

No. 7633

**NETHERLANDS, BELGIUM and LUXEMBOURG
and
SWITZERLAND**

**Exchange of letters constituting an agreement concerning
the right of return of refugee workers. Berne, 14 May
1964**

Official text: French.

Registered by the Netherlands on 10 March 1965.

**PAYS-BAS, BELGIQUE et LUXEMBOURG
et
SUISSE**

**Échange de lettres constituant un accord concernant le
droit de retour des réfugiés travailleurs. Berne, 14 mai
1964**

Texte officiel français.

Enregistré par les Pays-Bas le 10 mars 1965.

[TRANSLATION — TRADUCTION]

No. 7633. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENTS OF THE NETHERLANDS, BELGIUM AND LUXEMBOURG, ON THE ONE HAND, AND THE SWISS FEDERAL COUNCIL, ON THE OTHER, CONCERNING THE RIGHT OF RETURN OF REFUGEE WORKERS. BERNE, 14 MAY 1964

I

ROYAL EMBASSY OF BELGIUM

EMBASSY OF THE GRAND DUCHY OF LUXEMBOURG

ROYAL EMBASSY OF THE NETHERLANDS

Berne, 14 May 1964

Sir,

We have the honour to inform Your Excellency that the Governments of the Benelux countries are prepared to conclude with the Swiss Federal Council an agreement concerning the right to return of working refugees, in the following terms, which are submitted for your consideration :

The Swiss Federal Council, on the one hand, and the Governments of the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands, acting together, in accordance with the Convention of 11 April 1960² on the transfer of control of persons to the external frontiers of Benelux territory, on the other hand;

Desiring to facilitate the movement and employment of working refugees in their territory;

Taking as a basis the provisions of the Geneva Convention of 28 July 1951³ relating to the Status of Refugees and the Recommendation of the Council of the Organization for European Economic Co-operation of 15 November 1958 (C/58/196 final) relating to the Regulations and Administrative Practices Governing the Movement and Employment of Refugees, which Recommendation was ratified by a decision of the Council of the Organization for Economic Co-operation and Development on 30 September 1961 (OECD/C (61) 5);

Have agreed as follows :

Article 1

For the purpose of this Agreement, the term "the Benelux countries" means the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Nether-

¹ Came into force on 15 June 1964, in accordance with the provisions of article 9.

² United Nations, *Treaty Series*, Vol. 374, p. 3.

³ United Nations, *Treaty Series*, Vol. 189, p. 137.

lands; the term "Benelux territory" means the whole of the territories in Europe of the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands.

The term "provisional residence authorization" means authorization to go to one of the Benelux countries for a period of more than three months.

The term "residence document" within the meaning of article 6 means :

In Switzerland, the residence permit;

In Belgium, a certificate of entry in the register of aliens or an alien's identity card;

In the Netherlands, a residence authorization stamped in the alien's travel or identity document, or a residence permit form;

In Luxembourg, an alien's identity card.

Article 2

Refugees lawfully residing in Switzerland and holding a refugee's travel document issued by the Swiss authorities in conformity with the Geneva Convention of 28 July 1951 relating to the Status of Refugees, who proceed to one of the Benelux countries in virtue of a "provisional residence authorization" with a view to engaging in gainful employment shall, for a period of two years, have the right to return to Switzerland. This "provisional residence authorization" shall be stamped in the refugee's travel document.

Article 3

Refugees lawfully residing in Switzerland who, in virtue of the provisions of the Agreement between the Benelux countries and Switzerland concerning the movement of refugees of the fourteenth of May, one thousand nine hundred and sixty-four,¹ have proceeded to one of the Benelux countries, where they have subsequently been authorized to reside and to engage in gainful employment shall, for a period of two years, not be considered to be settled, within the meaning of the aforementioned Agreement, in the country in which they are employed; during this period they shall retain the right to return to Switzerland.

Article 4

Refugees lawfully residing in one of the Benelux countries and holding a refugee's travel document issued by the authorities of one of the Benelux countries in conformity with the Geneva Convention of 28 July 1951 relating to the Status of Refugees, who, in virtue of a visa, proceed to Switzerland with a view to engaging in gainful employment shall, for a period of two years, have the right to return to the territory of the Benelux country which issued their travel document.

Article 5

Refugees lawfully residing in one of the Benelux countries who, in virtue of the provisions of the Agreement between the Benelux countries and Switzerland concerning

¹ See p. 13 of this volume.

the movement of refugees of the fourteenth of May, one thousand nine hundred and sixty-four, have proceeded to Switzerland, where they have subsequently been authorized to reside and engage in gainful employment shall, for a period of two years, not be considered to be settled, within the meaning of the aforementioned Agreement, in Switzerland; during this period they shall retain the right to return to the Benelux country which issued their travel document.

Article 6

The period of two years referred to in articles 2 to 5 above shall run from the date of issue of a residence document by the authorities of the country in which the refugee is gainfully employed. The Swiss authorities and the authorities of the Benelux countries shall, in pursuance of this Agreement, make the necessary arrangements so that the travel documents furnished to working refugees and the right to return deriving from them shall be valid for the said period of two years.

Extension of renewal of these travel documents shall be granted even if the persons concerned have already obtained a residence document in the country in which they are employed.

Article 7

On the expiry of the period fixed in the preceding articles, working refugees shall be considered to have received authorization to reside permanently in Switzerland or in the Benelux country in which they are employed and thereby to come under the protection of the authorities of their country of residence.

Article 8

Working refugees shall, during their residence in Switzerland or in one of the Benelux countries, be subject to the provisions concerning aliens in force therein.

Article 9

This Agreement shall enter into force on the fifteenth of June, one thousand nine hundred and sixty-four and shall remain in force for one year. Unless it is denounced by the Swiss Federal Council or the Governments of the Benelux countries one month before the end of that period, the Agreement shall be extended indefinitely. The Swiss Federal Council or the Governments of the Benelux countries may denounce it subsequently by giving three months' notice.

If the Swiss Federal Council is prepared to conclude an agreement with the Governments of the Benelux countries in conformity with the foregoing provisions, we have the honour to propose that this letter and your reply in similar terms should constitute the agreement between the Swiss Federal Council and the Governments of the Benelux countries.

Accept, Sir, the assurances of our highest consideration.

For the Kingdom of Belgium :

(Signed) ROTHSCHILD

For the Grand Duchy of Luxembourg :

(Signed) P. MAJERUS

For the Kingdom of the Netherlands :

(Signed) L. SAVELBERG

His Excellency Mr. Friedrich Wahlen
Federal Councillor
Head of the Federal Political Department
Berne

II

FEDERAL POLITICAL DEPARTMENT

0.743.311.1.

Berne, 14 May 1964

Sir,

By letter of today's date, you and the Ambassadors of the Kingdom of Belgium and of the Grand Duchy of Luxembourg were kind enough to inform me of the following :

[See letter I]

I have the honour to confirm to you that the Swiss Federal Council has approved the contents of your joint letter. Consequently, your letter and this reply will constitute an agreement between the Swiss Federal Council and the Governments of the Benelux countries concerning the right of return of working refugees.

Similar letters have been sent this day to the Ambassadors of the Kingdom of Belgium and of the Grand Duchy of Luxembourg.

Accept, Sir, the assurances of my highest consideration.

(Signed) WAHLEN

His Excellency Mr. Léon Savelberg
Ambassador of the Kingdom of the Netherlands
to Switzerland
Berne