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No. 7952

AUSTRIA
and
BELGIUM, LUXEMBOURG and NETHERLANDS

Agreement concerning the residence of refugees within the meaning of the Convention relating to the Status of Refugees with schedule and annex (Geneva Convention of 28 July 1951). Signed at Vienna, on 15 February 1965

Official texts : German, French and Dutch.

Registered by Austria on 28 September 1965.

AUTRICHE

et

BELGIQUE, LUXEMBOURG et PAYS-BAS

Accord concernant le séjour des réfugiés au sens de la Convention relative au statut des réfugiés et annexes (Convention de Genève du 28 juillet 1951). Signé à Vienne, le 15 février 1965

Textes officiels allemand, français et néerlandais.

Enregistré par l'Autriche le 28 septembre 1965.

[TRANSLATION — TRADUCTION]

No. 7952. AGREEMENT¹ BETWEEN THE FEDERAL GOVERNMENT OF THE REPUBLIC OF AUSTRIA, ON THE ONE HAND, AND THE GOVERNMENTS OF THE KINGDOM OF BELGIUM, THE GRAND DUCHY OF LUXEMBOURG AND THE KINGDOM OF THE NETHERLANDS, ON THE OTHER HAND, CONCERNING THE RESIDENCE OF REFUGEES WITHIN THE MEANING OF THE CONVENTION RELATING TO THE STATUS OF REFUGEES WITH SCHEDULE AND ANNEX (GENEVA CONVENTION OF 28 JULY 1951).² SIGNED AT VIENNA, ON 15 FEBRUARY 1965

With a view to settling certain questions relating to the travel documents and residence of refugees within the meaning of the Convention relating to the status of refugees with schedule and annex (Geneva Convention of 28 July 1951)² in the interests of these refugees and in a spirit of friendship, the Federal Government of the Republic of Austria, on the one hand, and the Governments of the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands, acting jointly pursuant to the Convention on the transfer of control of persons to the external frontiers of Benelux territory concluded between them on 11 April 1960,³ on the other hand, have agreed as follows :

Article 1

1. The competent authorities of the Republic of Austria shall furnish the holder of a travel document issued by the authorities of the Kingdom of Belgium, the Grand Duchy of Luxembourg or the Kingdom of the Netherlands, under the terms and conditions of article 28 of the Geneva Convention of 28 July 1951, a new travel document in conformity with paragraph 11 of the Schedule to that Convention, if the refugee has lawfully resided in the territory of the Republic of Austria :

- (a) Beyond the period of validity of the travel document, or
- (b) For an uninterrupted period of at least two years.

¹ Came into force on the first day of the second month after the date of signature, i.e., on 1 April 1965, in accordance with article 8.

² United Nations, *Treaty Series*, Vol. 189, p. 137; for subsequent actions relating to this Convention, see references in Cumulative Indexes Nos. 2 to 4, as well as Annex A in volumes 405, 410, 411, 413, 415, 418, 423, 424, 435, 437, 442, 443, 453, 454, 456, 463, 466, 471, 494, 495, 503, 511, 514, 520, 521 and 541.

³ United Nations, *Treaty Series*, Vol. 374, p. 3.

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2. Residence within the meaning of paragraph 1 (b) shall not be deemed to be interrupted by temporary absences totalling six months or less.

3. Periods during which a refugee is required to serve a sentence of deprivation of liberty pronounced by a court or undergo medical treatment in a hospital shall not be taken into consideration in calculating the period referred to in paragraph 1 (b) above.

Article 2

1. The competent authorities of the Republic of Austria shall readmit a refugee who resides in the territory of the Kingdom of Belgium, the Grand Duchy of Luxembourg or the Kingdom of the Netherlands and to whom the Austrian authorities have issued a travel document under the terms and conditions of article 28 of the Geneva Convention of 28 July 1951, if the Belgian, Luxembourg or Netherlands authorities are not obliged to issue a travel document to him under article 3 below. The request for readmittance must be presented within a period of six months after the expiry of the period of validity of the travel document or within a period of three months after the expiry of a sentence to deprivation of liberty or discharge from a hospital.

2. The request for readmittance shall be addressed directly by the Belgian, Luxembourg or Netherlands Ministry of Justice, as the case may be, to the Austrian Federal Ministry of the Interior.

Article 3

1. The competent authorities of the Kingdom of Belgium, the Grand Duchy of Luxembourg or the Kingdom of the Netherlands shall furnish the holder of a travel document issued by the authorities of the Republic of Austria under the terms and conditions of article 28 of the Geneva Convention of 28 July 1951 a new travel document in conformity with paragraph 11 of the Schedule to that Convention, if the refugee has lawfully resided in the territory of the Kingdom of Belgium, the Grand Duchy of Luxembourg or the Kingdom of the Netherlands :

- (a) Beyond the period of validity of the travel document, or
- (b) For an uninterrupted period of at least two years.

2. Residence within the meaning of paragraph 1 (b) shall not be deemed to be interrupted by temporary absences totalling six months or less.

3. Periods during which the refugee is required to serve a sentence of deprivation of liberty pronounced by a court or undergo medical treatment in a hospital shall

not be taken into consideration in calculating the period referred to in paragraph 1 (b) above.

Article 4

1. The competent authorities of the Kingdom of Belgium, the Grand Duchy of Luxembourg or the Kingdom of the Netherlands shall readmit a refugee who resides in the territory of the Republic of Austria and to whom the authorities of the State concerned have issued a travel document under the terms and conditions of article 28 of the Geneva Convention of 28 July 1951, if the Austrian authorities are not obliged to issue a travel document to him under article 1 above. The request for readmittance must be presented within a period of six months after the expiry of the period of validity of the travel document or within a period of three months after the expiry of a sentence of deprivation of liberty or discharge from a hospital.

2. The request for readmittance shall be addressed directly by the Austrian Federal Ministry of the Interior to the Ministry of Justice of the Contracting State concerned.

Article 5

When in exceptional cases the authorities of one Contracting State have limited the right of return in the travel document, in conformity with paragraph 13, subparagraph 3, of the Schedule to the Geneva Convention of 28 July 1951, the obligation of the authorities of another Contracting State to issue a new travel document, and the start of the six-month period for the presentation of the request for the refugee's readmittance, shall be determined not by the period of validity of the travel document but by that of the right of return entered therein.

Article 6

This Agreement shall not affect :

1. The rights accorded to refugees by the Geneva Convention of 28 July 1951,
2. The agreements between the Contracting Parties on the transfer of persons at the frontier.

Article 7

As far as the Kingdom of the Netherlands is concerned, this Agreement shall be applicable only to the territory of that State situated in Europe ; it may, by exchange of notes between the Federal Government of the Republic of Austria and the Government of the Kingdom of the Netherlands, be extended by common agreement

to each of the parts of the Kingdom of the Netherlands situated outside Europe. The date of entry into force of such extension shall be fixed in the exchange of notes and notified to the other Contracting States.

Article 8

1. This Agreement shall come into force on the first day of the second month after the date of signature. It shall remain in force for a period of one year ; if it has not been denounced one month before the end of that period ; it shall be deemed to be extended for an indefinite period.

2. After the initial period of one year, the Agreement may be denounced on three months' notice.

3. Notice of denunciation by the Federal Government of the Republic of Austria shall be addressed simultaneously to the Governments of the other Contracting States.

4. Notice of denunciation by the Government of the Kingdom of Belgium, the Grand Duchy of Luxembourg or the Kingdom of the Netherlands shall be addressed to the Federal Government of the Republic of Austria. Denunciation by one of these three Governments or by the Federal Government of the Republic of Austria shall render the Agreement void on the expiry of the prescribed period of notice.

DONE at Vienna, on 15 February 1965, in four copies, each in the German, French and Dutch languages, the three texts being equally authentic.

For the Federal Government of the Republic of Austria :

KREISKY

For the Government of the Kingdom of Belgium :

COLOT

For the Government of the Grand Duchy of Luxembourg :

VAN HOUTEN

For the Government of the Kingdom of the Netherlands :

VAN HOUTEN