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No. 7879

**AUSTRALIA
and
FEDERAL REPUBLIC OF GERMANY**

**Agreement on assisted migration. Signed at Bonn, on
21 June 1965**

Official texts : English and German.

Registered by Australia on 12 August 1965.

**AUSTRALIE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif à l'assistance à la migration. Signé à Bonn,
le 21 juin 1965**

Textes officiels anglais et allemand.

Enregistré par l'Australie le 12 août 1965.

No. 7879. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY ON ASSISTED MIGRATION. SIGNED AT BONN, ON 21 JUNE 1965

The Government of the Commonwealth of Australia and the Government of the Federal Republic of Germany,

Noting that the Migration Agreement of 27 August 1958² between the two Governments expired on 28 August 1962,

Recognizing the valuable experience gained from their co-operation in the field of migration,

Desiring to make provision for further co-operation appropriate to current circumstances,

Have agreed as follows :

Article 1

(1) " Migrants " in this Agreement shall mean persons :

- (a) who are Germans under Article 116 of the Basic Law for the Federal Republic of Germany ;
- (b) who have been accepted in the territory of the Federal Republic of Germany and who fall within the scope of the Law concerning the Legal Status of Homeless Aliens in Federal Territory, dated 25 April 1951 (Federal Law Gazette I, p. 269), or of the Law on the Legal Status of Refugees of 28 July 1951 (B. G. B. L. 1953, II, S. 559) ; or
- (c) who are dependants of the persons referred to in sub-paragraphs (a) and (b) above ;

and who migrate to Australia and receive directly or indirectly a contribution to their passage costs from the German Government or from the Australian Government.

¹ Deemed to have come into force on 29 August 1962, in accordance with article 12.

² United Nations, *Treaty Series*, Vol. 320, p. 303.

(2) "Workers" in this Agreement shall mean migrants who migrate to Australia with a view to taking up gainful employment.

(3) "Dependants" in this Agreement shall mean persons who are :

- (a) the spouses or minor children (including step-children, adopted or foster children) of workers ;
- (b) the children (who have attained their majority) or the parents or brothers or sisters of workers or of a worker's spouse provided that they can prove themselves to be dependent upon the support of the worker for reasons of finance or health, or provided that the successful resettlement of the worker in Australia will be dependent upon his being accompanied by such relatives ; or
- (c) the fiancées of workers.

Article 2

(1) The inclusion of persons within the scope of this Agreement or the Supplementary Arrangements thereto, within the meaning of Article 3 of this Agreement, shall require the consent of the German Government.

(2) The acceptance of persons for immigration to Australia shall be the responsibility of the Australian Government.

(3) In accepting persons for immigration to Australia, the Australian Government shall take into account the general undesirability of separating a family.

Article 3

The two Governments shall, from time to time, establish, through Supplementary Arrangements, operational details concerning migration from Germany to Australia, and in particular :

- (a) the number and categories of migrants ;
- (b) the extent to which, and the categories of persons to whom, financial assistance can be granted ;
- (c) the way in which the German Government will give its consent as provided for in paragraph (1) of Article 2 of this Agreement ; and
- (d) the way in which German administrative agencies will co-operate in the implementation of this Agreement.

Article 4

(1) Persons specified in sub-paragraphs (a), (b) or (c) of paragraph (1) of Article 1 of this Agreement may apply for immigration to Australia. Appli-

cations submitted by minors under the age of 18 years desiring to migrate alone shall be approved only if their immigration is for the purpose of family reunion. In considering such applications, the provisions of German law relating to the protection of minors shall be observed.

(2) The German Government shall ensure that any persons interested in migrating to Australia receive the best possible advice and information concerning resettlement prospects in Australia.

(3) The German Government shall render the Australian Government every possible form of assistance and co-operation to enable the Australian Government to make an accurate assessment of the suitability of applicants for immigration to Australia.

(4) The German Government shall facilitate the transportation of migrants and shall help them with their embarkation.

Article 5

(1) The Australian Government shall :

- (a) prior to accepting applicants for immigration to Australia inform them of their essential rights and obligations in Australia by means of a leaflet jointly drawn up by the German and Australian Governments in the German and English languages ;
- (b) inform every migrant, prior to his embarkation for Australia, by means of a written document which relates either to him individually or to the group of which he is a member, of the occupational or professional capacity in which he has been selected, and of the conditions of employment, in particular the minimum wages which he can expect ; and
- (c) admit migrants into Australia for permanent residence and ensure that they receive the same wages and general conditions of employment as apply to Australians engaged in the same type of employment.

(2) Details of the document referred to in sub-paragraph (b) of paragraph (1) of this Article shall be set out in the Supplementary Arrangements provided for in Article 3 of this Agreement.

Article 6

(1) The Australian Government shall be responsible for the reception of migrants upon their arrival in Australia and in that connection shall :

- (a) where necessary, accommodate them temporarily at a Migrant Accommodation Centre, subject to the conditions that —

- (i) no charge shall be made for the board and lodging at such Centre of a worker and his dependants for an initial period of seven days, or until the worker has been offered suitable employment, whichever period is the shorter ;
 - (ii) from and including the eighth day, when normally an unemployment or special Social Service benefit will become payable to a worker who has not been offered suitable employment, there shall be deducted from any such benefit payable to him an amount in discharge of the cost of his board and lodging and that of his dependants ; and
 - (iii) when suitable employment has been offered to the worker he shall thereupon be responsible for the payment, at the weekly rates applicable at the time, of his own and his dependants' board and lodging as from the date on which he commences employment ;
- (b) if possible, upon the request of a worker who has commenced employment at a place nearer to a Migrant Accommodation Centre other than that at which his dependants are accommodated, transfer his dependants to and accommodate them at that Centre, in which case the worker shall be responsible for the payment, at the weekly rates applicable at the time, of the cost of their board and lodging at that Centre ; and
- (c) arrange transport, free of cost to the migrants —
- (i) from the point of disembarkation to a Migrant Accommodation Centre or to private accommodation ;
 - (ii) from the Migrant Accommodation Centre to the place of initial employment ; and
 - (iii) for the transfer of dependants to another Migrant Accommodation Centre as provided in sub-paragraph (b) of this paragraph or to private accommodation.
- (2) The Australian Government shall furthermore —
- (a) after the arrival in Australia of the personal and household effects of each migrant, arrange for the carriage to the migrant's first private accommodation in Australia, free of cost to him, of such amount of those effects as is agreed upon from time to time between the two Governments ;
 - (b) render to each migrant every assistance through the Commonwealth Employment Service to obtain employment in accordance with his qualifications and experience ;
 - (c) where employment involves also the provision of accommodation for the worker or for the worker and his dependants, offer such employment to a migrant only if it has first satisfied itself that the standard of such

accommodation and the charges therefor are the same as those applying to Australian workers of the same category in the same area ;

- (d) ensure that migrants shall receive, in respect of their personal and household effects imported into Australia at the time of their first arrival, the full Customs duty concessions, including total exemption where applicable, under the Customs laws operative from time to time, as are accorded generally to passengers arriving in Australia to take up permanent residence ;
- (e) ensure that migrants shall be entitled to receive Social Service benefits on the same terms as apply to Australian citizens namely :
 - (i) unemployment and sickness benefits, child endowment, maternity allowances, and hospital, medical and pharmaceutical benefits, upon arrival in Australia ;
 - (ii) invalid and widow's pensions, upon acquiring Australian citizenship and fulfilling the necessary residential qualifications ; and
 - (iii) age pensions, upon acquiring Australian citizenship and completing 10 years continuous residence in Australia ;
- (f) provide after-care for migrants, in that the Commonwealth Department of Immigration and associated welfare and after-care organizations will advise them on and assist them in solving any assimilation problems which they may have during their initial period of settlement in Australia ; and
- (g) accommodate in a Migrant Accommodation Centre within twelve months after their arrival in Australia, migrants who become unemployed and who remain unemployed for at least fourteen days.

Article 7

(1) Migrants leaving the Federal Republic of Germany shall be embarked as a matter of principle from German ports and airports. The transport of migrants by air shall be confined to the German and Australian airlines and such traffic shall be equally distributed in each year between the German and Australian airlines.

(2) In the event that either the German or Australian airline is for any reason unable to carry on its own aircraft (or on aircraft under charter) its full share of the migrant traffic to which it is entitled under the provisions of paragraph (1) of this Article, such share or the part of such share which it cannot carry shall be assigned to the other airline.

(3) The two Governments shall be entitled to appoint representatives on ships or aircraft by which migrants are transported.

Article 8

The German Government shall facilitate the transfer by migrants or to migrants of reasonable funds from the Federal Republic of Germany in order to aid them in settling in Australia. The Australian Government shall facilitate the transfer by migrants of reasonable funds to the Federal Republic of Germany for the maintenance of their dependants.

Article 9

(1) The admission of migrants into Australia shall be subject to the provisions of the Migration Act 1958 and of any amendments which may be made to that Act.

(2) Migrants so admitted shall be entitled to remain permanently in Australia so long as they do not become liable to deportation or extradition under the laws of the Commonwealth of Australia.

(3) The Australian Government shall provide the Embassy of the Federal Republic of Germany in Australia with details of any Deportation Order issued in Australia for the return of a migrant to the Federal Republic of Germany.

Article 10

Selected applicants aged 18 years or more shall not be embarked for Australia until they have undertaken in writing that :

- (a) in the event of departure from Australia for any reason within two years from the date of their arrival, they will repay to the Australian Government, prior to such departure, the amount of financial assistance granted towards the cost of their transportation to Australia ; and
- (b) they will use every endeavour to learn the English language and regularly attend night classes or use other facilities which are provided for all migrants at the Australian Government's expense for the purpose of teaching them the English language.

The document containing these undertakings shall be drawn up in the German and English languages and shall be signed in duplicate by the migrant

and witnessed by an Australian Government representative who shall retain one copy and hand the other to the migrant.

Article 11

In considering an application by a migrant for repatriation (where deportation or extradition under the laws of the Commonwealth of Australia is not involved) the Australian Government shall :

- (a) consult with the Embassy of the Federal Republic of Germany in Australia ;
- (b) have full regard to the wellbeing and wishes of the migrant and his dependants ; and
- (c) take into account the general undesirability of separating a family.

Article 12

This Agreement shall be deemed to have entered into force on 29 August 1962 and shall remain in force until the expiration of one year from the day upon which either Government gives to the other notice in writing that it desires to terminate the Agreement.

Article 13

This Agreement shall also apply to *Land Berlin* provided that the Government of the Federal Republic of Germany has not made a contrary declaration to the Government of the Commonwealth of Australia within three months from the date of signature thereof.

DONE at Bonn on 21 June 1965 in four originals two each in the English and German languages, each text being equally authentic.

For the Government of the Commonwealth of Australia :	For the Government of the Federal Republic of Germany :
(Signed) [illegible]	(Signed) [illegible]