant contains the provision: "the Members of the League will endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries, and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations";

In consideration of the measures previously taken on behalf of refugees, and, in particular, the Inter-Governmental Arrangements of July 5th, 1922, May 31st, 1924, May 12th, 1926, and June 30th, 1928, at present in force in certain of the Contracting States;

Taking into account the opinions expressed by the Inter-Governmental Advisory Commissioner for Refugees and having in view more particularly the decision of the Assembly of the league of Nations of September 4th, 1930, which sets up, in a temporary capacity, the Nansen International Office for Refugees under the authority of the League of Nations, in conformity with Article 24 of the Covenant,

Desirous of supplementing and consolidating the work done by the League of Nations on behalf of the refugees;

Anxious to establish conditions which shall enable the decisions already taken by the various States 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. MEYERS, Honorary director-General of the Ministry of Justice;

M. DELTENRE, Deputy Director at the Ministry for Foreign Affairs;

His Majesty the King of the Bulgarians:

M. D. MIDOFF, Chargé d'Affaires at Berne, Permanent Representative accredited to the League of Nations;

His Majesty the King of Egypt:

ASSAL BEY, Consul at Geneva;

The President of the French Republic:

M. DE NAVAILLES, Deputy director of Chancelleries and of the Litigation Department at the Ministry for Foreign Affairs;

His Majesty the king of Norway:

M. Peter Jersleb BIRKELAND, Counsellor of Legation, Permanent Delegate accredited to the League of Nations;

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

CHAPTER I. - DEFINITION

Article 1.

The present Convention is applicable to Russian, Armenian and assimilated refugees, as defined by the Arrangements of May 12th, 1926, and June 30th, 1928, subject to such modifications or amplifications as each Contracting Party may introduce in this definition at the moment of signature or accession.

CHAPTER II. - ADMINISTRATIVE MEASURES

Article 2.

Each of the Contracting Parties undertakes to issue Nansen certificates, valid for not less than one year, to refugees residing regularly in its territory. The text of the said certificates shall include a formula authorising exit and return. Bearers of Nansen certificates which have not expired shall be free to leave the country which has issued these documents and to return to it without requiring any authorisation on exit or visa from the consuls of that country on their return.

The respective consuls of the Contracting Parties shall be qualified to extend these certificates for a period not exceeding six months.

The cost of visas for Nansen certificates shall, subject to their issue free of charge to indigent persons, be established according to the lowest tariff applied to the visas of foreign passports.

Article 3

Each of the Contracting Parties undertakes not to remove or keep from its territory by application of police measures, such as expulsions or non-admittance at the frontier (refoulement), refugees who have been authorised to reside there regularly, unless the said measures are dictated by reasons of national security or public order.

It undertakes in any case not to refuse entry to refugees at the frontiers of their countries of origin.

It reserves the right to apply such internal measures as it may deem necessary to refugees who, having been expelled for reasons of national security or public order, are unable to leave its territory because they have not received, at their request or through the intervention of institutions dealing with them, the necessary authorisations and visas permitting them to proceed to another country.

CHAPTER III - JURIDICAL CONDITION

Article 4.

The personal status of refugees shall be governed by the law of their country of domicile or, failing such, the law of their country of residence.

The validity of acts of the religious authorities to whom the refugees are subject, in countries which admit the competence of those authorities, shall be recognised by the States Parties to the present Convention.

Rights acquired under the former national law of the refugee, more particularly rights attaching to marriage (matrimonial system, 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 5.

Subject to the provisions of Article 4, paragraph 2, the dissolution of marriages of refugees shall be governed by the law of their country of domicile or, failing such, by the law of their country of residence.

Article 6

Refugees shall have, in the territories of the Contracting Parties, free and ready access to the courts of law.

In the countries in which they have their domicile or regular residence, they shall enjoy, in this respect, the same rights and privileges as nationals; they shall, on the same conditions as the latter, enjoy the benefit of legal assistance and shall be exempt from cautio judicatum solvi.

CHAPTER IV. - LABOUR CONDITIONS.

Article 7.

The restrictions ensuing from the application of laws and regulations 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.

The shall be automatically suspended in favour of refugees domiciled or regularly resident in the country, to whom one of the following circumstances applies:

- (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 has one or more children possessing the nationality of the country of residence;
- (d) The refugee is an ex-combatant of the grant war.

CHAPTER V. - INDUSTRIAL ACCIDENTS.

Article 8.

Each of the Contracting Parties undertakes to accord to refugees who may be victims of industrial accidents in its territory, or to their beneficiaries, the most favourable treatment that it accords to the nationals of a foreign country.

CHAPTER VI. - WELFARE AND RELIEF.

Article 9.

Refugees residing in the territory of one of the Contracting Parties: unemployed, persons suffering from physical or mental disease, aged persons or infirm persons incapable of earning a livelihood, children for whose upkeep non 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 10.

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

Article 11.

Refugees shall enjoy in the territory of each of the Contracting Parties, as regards the setting up of associations for mutual relief and assistance and admission to the said associations, the most favourable treatment accorded to the nationals of a foreign country.

CHAPTER VII - EDUCATION.

Article 12.

Refugees shall enjoy in the schools, courses, faculties and universities of each of the Contracting Parties treatment as favorable 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 VIII - FISCAL REGIME.

Article 13.

The Contracting Parties undertake not to impose upon refugees residing in their territories duties, charges or taxes, under any denomination whatsoever, other or higher than those which are or may be levied on their nationals in similar situations.

Nothing in the foregoing provisions shall effect the applications of the Nansen stamp system or 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.

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 IX - EXEMPTION FROM RECIPROCITY.

Article 14.

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

CHAPTER X - CREATION OF COMMITTEES FOR REFUGEES.

Article 15.

Each Contracting Party shall have the right either to organise in its territory a central committee for refugees, or several committees, if this be necessary, responsible for coordinating the work of the organs for finding employment for refugees and for assistance to refugees, or to authorise the constitution of such committees.

Such committee or committees may be entrusted with the powers enumerated in Article 1 of the Arrangement and Agreement of June 30th, 1928, in countries in which those instruments are in force, in so far as these powers are not exercised by representatives of the Secretary-General of the League of Nations.

In the absence of representatives of an international body, these Committees shall collect the charges represented by the Nansen stamp and those provided for in the said Arrangement and Agreement, in so far as such charges may be levied in the territories of the country in which they are operating.

CHAPTER XI - GENERAL PROVISIONS.

Article 16

The Arrangements and Agreement of July 5th, 1922, May 31st, 1924, May 12th 1926, and June 30th, 1928, shall, in so far as they have been adopted by the Contracting Parties, remain in force as regards such of their provisions as are compatible with the present Convention.

Article 17.

The present Convention, which shall bear today's date, may be signed at any time before April 15th, 1934, on behalf of any Member of the League of Nations or any non-member State to which the council of the League of nations shall have communicated a copy of the present Convention for this purpose.

Article 18.

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 17, indicating the date at which such deposit has been effected.

Article 19.

On and after April 16th, 1934, any Member of the League of Nations and any non-member state to which the Council of the League of Nations shall have communicated a copy of the present Convention may accede to it.

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 Members of the League of Nations and to the non-member States referred to in the preceding paragraph.

Article 20

The present Convention shall come into force thirty days after the Secretary-General of the League of Nations shall have received ratifications and accessions on behalf of at least two Members of the League of Nations or non-member States.

In respect of each Member or non-member State on whose behalf any instrument or ratification or accession is subsequently deposited, the Convention shall come into force thirty days after the date of the deposit of such instrument.

It shall be registered on the days on which it is to come into force.

Article 21

The present Convention may be denounced after the expiration of a period of five years from the date on which it comes into force.

The 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 and the non-member States referred to in articles 17 and 19, of each notification and of the date of the receipt thereof.

The denunciation shall take effect one year after the receipt of the notification.

Article 22.

Any Contracting Party may declare, at the time of signature, ratification or accession, that, in accepting the present Convention, 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 confided to it; the present convention shall, in that case, not be applicable to the territories named in such declaration.

Any Contracting Party may subsequently notify the Secretary-General of the League of Nations that it 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.

Any Contracting Party, may, at any time after the expiration of the period of five years provided for in Article 21, declare that it desires the present Convention 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 confided to it; the Convention shall, in that case, cease to apply to the territories named in such declaration six months after the receipt thereof by the Secretary-General of the League of Nations.

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 17 and 19, the declarations and notifications received in virtue of the present article together with the dates of the receipt thereof.

Article 23

The Contracting Parties may at the moment of signature or accession declare that their signature or accession shall not apply to certain chapters, articles or paragraphs, exclusive of Chapter XI ("General Provisions"), or may submit reservations.

The Contracting Parties shall have the right at any moment 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 the said declaration to all the Members of the League and to the non-member States referred to in Article 17 and 19, specifying the date of receipt.

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

DONE at Geneva, the twenty-eighth day of October, One thousand nine hundred and thirty-three, in a single copy, which shall be kept in the archives of the Secretariat of the League of Nations, and a certified true copy of which shall be given to all the Members of the League and to the non-member States referred to in Article 17.

BELGIUM

M. Meyers and M. Deltenre declared that their signature of the present Convention was subject to the following reservations:

(1) Article 2, paragraph 3, relating to the right conferred on consuls to extend Nansen certificates, cannot be accepted by the Belgium government.

(2) Article 9, in so far as it concerns the application of the provisions of the domestic legislation relating to "unemployment insurance", cannot be accepted.

(3) Article 10, concerning social insurance laws, cannot be favourably received.

(4) Article 14, which concerns the enjoyment of the rights and favours accorded to foreigners, subject to reciprocity, cannot be admitted.

(5) The Belgium Government, in accepting the present Convention, is not assuming any obligation as regards the colony of the Congo or the mandated territories of Ruanda-Urundi.

E. MEYERS

M. DELTEMRE

BULGARIA

M. Mikoff declares that his signature of the present Convention is subject to the following reservations:

I. Article 1. - The Bulgarian Government maintains the reservations made by the Bulgarian delegate on signing the arrangement of June 30th, 1928, concerning the extensions to other categories of refugees of certain measures taken in favor of Russian and Armenian Refugees.¹

II. Article 2. -The departure from the country of refugees in possession of Nansen certificates (passports) shall be governed by the general regulations in force in this respect. Bulgarian consuls will be empowered in case of force majeure to extend Nansen certificates issued in Bulgaria for a period of three months. The cost of visas for Nansen certificates shall be fixed in accordance with the tariff applicable to the nationals of the country by which the certificate was issued.

III. Article 6.-Exemption from cautio judicatum solvi shall be at the discretion of the courts in each individual case.

IV. Article 7. -The Bulgarian Government cannot accept points (a) and (d).

V. Articles 8 and 10 (formerly 7 and 9). - Disability and old-age pensions shall be paid (regard being had to the possibilities of the fund concerned) to the persons entitled, their heirs and assigns, provided always that such persons are resident in the country.

VI. Article 13. -The Bulgarian Government cannot accept the first paragraph, as refugees resident in Bulgaria are subject to the same treatment in fiscal matters as other foreign Nationals resident in the country.

VII. Article 15. -The Bulgarian Government cannot accept paragraphs 2 and 3.

D. MIKOFF.

EGYPT

Article 1. -Apart from such modifications or amplifications as each contracting party may introduce in this definition, my Government reserves the right to extend or limit the said definition in any way.

Article 2. -Bearers of Nansen certificates may not be admitted into Egypt unless the said certificates contain a visa for return to the countries by which they were issued. If these refugees are authorised to sojourn in Egypt, the competent local authorities reserve the right to issue to them Egyptian travel papers.

Article 3. -These authorities reserve the right to expel such refugees at any moment for reasons of public security.

Article 4. - Moreover, as regards the acquired rights referred to in paragraph 3 of Article 4 of the draft Convention, it should be stipulated that, in order to ensure respect for such rights, due account must be taken of international public order and of internal public order as the latter is conceived and applied in Egyptian law. Further, in order to dispel any misunderstanding, it should be stipulated that the rights in questions are only those relating to personal status.

Article 13. - This article must not in any case invalidate or impair our reservation relating to Egyptian travel papers, together with the consequences involved in the application of that reservation.

Article 14. - Our signature does not apply to this article.

Article 15. - The Egyptian Government wishes it to be understood that the committees referred to in Article 15 will no be invested with the powers laid down in paragraphs 2 and 3 of the said article in the event of its desiring to reserve the said powers for the representatives of the local authority.

The Egyptian Government reserve the right to substitute, should the case arise, and whenever it may think fit, assimilation to nationals, for the most favourable treatment granted to nationals of a foreign country, in all the provisions of the Convention in which such treatment is stipulated.

I declare that is sign the present Convention with the reservations stipulated above.

Egyptian Consul,

ASSAL

FRANCE

11/12/33

M. de Navailles declared that his signature of the present Convention was subject to the following reservations.

(1) Article 7 shall not preclude the application of the laws and regulations fixing the proportion of wage-earning foreigners that employers are authroised to employ in France.

(2) The organisation, in France, of Committees such as are provided for in article 15 shall not, if it takes place, confer on them powers incompatible with the existing laws in the matter of finding employment.

(3) The French Government, by its acceptance of the present Convention, 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.

NAVAILLES

NORWAY

I declare that I sign the Convention with the following reservations. The application (a)of the third paragraph of Article 2, and (b) of Article 14 is excluded.

Hersleb BIRKELAND

APPENDIX

Convention of 28 October, 1933 relating to the International Status of Refugees

Signatories:		Ratifications or definitive Accessions:	
	Date of signature:		Date of ratification or adhesion:
Belgium	28.10.1933	Belgium	4.8.1937
Bulgaria	"	Bulgaria	19.12.1934
Egypt	"	Czechoslovakia	14.5.1935
France	"	Denmark	21.12.1935

Norway	"	France	3.11.1936
		Great Britain and Northern	
		Ireland	28.10.1936
		Italy	16.1.1936
		Norway	26.6.1935