

N° 3952.

**BELGIQUE, ROYAUME-UNI DE
GRANDE-BRETAGNE
ET D'IRLANDE DU NORD,
DANEMARK, ESPAGNE, FRANCE,
NORVÈGE, PAYS-BAS, SUISSE**

Arrangement provisoire concernant le statut
des réfugiés provenant d'Allemagne, avec
annexe. Signé à Genève, le 4 juillet 1936.

**BELGIUM, UNITED KINGDOM OF
GREAT BRITAIN
AND NORTHERN IRELAND,
DENMARK, SPAIN, FRANCE,
NORWAY, THE NETHERLANDS,
SWITZERLAND**

Provisional Arrangement concerning the
Status of Refugees coming from Germany,
and Annex. Signed at Geneva, July 4th,
1936.

No. 3952. — PROVISIONAL ARRANGEMENT CONCERNING THE STATUS OF REFUGEES COMING FROM GERMANY. SIGNED AT GENEVA, JULY 4TH, 1936.

Official texts in French and English. This Arrangement was registered with the Secretariat, in accordance with its Article 10, on August 4th, 1936, the date of its entry into force.

The undersigned representatives, acting in the name of their respective Governments, agree, as a temporary arrangement, 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 refugees 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 has 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 authorised 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 out 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 arrangements.

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 subjected 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 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 6.

RIGHTS ACQUIRED UNDER THE NATIONAL LAW.

In countries where these matters are governed by the national law of the parties, 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 COURTS 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 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 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 notice 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 of 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.

colonies, protectorates, overseas territories, territories under suzerainty or territories administered under mandate."*

E. N. COOPER.

(September 25th, 1936.)

DANEMARK

William BORBERG

KRARUP

(4 juillet 1936.)

DENMARK

ESPAGNE

Julio ALVAREZ DEL VAYO

Genève, le 27 janvier 1937.

SPAIN

FRANCE

Le Gouvernement français par son acceptation du présent arrangement n'entend assumer aucune obligation en ce qui concerne l'ensemble de ses colonies, protectorats, territoires d'outre-mer, territoires placés sous sa suzeraineté et territoires pour lesquels un mandat lui a été confié.†

FRANCE

Jean LONGUET

(4 juillet 1936.)

NORVÈGE

*Ad referendum**

Michael HANSSON

(4 juillet 1936.)

NORWAY

PAYS-BAS

Ad referendum

Pour le Royaume en Europe.‡

C. VAN RAPPARD

(4 juillet 1936.)

THE NETHERLANDS

SUISSE

Ad referendum

Heinrich ROTHMUND

(4 juillet 1936.)

SWITZERLAND

* Cette signature a été rendue définitive le 21 septembre 1936.

* This signature was made definitive on September 21st, 1936.

Traduction du Secrétariat de la Société des Nations :

Translation by the Secretariat of the League of Nations :

1 « Je déclare donner ma signature sous les réserves suivantes :

Article 4. — Les réfugiés qui sont l'objet d'une procédure d'extradition commencée dans le Royaume-Uni ne seront pas considérés comme ayant droit à la protection qui leur serait autrement accordée, aux termes du présent article.

Le paragraphe 2 de l'article 4 ne sera pas applicable aux réfugiés qui ont été admis dans le Royaume-Uni pour un séjour ou des fins temporaires. Le terme « ordre public » est considéré comme comprenant les questions relatives aux crimes et à la moralité publique.

En signant le présent arrangement, avec les réserves ci-dessus, je déclare que le Gouvernement de Sa Majesté dans le Royaume-Uni n'assume aucune obligation en ce qui concerne l'un quelconque de ses colonies, protectorats, territoires d'outre-mer, territoires placés sous sa suzeraineté ou administrés sous mandat.»

2 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.

3 For the Kingdom in Europe.

~~TRADUCTION.~~ — ~~TRANSLATION.~~

ANNEX TO THE ARRANGEMENT.

IDENTITY CERTIFICATE FOR REFUGEES COMING FROM GERMANY

(Valid for One Year)

Certificate issued in accordance with the Inter-Governmental Arrangement of July 4th, 1936.

The present certificate is issued for the sole purpose of providing refugees from Germany with identity papers to take the place of a provisional passport. It is without prejudice to and in no way affects the holder's nationality.

On the expiration of its validity, the present certificate must be returned to the issuing authority.

Authority issuing the certificate : Place of issue of the certificate : No.
 Date

IDENTITY CERTIFICATE

Valid until

Failing express provision to the contrary, the present certificate entitles its holder to return to the country by which it was issued during the period for which it is valid. It shall cease to be valid if the holder enters German territory.

Surname
 Forenames
 Date of birth
 Place of birth
 Surname and forenames of father
 Surname and forenames of mother
 Name of wife (husband)
 Names of children
 Nationality
 Occupation
 Former address
 Present address

DESCRIPTION

Age
 Hair
 Eyes
 Face
 Nose
 Height
 Distinguishing marks

(Photographs)
 (Stamp)

Remarks :

Signature of holder :

The undersigned certifies that the photograph and signature hereon are those of the holder of this certificate.

Signature of issuing authority :

This passport expires on 19.....

Renewals :

Visas :

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.