

No. 4649

AUSTRALIA
and
FEDERAL REPUBLIC OF GERMANY

**Agreement for assisted migration. Signed at Canberra,
on 27 August 1958**

Official texts: English and German.

Registered by Australia on 29 January 1959.

AUSTRALIE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

**Accord relatif à l'assistance à la migration. Signé à Can-
berra, le 27 août 1958**

Textes officiels anglais et allemand.

Enregistré par l'Australie le 29 janvier 1959.

No. 4649. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY FOR ASSISTED MIGRATION. SIGNED AT CANBERRA, ON 27 AUGUST 1958

In consideration of the valuable experience gained in their cooperation in the field of migration;

And whereas in the light of the changed circumstances they desire to continue this type of cooperation on the expiry of the Agreement of 29 August 1952² between the Government of the Commonwealth of Australia and the Government of the Federal Republic of Germany for Assisted Migration;

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 Federal Government) have agreed as follows :

Article I

1. Migrants within the meaning of this agreement shall be
 - (a) Germans under Article 116 of the Basic Law of the Federal Republic and
 - (b) persons who have been accepted in the territory of the Federal Republic of Germanywho emigrate to Australia and receive directly or indirectly a contribution to their passage costs by the Commonwealth Government or by the Federal Government.
2. Workers within the meaning of this agreement shall be migrants who emigrate to Australia with a view to taking up gainful employment.
3. Dependants within the meaning of this agreement shall be
 - (a) migrants who are the spouses or minor children (including stepchildren or foster children, etc.) of a worker and
 - (b) children who have attained their majority or the parents or brothers or sisters of a worker or a worker's spouse on condition that they are able to prove themselves to be dependent upon the support of the worker for reasons of finance or health or on condition that the security of the existence which the worker is about to establish seems assured only in the contingency of his being accompanied by such relatives.

¹ Deemed to have come into force on 29 August 1957, the date determined by an exchange of notes, in accordance with article XI.

² United Nations, *Treaty Series*, Vol. 184, p. 147.

Article II

1. Every migrant shall be subject to the approval of the Commonwealth Government.
2. The emigration of every migrant shall require the consent of the Federal Government.

Article III

The contracting Governments will each year agree upon arrangements concerning emigration to Australia and in particular upon

- (a) the number and categories of migrants;
- (b) whether, to what extent, and for what categories of migrants financial support can be granted;
- (c) the cooperation of German administrative agencies in the implementation of the arrangements.

Article IV

1. Any and every person desiring to emigrate may submit an application to emigrate to Australia.
2. The Federal Government shall ensure that any and every person desiring to emigrate and interested in emigrating to Australia receives reliable advice and information.
3. The Federal Government shall facilitate the embarkation of migrants by maintaining a transit camp and shall place the requisite amount of office accommodation in this camp at the disposal of the Commonwealth Government free of charge.
4. The Federal Government shall render the Commonwealth Government every possible form of assistance to enable the latter to make an accurate assessment of the suitability of applicants for settlement in Australia.

Article V

The following obligations shall be assumed by the Commonwealth Government :

1. to admit migrants into the Commonwealth of Australia for an initial period of not less than two years reckoned from the date of their arrival in Australia. During this period they will be entitled to the award wages and general conditions of employment as apply generally to Australians engaged in the same type of employment.

2. upon the expiration of this two year period to allow such migrants to remain indefinitely in Australia provided that they have not proved unsuitable for settlement during the said period. The same conditions of wages and labour as those applying to Australians shall continue to apply to migrants.

3. to arrange for the payment of normal Social Service Benefits to migrants. Such Social Service Benefits will 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 benefits.

4. The Commonwealth Government shall render immigrants every assistance through the medium of the Commonwealth Employment Service to obtain employment in accordance with their qualifications and experience.

Article VI

The Commonwealth Government shall upon arrival of migrants in Australia :

1. accommodate them temporarily at an Immigration reception and training centre during the period while they are awaiting employment; and, where necessary, 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;

2. in the case of a family unit for whom the breadwinner cannot arrange private accommodation when he has been placed in employment, accommodate his dependants at an immigrant accommodation centre situated as near to the place of employment as circumstances will permit.

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;

3. in the event of the migrant and/or his dependants being offered accommodation by an employer, ensure that the standard of accommodation thus offered and the charges therefore shall be the same as those applying to Australian workers of the same category in the same area;

4. arrange transport free of cost to migrants—
- (a) from ship's side (or where appropriate airport) to an Immigration reception and training centre;
 - (b) from the Immigration reception and training centre to the initial place of employment;
 - (c) for dependants from the Immigration reception and training centre to an immigrant accommodation centre; and
 - (d) for dependants from the immigrant accommodation centre to the first private or other accommodation arranged by the breadwinner;

5. arrange free of cost to migrants who are proceeding from ship's side (or where appropriate airport) to approved privately-arranged accommodation, transport to such accommodation;

6. 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 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;

7. 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.

Article VII

The migrants shall not be embarked for Australia until such time as they have been informed by means of a leaflet drawn up in consultation between the Commonwealth Government and the Federal Government in English and German of their essential obligations and rights in Australia.

Article VIII

1. The contracting Governments shall be entitled to appoint representatives to care for migrants; such representatives may accompany ships or aircraft by which the migrants are transported.

2. Migrants leaving the Federal Republic of Germany shall be embarked as a matter of principle from German ports or airports.

Article IX

The Federal Government shall facilitate as far as possible the transfer of reasonable funds from the Federal Republic of Germany to migrants in order to aid them in settling in Australia. The Commonwealth Government shall facilitate the transfer by migrants of reasonable funds to Germany for the maintenance of their dependants.

Article X

1. The admission of migrants under this agreement shall be subject to the provisions of the Immigration Act of 1901/49 of the Commonwealth of Australia.
2. Notwithstanding the provisions hereinbefore contained, the Commonwealth Government shall have the right to return to Germany any migrant who within two years after his arrival in Australia proves unsuitable for settlement. The Australian authorities shall contact the competent German agency in Australia within a reasonable period of time prior to the return of a migrant in order to ensure smooth procedure.

Article XI

1. The date of entry into force of the present agreement shall be determined by an exchange of notes.
2. The agreement shall thereupon be valid for a period of five years and may be prolonged by mutual agreement.
3. Should, however, during the period of validity of the present Agreement circumstances arise which make the termination of the Agreement seem advisable, either Government may give the other Government six months' notice in writing of its intention to terminate the Agreement; the present Agreement shall thereupon be terminated on the expiry of such period.

DONE at Canberra on the 27th day of August One thousand nine hundred and fifty-eight, in two originals in the English and German languages, each text being equally authentic.

For the Government
of the Commonwealth
of Australia :

(Signed) A. R. DOWNER

For the Government
of the Federal Republic
of Germany :

(Signed) Dr. Otto BURCHARD