

No. 14400

FRANCE
and
AUSTRIA

Agreement concerning the sojourn of refugees within the meaning of the Convention relating to the Status of Refugees (Geneva Convention of 28 July 1951 and Protocol relating to the Status of Refugees of 31 January 1967). Signed at Vienna on 21 October 1974

Authentic texts: French and German.

Registered by France on 31 October 1975.

FRANCE
et
AUTRICHE

Accord concernant le séjour des réfugiés au sens de la Convention relative au statut des réfugiés (Convention de Genève du 28 juillet 1951 et Protocole relatif au statut des réfugiés du 31 janvier 1967). Signé à Vienne le 21 octobre 1974

Textes authentiques : français et allemand.

Enregistré par la France le 31 octobre 1975.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE FRENCH REPUBLIC AND THE REPUBLIC OF AUSTRIA CONCERNING THE SOJOURN OF REFUGEES WITHIN THE MEANING OF THE CONVENTION RELATING TO THE STATUS OF REFUGEES (GENEVA CONVENTION OF 28 JULY 1951² AND PROTOCOL RELATING TO THE STATUS OF REFUGEES OF 31 JANUARY 1967)³

The President of the French Republic and the Federal President of the Republic of Austria, desiring to conclude an agreement on certain questions relating to the travel documents and the sojourn of refugees within the meaning of the Convention relating to the Status of Refugees (Geneva Convention of 28 July 1951² and Protocol relating to the Status of Refugees of 31 January 1967),³ have to that end appointed as their plenipotentiaries:

The President of the French Republic:

Mr. Augustin Jordan, Ambassador Extraordinary and Plenipotentiary of the French Republic to Austria.

The Federal President of the Republic of Austria:

Mr. Erich Bielka, Federal Minister of Foreign Affairs,
who, having exchanged their full powers, found to be in good and due form, have agreed as follows:

Article 1. 1. The Republic of Austria shall furnish the holder of a travel document issued by the French Republic, under the terms and conditions of article 28 of the Convention relating to the Status of Refugees, with a new travel document in conformity with paragraph 11 of the Schedule to that Convention if the refugee has obtained authorization to reside permanently in the territory of the Republic of Austria or if he has lawfully sojourned in that territory for an uninterrupted period of at least two years.

2. Sojourn shall be considered lawful within the meaning of paragraph 1 of this article if it is authorized by the legislation in force in the Republic of Austria relating to the sojourn of aliens.

3. The period of sojourn referred to in paragraph 1 of this article shall not be deemed to be interrupted by temporary absences totalling not more than three months.

4. Periods spent by a refugee in a hospital, treatment centre, convalescent home or other establishment of a similar nature, periods during which a refugee is imprisoned in a penitentiary institution or periods spent by a refugee in the territory of the Republic of Austria primarily for the purpose of study shall not be taken into consideration in reckoning the period referred to in paragraph 1 of this article.

Article 2. 1. The Republic of Austria shall readmit the holder of a travel document issued by it in accordance with article 28 of the Convention relating to the Status of Refugees at the request of the French Republic even after the expiry of the

¹ Came into force on 24 July 1975, i.e., one month after the exchange of the instruments of ratification, which took place at Paris on 24 June 1975, in accordance with article 7 (1).

² United Nations, *Treaty Series*, vol. 189, p. 137.

³ *Ibid.*, vol. 606, p. 267.

right of return mentioned in the travel document if the request for readmission is made within a period of six months after the expiry of the right of return or after discharge from a hospital, treatment centre, convalescent home or other establishment of a similar nature, after release from a penitentiary institution or after completion or interruption of studies. The Republic of Austria shall not be required to grant readmission if the French Republic is under an obligation to issue a new travel document to the refugee in accordance with article 3 of this Agreement.

2. The request for readmission shall be addressed by the Ministry of the Interior of the French Republic to the Federal Ministry of the Interior of the Republic of Austria. The latter shall inform the Ministry of the Interior of the French Republic within two months of the request whether the alien in question is to be readmitted and, if so, under which procedures (extension of the validity of the travel document and of the right of return mentioned therein or issue of a declaration of readmission).

Article 3. 1. The French Republic shall furnish the holder of a travel document issued by the Republic of Austria under the terms and conditions of article 28 of the Convention relating to the Status of Refugees, with a new travel document in conformity with paragraph 11 of the Schedule to that Convention if the refugee has obtained authorization to reside permanently in the territory of the French Republic or if he has lawfully sojourned in that territory for an uninterrupted period of at least two years.

2. Sojourn shall be considered lawful within the meaning of paragraph 1 of this article if it is authorized by the legislation in force in the French Republic relating to the sojourn of aliens.

3. The period of sojourn referred to in paragraph 1 of this article shall not be deemed to be interrupted by temporary absences totalling not more than three months.

4. Periods spent by a refugee in a hospital, treatment centre, convalescent home or other establishment of a similar nature, periods during which a refugee is imprisoned in a penitentiary institution or periods spent by a refugee in the territory of the French Republic primarily for the purpose of study shall not be taken into consideration in reckoning the period referred to in paragraph 1 of this article.

Article 4. 1. The French Republic shall readmit the holder of a travel document issued by it in accordance with article 28 of the Convention relating to the Status of Refugees at the request of the Republic of Austria even after the expiry of the right of return mentioned in the travel document if the request for readmission is made within a period of six months after the expiry of the right of return or after discharge from a hospital, treatment centre, convalescent home or other establishment of a similar nature, after release from a penitentiary institution or after completion or interruption of studies. The French Republic shall not be required to grant readmission if the Republic of Austria is under an obligation to issue a new travel document to the refugee in accordance with article 1 of this Agreement.

2. The request for readmission shall be addressed by the Federal Ministry of the Interior of the Republic of Austria to the Ministry of the Interior of the French Republic. The latter shall inform the Federal Ministry of the Interior of the Republic of Austria within two months of the request whether the alien in question is to be readmitted and, if so, under which procedures (extension of the validity of the travel document and of the right of return mentioned therein or issue of a *laissez-passer*).

Article 5. This Agreement shall not affect:

1. The right of both contracting States at any time to grant a permanent residence permit to a refugee holding a travel document issued by the other contracting State in accordance with article 28 of the Convention on Refugees;
2. The rights accorded to refugees by the Convention relating to the Status of Refugees;
3. The agreement between the Contracting Parties on the transfer of persons at the frontier.

Article 6. As far as the French Republic is concerned, this Agreement shall be applicable only to its territory situated in Europe. The French Republic may, by means of a declaration addressed to the Republic of Austria, extend the Agreement to any French department or territory situated outside Europe. Such extension shall enter into force 60 days after receipt of the declaration.

Article 7. 1. This Agreement shall be ratified. It shall enter into force one month after the exchange of instruments of ratification, which shall take place at Paris.

2. This Agreement is concluded for an indefinite period and may be denounced in writing, through the diplomatic channel, on three months' notice.

IN WITNESS WHEREOF the Plenipotentiaries have signed this Agreement and have affixed their seals thereto.

DONE at Vienna on 21 October 1974.

For the French Republic:

[Signed]

AUGUSTIN JORDAN

For the Republic of Austria:

[Signed]

ERICH BIELKA
