

No. 21909

**NETHERLANDS
and
SURINAME**

**Agreement concerning the entry and residence of their
respective nationals (with annexes and protocol).
Signed at Paramaribo on 23 January 1981**

Authentic text: Dutch.

Registered by the Netherlands on 31 May 1983.

**PAYS-BAS
et
SURINAME**

**Accord relatif à l'entrée et à la résidence de leurs ressortis-
sants respectifs (avec annexes et protocole). Signé à
Paramaribo le 23 janvier 1981**

Texte authentique : néerlandais.

Enregistré par les Pays-Bas le 31 mai 1983.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE REPUBLIC OF SURINAME CONCERNING THE ENTRY AND RESIDENCE OF THEIR RESPECTIVE NATIONALS

The Government of the Kingdom of the Netherlands and

The Government of the Republic of Suriname,

Desiring to strengthen further the historic ties between their countries,

Being aware that the special ties between the two countries are reflected in their mutual relations,

Wishing to give expression to this awareness in matters concerning the residence of nationals of each Party in the territory of the other,

Convinced of the importance of a regular exchange of views on matters concerning migration,

Have agreed as follows:

PART I. GENERAL

Article 1. The Contracting Parties hereby establish a Commission composed of representatives appointed by them (hereinafter referred to as "the Commission").

Article 2. The Commission shall discuss the policy of the Contracting Parties with regard to the entry, residence and repatriation of each other's nationals.

Article 3. The Commission shall meet at the request of either Contracting Party at least every six months alternately in the Netherlands and Suriname.

Article 4. The members of the Commission may be assisted by experts.

Article 5. The Chairman of the Commission's meetings shall be a Commission member of the country in which the meeting is being held.

PART II. ENTRY AND RESIDENCE

Article 6. The key points of Netherlands policy under this Agreement with regard to the entry and residence of Surinamese nationals are set forth in annex 1 of this Agreement.

Article 7. The key points of Surinamese policy under this Agreement with regard to the entry and residence of Netherlands nationals are set forth in annex 2 of this Agreement.

Article 8. Each Contracting Party shall, subject to existing treaty obligations, formulate independently its policy regarding the entry and residence of

¹ Entered into force provisionally on 23 January 1981, the date of signature, and definitively on 1 December 1982, i.e., the first day of the second month following the date (27 October 1982) on which the Contracting Parties informed each other of the completion of their statutory formalities, in accordance with article 12.

nationals of the other Contracting Party. Each Contracting Party may therefore, in its own right, amend the annex in respect of its own policy.

Article 9. Notwithstanding the provisions of article 8, but subject to the requirements of public order and security, a Contracting Party shall not make such amendments unless it has notified the other Party of its intention to do so and provided that the other Party has not, within 21 days following such notification, requested that the matter be considered in the Commission.

If a Contracting Party requests such consideration, the Commission shall meet not later than 21 days after notification of that request has been given to the other Party.

PART III. REPATRIATION

Article 10. The key points of common policy under this Agreement with regard to repatriation are set forth in annex 3 of this Agreement.

Article 11. The competent authorities of the two Contracting Parties shall, in joint consultations, establish detailed regulations for implementing the repatriation policy referred to in article 10.

PART IV. FINAL PROVISIONS

Article 12. This Agreement shall apply provisionally from the date of signature. It shall enter into force on the first day of the second month following the date on which the Contracting Parties inform each other in writing that the statutory formalities in their respective countries for the entry into force of the Agreement have been completed.

Article 13. So far as the Government of the Netherlands is concerned, this Agreement shall apply only to the territory of the Kingdom in Europe.

Article 14. This Agreement shall remain in force for an indeterminate period. It may be denounced by either Party.

Denunciation shall take effect two months after one Contracting Party has notified the other Party in writing of its denunciation.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their Governments, have signed this Agreement.

DONE at Paramaribo on 23 January 1981, in duplicate, in the Dutch language.

For the Government
of the Kingdom of the Netherlands:

A. HELDRING

For the Government
of the Republic of Suriname:

H. H. NAARENDORP

ANNEX 1

Key points of Netherlands policy under this Agreement, as from 25 November 1980, with regard to the entry and residence of Surinamese nationals

1. Reuniting of families

For the purpose of reuniting families, the following shall be deemed to be members of the family of a Surinamese national legally resident in the Netherlands:

—The spouse and minor children of the family provided that one of the parents has legal authority over these children;

—Family members other than the above-mentioned provided that in Suriname they were already *de facto* dependent members of the family of a Surinamese national resident in the Netherlands; indigent parents shall also be deemed to belong to that category; in special cases family membership may be extended to include, *inter alia*, widowed mothers or orphaned children who cannot be taken care of in Suriname.

In all cases the competent authorities shall issue a residence permit for the family in areas where rent control applies, and in areas free from rent control the family must be provided with living accommodation recognized as adequate by the competent authorities.

In the case of lodgings the accommodation must be certified to be of a reasonable standard.

If the applicant for entry for family members is an employee, the following additional conditions shall apply:

- (a) The employee must have worked continuously in the Netherlands for at least one year, and
- (b) The person must have a firm offer of work for at least one more year.

2. *Residence for study purposes*

Residence for study purposes shall be authorized for

- (a) Education in scientific study;
- (b) Post-secondary education and training not available in Suriname.

3. *Medical treatment*

Surinamese nationals obliged to travel to the Netherlands on medical advice to seek treatment there shall be granted a visa provided that proper arrangements for financing the treatment have been made. If, in the Netherlands, longer treatment turns out to be required after entry, the period of stay may be extended.

4. *Transitory provisions*

Surinamese nationals present in the Netherlands before 25 November 1980 and having a valid visa may, during the period of validity of that visa but not later than 25 February 1981, apply for a residence permit and a work permit provided that they can prove that they have sufficient means of subsistence, i.e., that they are actually in paid employment and have adequate living accommodation.

The provisions of paragraph 1 of this annex regarding the reuniting of families shall apply to applicants in this category, it being understood that a person with whom the applicant has had a recent lasting and exclusive personal relationship in Suriname, in the sense of cohabitation as spouses may also be taken into consideration for the purposes of reuniting families.

5. *Provision regarding illegal residence during the transition period*

Persons who, during the period of transition referred to in paragraph 4, were expelled because they were illegal residents may be eligible to apply for a repatriation grant.

ANNEX 2

Key points of Surinamese policy under this Agreement, as from 25 November 1980, with regard to the entry and residence of Netherlands nationals

1. *Admission*

Persons who acquired Surinamese nationality after 25 November 1975 pursuant to the Agreement concerning the assignment of nationality, and who subsequently acquired

Netherlands nationality, shall be admitted at all times together with their families to the Republic of Suriname and shall be treated in principle as Surinamese.

2. *Reuniting of families*

If a Netherlands national has been authorized to reside in Suriname, such authorization shall also be given to the members of his family.

Family members shall be deemed to be:

- a. The spouse;
- b. The person with whom the Netherlands national concerned has a lasting and exclusive personal relationship;
- c. Minor children who are *de facto* members of the family and over whom one of the parents exercises authority;
- d. Other family members who belong *de facto* to the family of the national concerned and are dependent on him.
- e. Other family members who find themselves alone and are dependent on the national concerned.

In all cases adequate living accommodation must be provided.

ANNEX 3

In the context of this Agreement there is a convergence of views and policy on the following points:

1. *Investigation*

1.1. There is a need for the investigation, conducted as a matter of policy into the factors affecting each repatriate's adaptability, with particular reference to his development potential, to be continued both in Suriname and in the Netherlands.

1.2. The report on any exploratory investigation undertaken in Suriname regarding adaptability in terms of both work and social environment shall be submitted to the Netherlands for consideration.

1.3. Discussion by the Commission regarding preparations for the continuation of the investigation should begin as soon as possible after the report has been considered by the Netherlands.

1.4. The findings of the investigation referred to in paragraph 1.2 shall be taken into account in the execution of repatriation policy if, in the opinion of the Parties, they are considered useful.

2. *Employment*

2.1. The Netherlands authorities concerned with repatriation shall be notified of vacancies in Suriname. Conversely, the Netherlands shall ensure that the authorities in Suriname concerned with repatriation are notified of job opportunities in the Netherlands.

3. *Education*

3.1. Suriname shall transmit to the Netherlands relevant parts of the educational curriculum so that they may be matched, where necessary, with the curriculum of appropriate educational establishments in the Netherlands.

The Parties consider that the Surinamese skills profile chart might well be used to describe the requirements for specific occupations.

3.2. The curriculum for particular subjects may be adjusted either by modifying the group selected, or by appropriate courses.

3.3. Any such courses which may be held in the Netherlands on typically Surinamese matters should be given by qualified instructors from Suriname and should cover a range of levels and fields.

In this connection there is a particular need for instruction on Surinamese labour relations.

3.4. Vocational training for potential repatriates shall be based on requirements in Suriname. The training shall not be confined to unemployed persons but shall also include employed persons.

4. *Information*

4.1. The Parties are of the opinion that, as regards the provision of information in the Netherlands, a continuous flow of up-to-date information should be available through a variety of channels.

4.2. In order to ensure that policy in both countries with regard to information for repatriates is well formulated, the Parties consider it desirable that they should be kept as fully abreast as possible of the relevant information activities in the two countries.

4.3. The information in the institutions of the CBB concerning further career possibilities shall be such as to enable participants in courses to make a choice between Suriname and the Netherlands as the country in which to settle.

4.4. In the opinion of the Parties, the information now supplied is not always sufficiently relevant to the actual situation, because there is no clear picture of repatriation problems as a whole.

4.5. It is noted that decision-making on repatriation is adversely affected by high import duties on new articles which repatriates wish to take back to Suriname.

5. *Escorting*

5.1. The Parties consider it important that repatriates should be assimilated into the Surinamese community as smoothly as possible.

5.2. The Parties are of the view that co-operation with the CCK and the Repatriation Institute in the escorting of repatriates must continue under the co-ordinating leadership of the Institute for Migrant Affairs.

The possibility of participation by other private bodies and by public authorities should be explored.

5.3. The Parties are of the opinion that escorting in Suriname should not be limited to repatriates who are in difficulties, but should be available to all repatriates immediately on arrival.

5.4. Moreover, the Parties regard it as important for a responsible repatriation policy that, when Surinamese internal regulations are being drafted, no provisions should be adopted which are considered to be inconsistent with the Agreement on the assignment of nationality.

5.5. It is noted that there is a training centre in the Ministry for Social Affairs at Paramaribo for the use of students of social science colleges in the Netherlands.

Information shall be provided to both Parties so that they may determine to what extent the training centre can be used for implementing repatriation policy.

5.6. In the short term, the Surinamese migration commission and the Netherlands attaché for repatriation shall discuss ways of making escorting more effective.

6. *Categories*

6.1. It is noted that a number of socially handicapped repatriates are arriving in Suriname, not under the auspices of the Emigration Directorate of the Ministry of Social Affairs but with known Netherlands official assistance. The Parties agree that this is contrary to sound joint repatriation policy.

6.2. Both Parties agree that the repatriation of socially handicapped persons might well be encouraged if it is in the interest of the person concerned and if follow-up social and/or medical care can be provided in Suriname.

7. *Financing*

7.1. The Surinamese migration commission and the Netherlands attaché for repatriation shall make an inventory of the facilities still required for a sound repatriation policy.

It is not considered sound policy to implement the (revised) repatriation policy until its financing, including that of the reception facilities, and the continuity thereof are ensured.

7.2. The Parties are of the opinion that any investigation projects agreed upon, or which may be agreed upon, under the Cultural Agreement concerning the social and economic aspects of the demographic development of Suriname should so far as possible be designed to assist the investigation referred to in paragraph 1.1 above.

PROTOCOL BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE REPUBLIC OF SURINAME CONCERNING ACQUIRED RIGHTS

The Government of the Kingdom of the Netherlands and

The Government of the Republic of Suriname

Declare,

On the occasion of the signature of the Agreement concerning the entry and residence of their respective nationals and without intending to make an exhaustive enumeration,

as follows:

Article 1. Persons who have been granted a residence permit by virtue of the Paramaribo Agreement of 25 November 1975 concerning the residence and settlement of each Party's respective nationals¹ shall continue to enjoy the rights under that Agreement after 25 November 1980.

Article 2. Persons who have applied for a residence permit or for authorization for temporary residence before 25 November 1980 and who are recognized to have complied before that date with all the requirements of the Agreement referred to in article 1 shall be eligible for a residence permit and shall retain their rights under the Agreement.

Article 3. A Surinamese national who was in the Netherlands on 24 November 1980 and whose entitlement to a residence permit originated before 25 November 1980 shall be able to avail himself of that right after 24 November 1980, provided that he submits his application for a residence permit and, where necessary, for an employment permit before 25 February 1981. He shall retain his rights under the Agreement referred to in article 1.

IN WITNESS WHEREOF the undersigned have signed this Protocol.

DONE at Paramaribo on 23 January 1981, in duplicate, in the Dutch language.

For the Government
of the Kingdom of the Netherlands:

A. HELDRING

For the Government
of the Republic of Suriname:

H. H. NAARENDORP

¹ United Nations, *Treaty Series*, vol. 1041, p. 311.