

No. 2446

**AUSTRALIA
and
FEDERAL REPUBLIC OF GERMANY**

**Agreement for assisted migration. Signed at Bonn, on
29 August 1952**

Official texts: English and German.

Registered by Australia on 21 January 1954.

**AUSTRALIE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif à l'assistance à la migration. Signé à Bonn,
le 29 août 1952**

Textes officiels anglais et allemand.

Enregistré par l'Australie le 21 janvier 1954.

No. 2446. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY FOR ASSISTED MIGRATION. SIGNED AT BONN, ON 29 AUGUST 1952

WHEREAS the Government of the Commonwealth of Australia (hereinafter referred to as the Commonwealth Government) and the Government of the Federal Republic of Germany (hereinafter referred to as the German Government) are willing to co-operate in order to assist suitable persons in Germany to emigrate to Australia with a view to permanent settlement;

AND WHEREAS the Commonwealth Government and the German Government are prepared to carry out the scheme set out in this Agreement (hereinafter called "the scheme"); The Commonwealth Government and the German Government have agreed as follows :—

Article 1

The payment of the cost of passages from Germany to Australia for migrants selected under this Agreement shall be a matter for arrangement between the two Governments and any international or other organisation prepared to make contributions for such purpose.

Article 2

The cost of passages for migrants selected under the scheme shall be reduced to the lowest possible figure and the passage rates chargeable shall be the subject of consultations between the two Governments.

Article 3

Except as provided in Article 16 hereof, neither Government shall charge to the other any portion of the expenses incurred by it in carrying out its obligations under this Agreement.

Article 4

The procedure for the selection of migrants under the scheme shall be as follows : —

(1) Application forms shall be prepared by the Commonwealth Government, in consultation with the German Government, and shall be distributed

¹ Came into force on 29 August 1952 by signature.

by the appropriate Department or Agency of the German Government to prospective migrants.

(2) Such application forms shall be completed in duplicate by applicants and returned to the said Department or Agency, together with such certificates of trade proficiency and character (in duplicate) as may be required by the Commonwealth Government. One copy of each form and certificate shall be delivered to a Commonwealth Government representative appointed pursuant to paragraph (5) hereof.

(3) The appropriate Department or Agency of the German Government shall check the application and accompanying certificates and shall arrange for a medical examination of those applicants deemed to be eligible. Such medical examination shall be carried out by a Medical Officer approved by the Commonwealth Government and shall be in accordance with the provisions of a Medical Examination Form approved by the Commonwealth Government. The completed Medical Examination Form shall be delivered to the Commonwealth Government representative. The Commonwealth Government shall have the right to have applicants further examined by its own medical officers before they are finally approved. The cost of medical examination shall be borne by the applicant or by the German Government, except when it is conducted by a Commonwealth Medical Officer.

(4) The Commonwealth Government in collaboration with the German Government shall arrange, where necessary, for selection representatives appointed by it to travel to centres in Germany for the purpose of interviewing, examining and finally selecting applicants brought forward by the German Government. The location of such centres shall be decided by arrangement between the Chief Migration Officer of the Commonwealth Government in Germany and the appropriate Department or Agency of the German Government.

(5) The Commonwealth Government shall have the final responsibility for deciding the suitability of each applicant for settlement in Australia and shall appoint its own representative or representatives to undertake the final examination and selection of applicants and such other duties as are specified in this Agreement. The German Government shall afford every assistance and co-operation to such Commonwealth Government representatives to enable them to assess on all grounds the suitability of applicants for settlement in Australia, furnishing on request in individual cases full information derived from public and other records, and shall facilitate and assist them in making the final examination and selection of the applicants.

(6) Having completed the final examination and selection of applicants, the Commonwealth Government representatives shall notify to the German Government the names of the applicants who have been selected.

Article 5

The following obligations shall be assumed by the Commonwealth Government in regard to the scheme, namely —

(1) To admit migrants selected under the scheme into the Commonwealth of Australia for a period of two years, during which period they, when placed in employment, will be entitled to the same wages, accommodation and general conditions of employment as apply to Australians engaged in the same type of employment.

(2) Upon the expiration of two years from the date of their arrival in Australia, to grant to migrants who apply for that privilege, permission to remain indefinitely in Australia, provided that they have not proved unsuitable for settlement during the two years period of their temporary residence. They shall then be free to choose such employment and such place of residence in Australia as they may desire.

(3) Not less than three months before the date on which it desires that the migrants should leave Germany to lodge with the German Government group nominations setting out the number and types of migrants required; and if any alterations to any nomination become necessary due to employment or other conditions arising in Australia, to advise the German Government promptly so that it shall cease further initial selections in respect of that particular nomination.

(4) Upon arrival of selected migrants in Australia —

(a) to accommodate them temporarily at an Immigration reception and training centre during the period while they are awaiting employment; and, where necessary, to provide accommodation without cost to the migrants for a period of seven days after their arrival in Australia; provided, however, that as from the eighth day after arrival, when normally an unemployment or special social service benefit will commence to be payable, there shall be deducted from any such benefit an amount in discharge of the cost of board and lodging for the migrant and his dependants, until such time as suitable employment has been found for him; and that when employment has been offered to the migrant, he shall thereupon become responsible for the payment of his own board and lodging as from the date on which he is due to commence employment and shall also be primarily responsible for the payment of board and lodging for his dependants,

at the weekly rates applicable at the time for accommodation provided by the Commonwealth Government in Immigration holding centres;

(b) in the case of a family unit for whom their breadwinner cannot arrange private accommodation when he has been placed in employment, to accommodate his dependants at an Immigration holding centre situated as near as circumstances will permit to the place of employment. The breadwinner shall be primarily responsible for the payment of weekly charges payable for dependants, which charges shall commence from the date on which he is due to start employment and shall be at rates determined by the Commonwealth Government for the accommodation of dependants in such centres;

(c) in the event of the migrant and/or his dependants being offered accommodation by an employer, to ensure that the standard of accommodation thus provided and the charges therefor shall be during the period of such employment the same as those applying to Australian workers of the same category in the same area;

(d) to arrange transport free of cost to the migrant —

- (1) from ship's side to an Immigration reception and training centre;
- (2) from the Immigration reception and training centre to the initial place of employment;
- (3) for dependants, from the Immigration reception and training centre to an Immigration holding centre; and
- (4) for dependants, from the Immigration holding centre to the first private accommodation found by the breadwinner;

(e) to arrange free of cost to migrants who are proceeding from ship's side to approved privately arranged accommodation, second class rail travel to such accommodation;

(f) to render every assistance through the medium of the Commonwealth Employment Service in placing migrants in employment;

(g) to arrange for the payment of normal social service benefits to migrants, such social service benefits to include unemployment and sickness benefit (payable from and including the seventh day after the day on which the migrant becomes unemployed or makes a claim for unemployment benefit or becomes incapacitated) and child endowment, maternity allowance, hospital benefit and pharmaceutical benefit;

(h) to provide after-care for migrants, in that the Commonwealth Department of Immigration and associated voluntary welfare and after-

care organisations will advise them on and assist them in solving any assimilation problems which they may have during their initial period of settlement in Australia;

(i) to ensure that the amount of personal or household effects that is carried free by the ship on which the migrants travel to Australia or by any subsequent ship as provided for in Article 18 of this Agreement shall be carried at the expense of the Commonwealth Government from the place of disembarkation to the initial place of private accommodation in Australia. Should a migrant bring with him an amount of personal or household effects over and above that carried free by the ship on which he travels, then the migrant shall be responsible for sea freight, storage charges and movement in Australia of all personal and household effects that exceed the amount carried free by the ship.

(5) To communicate to the German Government as soon as possible and prior to the date of departure of ships the nomination of ports of disembarkation referred to in Article 6 paragraph (2) of this Agreement, provided always that where the Commonwealth Government considers that an emergency has arisen, it shall have the right to vary the nominated ports of disembarkation as necessitated by the emergency and to notify the German Government accordingly.

(6) In respect of grant repayments received under the provisions of Article 14 paragraph (1) of this Agreement, to keep a separate account of sums so received, render to the German Government at the end of each period of three months from the commencement of the scheme, or such other period as may be agreed upon, an account of the sums received in that period, and pay to or to the account of the German Government its share of the sums so received.

(7) Upon receipt of accounts from the German Government pursuant to Article 6 paragraph (7) of this Agreement, to pay to the German Government or to an account agreed upon by the two Governments the amount due as the contribution of the Commonwealth Government in accordance with Article 1 of this Agreement.

Article 6

The following obligations shall be assumed by the German Government in regard to the scheme, namely —

(1) to attend to recruitment, initial selection, medical examination and documentation of applicants and provide and operate all necessary establishments and facilities for these purposes, for final selection by Commonwealth Government representatives and for the assembly and embarkation of selected migrants.

(2) To procure the necessary transport for migrants and arrange to disembark them at those ports in Australia nominated by the Commonwealth Government and according to schedules of departures periodically agreed upon by the two Governments.

(3) To arrange for selected migrants to be moved from their normal place of residence to embarkation points at dates which will enable them to join the ship on which they will sail to Australia and to maintain them while at the place of assembly, it being agreed by and between the two Governments that the categories of migrants to be embarked on each ship and the number in each category shall be determined by a Commonwealth Government representative and notified to the German Government as early as possible prior to the date of sailing, in order to enable the German Government to organise the movement of the migrants in time to join the ship; and that migrants shall be embarked under the supervision of a Commonwealth Government representative in accordance with the categories for each ship notified to the German Government in the manner hereinbefore provided, but that within those categories the German Government shall establish the priority of embarkation of individual migrants.

(4) Immediately after migrants have been embarked on any ship, to arrange for nominal rolls of such migrants to be delivered to a Commonwealth Government representative for transmission to the Secretary, Department of Immigration, Canberra.

(5) If it should find it necessary to charter transport for the purpose of carrying migrants under the scheme, to consult the Commonwealth Government prior to any such chartering.

(6) In the case of paragraph (5) of this article, to attend to payment of the claims of the shipping companies or other transport organisations concerned in respect of the passages of migrants embarked.

(7) After having made the payments referred to in paragraph (6) of this article, to render to the Commonwealth Government at Canberra at the end of each period of three months from the commencement of the scheme, or such other period as may be agreed upon, an account of the sums payable by the Commonwealth Government in that period pursuant to Article 1 of this Agreement.

Article 7

The German Government may supply to the Commonwealth Government from time to time particulars of the numbers and categories of migrants with special skills who are available for migration to Australia.

Article 8

Persons eligible for selection under the scheme shall be —

- (1) single men not less than 18 nor more than 35 years of age;
- (2) single women not less than 18 nor more than 30 years of age;
- (3) childless married couples, each spouse being not more than 35 years of age;
- (4) family units, the breadwinners of which shall not be more than 45 years of age which are able to comply with the physical and other selection criteria required for entry into the Commonwealth of Australia for indefinite residence. In special cases and at the discretion of the Commonwealth Government, a family unit consisting of sufficient employable members to make it self-supporting may be accepted even though the breadwinner thereof exceeds 45 years of age.

Provided always that no applicant shall be deemed eligible for selection under the scheme unless he is a person who is a German citizen or a person who is recognized by the German Government as being a resident of the Federal Republic of Germany or of the western sectors of Berlin and as having all the rights and obligations which are attached to the possession of German nationality, and belongs to such class of persons, either skilled or unskilled, as shall from time to time be specified by the Commonwealth Government pursuant to the provisions of Article 5 paragraph (3) hereof.

Article 9

The scheme shall operate for a period of five years commencing upon a date to be fixed between the two Governments and may be continued thereafter by mutual agreement. In the event, however, of conditions arising at any time either in Germany or in Australia during the currency of the scheme which may render it advisable to terminate the scheme, either party may give to the other six months notice of its intention to terminate the scheme, upon the expiration of which period the scheme shall cease to operate.

Article 10

All documents covering travelling formalities, including passports and visas, shall be supplied free of charge or at a nominal charge to migrants selected under the scheme.

Article 11

The Commonwealth Government shall provide the German Government with information concerning conditions generally in Australia, including condi-

tions of and opportunities for employment, for the guidance of all prospective migrants who may desire it. No official pamphlet explaining the scheme shall be issued without the concurrence of the two Governments.

Article 12

Notwithstanding anything hereinbefore contained, the Commonwealth Government shall have the right to return to Germany any migrant who, within five years of arrival in Australia, may contravene the provisions of the Immigration Act 1901-1949 of the Commonwealth of Australia or within two years after arrival may otherwise prove unsuitable for settlement. Information concerning any such migrant shall be conveyed to the German Diplomatic representative in Australia.

Article 13

In order to assist the settlement in Australia of selected migrants, the German Government shall facilitate as far as possible the transfer of reasonable funds from Germany by them. The Commonwealth Government shall likewise facilitate the transfer to Germany, by migrants, of reasonable funds for the support of their dependent relatives.

Article 14

Migrants shall not be embarked for Australia until they have entered into the following undertakings in writing, namely —

(1) to remain in employment approved by the Commonwealth Government for a period of two years after their arrival in Australia or, alternatively, should they elect to depart from Australia within two years from the date of arrival, to repay to the Commonwealth Government prior to departure, the amount of free grant contributed by the two Governments pursuant to Article 1 of this Agreement;

(2) to use every endeavour to learn the English language and to attend regularly the night classes which are conducted for all migrants at the Commonwealth Government's expense for the purpose of teaching them the English language;

(3) if required, to enter into a separate undertaking to repay the amount of any advance granted to or obtained for them in accordance with Article 1 hereof.

Article 15

The document containing the undertakings referred to in paragraphs (1) and (2) of the last preceding Article shall be drawn up in the English and German languages, and be signed in duplicate by the migrant and witnessed by a Commonwealth Government representative, who shall retain one copy and hand the other to the migrant; and such document shall set out, for the information of the migrant —

(1) that employment in Australia will be at wages and subject to general conditions not less favourable than those enjoyed by Australians in the same kind of employment;

(2) that he will be informed in writing upon allocation to employment in Australia of the rate of wages and conditions applicable to that employment;

(3) that he will be able to apply for permission to remain in Australia after the expiration of the two years period during which he has been admitted in the first instance;

(4) that, subject to the provisions of Article 12 of this Agreement, such permission will be readily granted, provided that, during the period mentioned, he has not proved unsuitable for settlement in Australia; and

(5) that upon such permission being duly granted he will be free to engage in such occupation and to choose such place of residence in Australia as he may desire.

Article 16

In order to ensure the efficient operation of the scheme, the German Government shall render all assistance possible to the Commonwealth Government in securing at reasonable cost suitable office accommodation and equipment and living accommodation for its representatives in Germany engaged upon duties in connection with this Agreement. Where necessary, the German Government shall make available, by mutual arrangement and without cost to the Commonwealth Government, interpreters and minor clerical assistance for Commonwealth Government representatives engaged in the selection of migrants. The German Government shall also arrange for Commonwealth Government representatives to receive within Germany travel facilities to such areas as may be agreed upon, for the purpose of interviewing, examining and finally selecting applicants, who shall be assembled in such areas by the appropriate authorities of the German Government. The areas or towns in Germany in which interviews and selection will be conducted shall be decided by arrange-

ment between the Commonwealth Government representatives and the appropriate authorities of the German Government. In the event of any German officials being appointed to Australia in connection with the operation of the scheme they shall be granted access to Immigration Centres by the Commonwealth Government.

Article 17

The Commonwealth Government shall have the right to appoint an officer or officers to accompany each ship carrying migrants from Germany to Australia in order to advise them concerning Australian conditions and generally to attend to their welfare during the voyage. The German Government shall likewise have the right to appoint an officer who shall co-operate with any such Commonwealth Government officers.

Article 18

Any selected migrant not proceeding directly to private accommodation in Australia who wishes to bring with him household effects for the purpose of establishing a home in Australia, shall arrange, at his own expense, for such effects to be stored until he obtains private accommodation in Australia. When such private accommodation has been obtained the German Government shall, if such effects are stored in Germany, arrange with the shipping company by which the migrant travelled, or such other company as may be decided upon by the German Government, to transport free of charge to the migrant an amount of household effects equal to that which, in addition to the migrant's personal effects, would have been transported free of charge had the household effects accompanied the migrant in the first instance.

Article 19

The appropriate German authorities shall produce to the Secretary, Department of Immigration, Canberra, or his representative, and the appropriate Australian authorities shall produce to the Ministry of Foreign Affairs, Bonn, or its representative, any documents or accounts, whether in Germany or in Australia, relating to cases in which contributions have been granted or repayments under Article 14, paragraph (1) of this Agreement have been received, if such documents or accounts are required to be produced to either Government for audit or other purposes.

Article 20

Assistance under the scheme shall be given only to those selected migrants who actually depart from Germany to Australia during the operation of the scheme.

NOTICE TO SELECTED MIGRANTS

(1) Migrants selected under the Migration Agreement who have obtained employment are entitled to the same wages, accommodation and general conditions as those enjoyed by Australians engaged in the same type of employment.

(2) Upon allocation to employment in Australia you will be informed in writing of the rate of wages and conditions applicable to such employment.

(3) After the expiration of two years from the date of your arrival in Australia, you will be entitled to apply for permission to remain indefinitely in Australia, and permission to do so will be granted provided that you have not proved unsuitable for settlement during your two years residence. Upon the granting of permission to remain, you will then be free to choose such occupation and such place of residence in Australia as you may think fit.