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19 October 1955

Facilitation of travel for refugees

Motion for a recommendation

tabled by the Committee on Legal Affairs and Human Rights

Draft Recommendation¹²

The Assembly,

Having examined and approved the report, appended hereto, from the Committee on Legal and Administrative Questions on the difficulties encountered by refugees in obtaining the necessary papers for travel abroad,

Recommends to the Committee of Ministers that the following steps be taken forthwith for the facilitation of travel by refugees and that States which are unable to comply with these recommendations should state the reasons for their attitude at an early date;

Travel Documents

Considering that it is very desirable to achieve the greatest possible uniformity in travel documents issued to refugees in Europe as a first step towards achieving complete standardisation on a worldwide basis;

Considering that the travel documents issued by States signatories of the 1951 Convention relating to the status of refugees should not only conform to the text of the provisions of this Convention but should also be uniform in appearance,

Recommends to the Committee of Ministers :

1. that Member States which are parties to the 1951 Geneva Convention should as soon as possible issue travel documents conforming to the specimen travel document prepared by the United Nations High Commissioner for Refugees and submitted by him to signatory Governments.
2. that Member States which are not parties to the 1951 Geneva Convention or the 1946 London Agreement on the adoption of a travel document for refugees, i.e. Iceland, Ireland, the Saar and Turkey, should, if they are unable to accede to the 1951 Geneva Convention, give early consideration to the possibility of acceding to the 1946 London Agreement, failing which they should issue for the benefit of refugees passport-type travel documents which conform to the provisions of either of these instruments;

Visas

Considering that in practice visas have been almost completely eliminated for travel between Member States in respect of nationals of Member States and that Member Governments have undertaken to abolish those which still remain by 1st January, 1956;

Considering that, wherever possible, the benefit of this concession should also apply to refugees lawfully resident in member countries,

1. See 24th Sitting, 25th October, 1955 (Draft Recommendation adopted) and Recommendation 8G.
2. Voir 24e séance, 25 octobre 1955 (adoption du projet de recommandation) et Recommandation 86.



Welcomes the agreements recently concluded between Belgium, Luxembourg and the Netherlands whereby refugees lawfully resident in one of these countries are relieved of the obligation to obtain a visa when travelling to another Benelux country provided they hold a valid refugee travel document issued in the country where they are resident, in accordance with the provisions of the 1946 London Agreement or the 1951 Geneva Convention;

Recommends to the Committee of Ministers :

3. that all Member States which issue refugee travel documents in accordance with the 1946 London Agreement or the 1951 Geneva Convention should forthwith take steps to extend the above-mentioned Benelux working arrangements and thereby abolish their visa requirements in respect of refugees lawfully resident in other Member States and holding travel documents issued in accordance with the 1946 London Agreement or the 1951 Geneva Convention ;

4. that Member States which are not at present prepared to exempt refugees from their visa requirements should give urgent consideration to the proposals made in the report of the Committee on Legal and Administrative Questions which is appended hereto with a view to speeding up the procedure for issuing visas and reducing the charge for refugees to a nominal sum with a possibility of remission of fees in justified cases.

Report of the Committee on Legal and Administrative Questions proposing certain steps to ease travel formalities for refugees resident in Member States

1. Acting upon the instructions of the Assembly which, on 24th May, 1954, directed that the question of the simplification of frontier formalities should be kept under review and that such further recommendations as might be considered expedient should be presented to it, the Committee on Legal and Administrative Questions has examined the question of travel formalities for refugees lawfully resident in Member States of the Council of Europe. It is desired, in that connection, to place on record the valuable assistance given to the Committee by the United Nations High Commissioner for Refugees.

2. The Committee has examined the following two aspects of the problem :

- a. travel documents issued to refugees;
- b. visa requirements of Member States in respect of refugees.

Travel Documents

3. Your Committee on Legal and Administrative Questions finds that, apart from the " Nansen Passport " which is still issued by certain Member States to Russian, Armenian and other refugees, in accordance with international arrangements signed between 1922 and 1935, the two most important international travel documents for refugees at the present time are the so-called London Travel Document, issued in accordance with the agreement of 15th October, 1946 on the adoption of a travel document for refugees, and the " Convention " travel document provided for in the Convention relating to the status of refugees signed at Geneva on 28th July, 1951.

4. The London travel document was, and in some cases is still, issued by the Contracting States to all refugees staying lawfully in their territory who were covered by the constitution of the International Refugee Organisation. A provision which makes it particularly valuable to the refugee is that whereby he or she may return to the issuing country during the period of validity of the document (one or two years) without a visa from that country. Upon the entry into force of the 1951 Convention on the status of refugees, however, the London travel document was, as between States parties to the Convention, superseded by the " Convention " travel document which resembles the London document in all its essential features and, in addition, provides a still greater degree of uniformity for the travel documents of refugees.

5. At present the following Member States of the Council of Europe are parties to the 1951 Convention relating to the status of refugees :

Belgium

Denmark

France

Federal Republic of Germany

Italy

Luxembourg

Norway

Sweden

United Kingdom

6. The documents issued by the various Governments under the London and previous Agreements differed in form and layout. Those issued under the 1951 Convention are standardised insofar as their contents, validity and conditions of issue are the same wherever they are issued. But they are not necessarily the same in appearance, no rules having been provided to that effect in the Convention. It is considered by the United Nations High Commissioner for Refugees, and your Committee endorses this view, that, besides conforming in text to the provisions of the Convention, refugee travel documents should also be uniform in appearance, so as to make them easily recognisable to consular and frontier officials and thus contribute to speed up frontier formalities for everybody. With this object in view, the United Nations High Commissioner for Refugees prepared a specimen travel document which was submitted to the Governments which signed the 1951 Convention in the hope that they might be persuaded to adopt it.

7. The following Member States of the Council of Europe accepted the standardised model prepared by the United Nations High Commissioner for Refugees : Belgium, France, the Federal Republic of Germany, Luxembourg and Sweden (and also Austria and Switzerland). In addition, the following Member States issue travel documents in conformity with the 1951 Convention : Italy, Norway and the United Kingdom. The following Member States issue travel documents to refugees in accordance with the London Agreement : Denmark, Greece and the Netherlands. Iceland, Ireland, the Saar and Turkey are not parties either to the London Agreement or to the 1951 Convention.

8. It will be seen from this list that uniformity of travel documents for refugees has not yet been fully achieved in Europe. Your Committee firmly believes that a further effort should be made to try and achieve the desired standardisation and for that reason it is proposed :

1. that all States which are parties to the 1951 Geneva Convention should as soon as possible issue travel documents conforming to the specimen travel document prepared by the United Nations High Commissioner for Refugees and submitted by him to the signatory Governments ;
2. that Member States which are not parties to the 1946 London Agreement or to the 1951 Geneva Convention and feel unable to accede to the latter should give consideration to the desirability of acceding to the 1946 London Agreement. Failing this, they should at least issue refugees with passport type travel documents which conform to the provisions of either of these instruments.

Visas

9. While nationals of Member States travelling to other Member States for business, travel or other personal reasons, are now, with a few exceptions which are due to disappear by 1st January, 1956, exempt from the obligation to be in possession of a visa, this concession does not apply to refugees lawfully resident in the Member States. Your Committee is informed, however, that agreements were recently concluded between Belgium and Luxembourg, between Belgium and the Netherlands and between the Netherlands and Luxembourg waiving the visa requirement for refugees falling within the category described above (see Appendix). The agreement between Belgium and the Netherlands, for example, provides that refugees lawfully resident in Belgium or in the Netherlands shall, on a basis of reciprocity, be exempt from the obligation to obtain a Netherlands or Belgian entry visa, as the case may be, provided that they hold a valid refugee passport issued in Belgium or the Netherlands in accordance with the provisions of the 1946 London Agreement or the 1951 Geneva Convention. It also provides that refugees taking-advantage of this Agreement shall be allowed at any time to re-enter the State which has issued their travel document at the request of the other State. It is strongly felt that the example of the Benelux countries should be followed and the possibility of exempting refugees from visas for temporary travel should be examined forthwith by other Member States. Your Committee is of the opinion that a practical way of achieving the desired aim would be to extend the Benelux working arrangements to all the other members of the Council of Europe which issue either the London Travel Document or the Convention Travel Document.

10. It is realised that special circumstances may make it particularly difficult for certain Member Governments to exempt refugees from the requirement of a visa. Your Committee considers that in such cases urgent consideration should be given to the possibility of speeding up the procedure for their issue.

11. The delay entailed in obtaining visas largely depends on whether the consular authorities are entitled to issue visas to refugees without reference to the central authorities or not. In most cases, however, consuls have to refer to the central authorities. It would be desirable, therefore, that consuls be authorised to issue

entry visas to refugees for temporary stay without such reference. In cases where this is not acceptable as a general rule, it is suggested that consuls should be authorised to issue visas on their own authority in certain specific cases such as transit visas, visas to refugees who have already been granted an entry visa before, visas for emergency travel, e.g. on the death of a relative or for health reasons, travel for cultural, educational or scientific purposes and travel necessitated by the refugee's profession or occupation.

12. Another difficulty in the way of travel by refugees is the high cost of visas for certain countries. The 1951 Convention relating to the status of refugees and the 1946 London Agreement provide that fees should not exceed the lowest scale of charges for visas on foreign passports, but even this is sometimes considerable. For example, a refugee visa valid for two months costs 10 Swiss francs in Belgium. In France, a transit visa valid for 48 hours costs 8.20 Swiss francs, and the charge for an entry visa valid for 3 months is 20.55 francs. The charges are equally high in Italy, and in the United Kingdom an entry visa costs 13.95 francs.

Your Committee feels that having regard to the fact that visas are now in practice abolished between Member States as regards nationals of these States and that, moreover, refugees normally have limited financial means, it would be desirable for those Member States which are not yet prepared to waive their visa requirement in the case of refugees resident in member countries to issue such visas free of charge or for a very low sum.

13. This Report was considered by the Committee on Legal and Administrative Questions on 18th October, 1955. It was adopted unanimously.

Appendix APPENDIX

Agreement between Belgium and the Netherlands concerning the abolition of visas in respect of refugees resident in one country and travelling to the other

Letter from Monsieur Graeffe, Belgian Ambassador at The Hague, to Monsieur Luns, Minister without portfolio in the. Netherlands Government

W/A

No. EXT 24/885

Belgian Embassy,

The Hague

16th February, 1955

Monsieur le Ministre,

I have the honour to inform Your Excellency that the Belgian Government is prepared to conclude the following Agreement with the Netherlands Government, for the purpose of improving the position of refugees established in Belgium and the Netherlands and making it easier for them to travel from one country to the other:

1. Refugees lawfully resident in Belgium or in the Netherlands shall, on a basis of reciprocity, be exempt from the obligation to obtain a Netherlands or Belgian entry visa, as the case may be, provided that they hold a valid refugee passport issued in Belgium or the Netherlands, in accordance with the provisions of the London Agreement of 15th October, 1946 or the Geneva Convention of 20th July, 1951.
2. The Belgian or Netherlands authorities, as the case may be, shall make the following entry in refugee passports: " The holder of this passport is exempt from the Netherlands (or Belgian) entry visa by virtue of the Agreement concluded between Belgium and the Netherlands on 16th February, 1955. "
3. The persons mentioned in paragraph 1 above shall be subject during their stay in Netherlands or Belgian territory, as the case may be, to the domestic regulations governing aliens. Each Government reserves the right to refuse to allow persons whom it regards as undesirable to enter or reside in its territory.
4. Refugee s taking advantage of this Agreement shall'be allowed at any time to re-enter the State which has issued their travel document at the request of the other State, unless the latter has authorised them to take up permanent residence in its territory.
5. This Agreement shall enter into force on the day when the Belgian Government receives from the Netherlands Government a note to the effect that the said Agreement has been approved in accordance with the constitution.
6. Either Government may suspend implementation of this Agreement on serious grounds of public security, in which case it shall immediately notify the other Party by the diplomatic channels.
7. Either Government may denounce this Agreement by giving three months' notice. - If the Netherlands Government is prepared to accept the above provisions, I have the honour to propose to Your Excellency that this note and Your Excellency's reply should constitute an agreement between our Governments.

I am, Monsieur le Ministre,

Your obedient Servant,

Signed: E. GKAEFFE

His Excellency, Monsieur J. M. A. H. LUNS,

Minister without Portfolio,

The Hague

Netherlands

Letter from Monsieur Luns to Monsieur Graeffe

Ministry of Foreign Affairs,

The Hague

10th February, 1955.

Directorate of General Affairs (V 2)

No. 23021

Monsieur le Ministre,

I have the honour to acknowledge receipt of your note of today's date, worded as follows:

I have the honour to inform you that the Netherlands Government agrees to the above provisions and to your proposal that this reply should constitute an Agreement between our Governments.

I am, Monsieur le Ministre, Your obedient Servant,

Signé : Signed: J. M. A. IT. LUNS.

His Excellency, Monsieur GRAEFFE, Ambassador Extraordinary and Minister Plenipotentiary of Belgium The Hague Netherlands