

**No. 6701**

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**FRANCE  
and  
AUSTRIA**

**Agreement concerning the acceptance of persons at the  
frontier. Signed at Paris, on 30 November 1962**

*Official texts: French and German.*

*Registered by France on 13 May 1963.*

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**FRANCE  
et  
AUTRICHE**

**Accord sur la prise en charge de personnes à la frontière.  
Signé à Paris, le 30 novembre 1962**

*Textes officiels français et allemand.*

*Enregistré par la France le 13 mai 1963.*

[TRANSLATION — TRADUCTION]

No. 6701. AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE FEDERAL GOVERNMENT OF THE REPUBLIC OF AUSTRIA CONCERNING THE ACCEPTANCE OF PERSONS AT THE FRONTIER. SIGNED AT PARIS, ON 30 NOVEMBER 1962

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The Government of the French Republic and the Federal Government of the Republic of Austria have, with a view to regulating in a spirit of friendship the reciprocal acceptance of persons at the frontier, agreed as follows :

*Article 1*

(a) The Federal Government of the Republic of Austria shall, without formalities and without the necessity of action by the Austrian Embassy in France, accept Austrian nationals whom the French authorities propose to deport if it is proved, or the presumption is established, that such persons possess Austrian nationality.

(b) Proof of Austrian nationality may be established on the basis of a certificate or other documentary evidence of nationality or of a decision by virtue of which Austrian nationality has been acquired or confirmed ; the presumption of Austrian nationality may be established by a passport or identity document even if the same was not drawn up in proper form or has expired within the past ten years.

(c) The Government of the French Republic shall readmit to its territory a person accepted in accordance with paragraph (a) who is shown by the Austrian authorities not to have had Austrian nationality at the time of his deportation, save where, under article 2, the Republic of Austria is required to accept such person or was so required at the time when it accepted him.

(d) Where proof or the presumption of Austrian nationality is not established in accordance with paragraphs (a) and (b) but circumstances exist which, in the opinion of the Austrian authorities, indicate that the person concerned possesses Austrian nationality, acceptance shall take place on the basis of a formal certificate of acceptance.

An application for such certificate shall be made to the Austrian Embassy in France, which, within two months after the application is submitted, shall transmit the certificate to the Ministry of Foreign Affairs of the French Republic or notify the said Ministry that the Republic of Austria cannot accept the person concerned.

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<sup>1</sup> Came into force on 1 January 1963, the first day of the second month following signature, in accordance with article 8.

*Article 2*

(a) The Federal Government of the Republic of Austria shall, at the request of the French authorities, accept a person who is a national of neither Contracting Party if that person left Austria less than six months before such request was made, after a stay in Austria of not less than one month, and entered France in an illegal manner. The said person shall not be accepted if, after crossing the frontier into the French Republic, he acquired the status of a refugee under the Convention of 28 July 1951<sup>1</sup> relating to the status of refugees.

(b) Acceptance by the Republic of Austria shall take place on the basis of a laissez-passer issued by the Austrian Embassy in France and within twelve months after the date of issue thereof.

(c) An application for the issue of a laissez-passer shall be made to the Austrian Embassy in France within six months after the date of the illegal entry into the territory of the French Republic. The Austrian Embassy in France shall, within three months after the application is submitted, transmit the laissez-passer to the French authorities or inform them of the reasons why the Republic of Austria cannot accept the person concerned.

(d) A local-banishment order that has become final or an order of deportation or expulsion from the territory of the Republic of Austria shall not preclude the issue of a laissez-passer.

(e) There shall be no obligation to accept a person who is a national of a third State having a common frontier with the French Republic unless compelling reasons exist for not deporting that person to the territory of such third State.

(f) The laissez-passer must be valid for transit through third States in accordance with the agreements concluded with such States by each of the Contracting Parties.

*Article 3*

(a) The Government of the French Republic shall, without formalities and without the necessity of action by the French Embassy in Austria, accept French nationals whom the Austrian authorities propose to deport if it is proved, or the presumption is established, that such persons possess French nationality.

(b) Proof of French nationality may be established by a certificate of nationality or certificate of naturalization ; the presumption of French nationality may be established by a passport or identity document even if the same was not drawn up in proper form or has expired within the past ten years.

(c) The Federal Government of the Republic of Austria shall readmit to its territory a person accepted in accordance with paragraph (a) who is shown by the French authorities not to have had French nationality at the time of his deportation,

<sup>1</sup> See footnote 1, p. 344 of this volume.

save where, under article 4, the French Republic is required to accept such person or was so required at the time when it accepted him.

(d) Where proof or the presumption of French nationality is not established in accordance with paragraphs (a) and (b) but circumstances exist which, in the opinion of the French authorities, indicate that the person concerned possesses French nationality, acceptance shall take place on the basis of a formal certificate of acceptance.

An application for such certificate shall be made to the French Embassy in Austria, which, within two months after the application is submitted, shall transmit the certificate to the Federal Ministry of Foreign Affairs of the Republic of Austria or notify the said Ministry that the French authorities cannot accept the person concerned.

#### *Article 4*

(a) The Government of the French Republic shall, at the request of the Austrian authorities, accept a person who is a national of neither Contracting Party if that person left France less than six months before such request was made, after a stay in France of not less than one month, and entered Austria in an illegal manner. The said person shall not be accepted if, after crossing the frontier into the Republic of Austria, he acquired the status of a refugee under the Convention of 28 July 1951 relating to the status of refugees.

(b) Acceptance by the Government of the French Republic shall take place on the basis of a laissez-passer issued by the French Embassy in Austria and within twelve months after the date of issue thereof.

(c) An application for the issue of a laissez-passer shall be made to the French Embassy in Austria within six months after the date of the illegal entry into the territory of the Republic of Austria. The French Embassy in Austria shall, within three months after the application is submitted, transmit the laissez-passer to the Austrian authorities or inform them of the reasons why the French authorities cannot accept the person concerned.

(d) Proceedings for expulsion from the territory of the French Republic shall not preclude the issue of a laissez-passer.

(e) There shall be no obligation to accept a person who is a national of a third State having a common frontier with the Republic of Austria unless compelling reasons exist for not deporting that person to the territory of such third State.

(f) The laissez-passer must be valid for transit through third States in accordance with the agreements concluded with such States by each of the Contracting Parties.

#### *Article 5*

Each Contracting Party declares itself willing to accede to requests from the authorities of the other Contracting Party for the conveyance in transit of a person

possessing neither Austrian nor French nationality against whom administrative proceedings for expulsion have been instituted, on condition that acceptance is guaranteed by the State of destination and, where necessary, conveyance in transit is guaranteed by other States. Such conveyance may be refused if the said person might face political persecution in one of the States concerned or would be liable to criminal prosecution or punishment in one of the said States or in the State applied to.

Requests for conveyance in transit shall be made by the Austrian Embassy in France or by the French Embassy in Austria.

A person accepted for conveyance in transit may be returned at any time to the authorities of the State which ordered his deportation if facts making such conveyance inadvisable subsequently arise or are discovered, or if another State through which he is to be so conveyed, or the State of destination, refuses to accept him.

#### *Article 6*

All costs of conveying deported persons to the frontier of the State of destination, including costs of conveyance in transit through third States, shall be borne by the departing State. The same shall apply in cases where such persons are returned.

#### *Article 7*

The foregoing provisions shall in no way alter the extradition arrangements in force between the Contracting Parties.

#### *Article 8*

This Agreement shall enter into force on the first day of the second month following its signing. It may be terminated at any time on three months' notice.

DONE in Paris on 30 November 1962 in four copies, two in the French language and two in the German language, both texts being equally authentic.

For the Federal Government  
of the Republic of Austria :

FUCHS

For the Government  
of the French Republic :

F. LEDUC