Given under my hand at Stormont this first day of January, 1957.

Ivan Neill,
Minister of Labour and National Insurance for Northern Ireland.

Refugees

ORDER IN COUNCIL, DATED 9TH JANUARY, 1957, MADE UNDER SECTION SIXTY-ONE OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946, AS EXTENDED BY SECTION FIVE OF THE FAMILY ALLOWANCES AND NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1956, AND SECTION EIGHTY-FOUR OF THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

1957. No. 13 **[NC]**

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

Whereas at Geneva on the twenty-eighth day of July, nineteen hundred and fifty-one, a Convention relating to the Status of Refugees was agreed between States (which Convention is hereinafter referred to as "the Convention" and certain provisions of which are set out in the First Schedule hereto):

And whereas by Article 43 of the Convention it was provided that the Convention should come into force on the ninetieth day following the day of deposit of the sixth instrument of ratification or accession with the Secretary-General of the United Nations, and that as regards any State ratifying or acceding subsequently the Convention should enter into force on the ninetieth day following the date of deposit by such State of its instrument of ratification or accession:

And whereas the Convention has been ratified or acceded to by the States specified in the first column of the Second Schedule hereto and their instruments of ratification or accession were deposited on the dates respectively specified opposite to those States in the second column of that Schedule and the Convention has accordingly come into operation as regards those States on the dates respectively specified opposite to those States in the third column of that Schedule:

And whereas by section sixty-one of the National Insurance Act (Northern Ireland), 1946(a), as extended by section five of the Family Allowances and National Insurance Act (Northern Ireland), 1956(b), and section eighty-four of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946(c), it is provided that the Governor of Northern Ireland may, by Order in Council, make provision for modifying or adapting the

(a) 1946. c. 23. (b) 1956. c. 8. (c) 1946. c. 21.

Family Allowances Act (Northern Ireland), 1945(a), and the said Acts of 1946 in their application to cases affected by Agreements with other Governments providing for reciprocity in the matters specified in those sections:

Now, therefore, I, John de Vere, Baron Wakehurst, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of Northern Ireland, in pursuance of the said section sixty-one, extended as aforesaid by section five of the Family Allowances and National Insurance Act (Northern Ireland), 1956, and the said section eighty-four of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and of all other powers enabling me in that behalf, by and with the advice of the Privy Council of Northern Ireland, do hereby order as follows:—

1. This Order may be cited as the Family Allowances, National Insurance and Industrial Injuries (Refugees) Order (Northern Ireland), 1957.

2. Those provisions contained in the Convention which are set out in the First Schedule hereto shall have full force and effect, so far as the same relate to Northern Ireland and provide by way of agreement with the governments of the States specified in the Second Schedule hereto for reciprocity in any matters specified in either subsection (1) of section sixty-one of the National Insurance Act (Northern Ireland), 1946, as extended by section five of the Family Allowances and National Insurance Act (Northern Ireland), 1956, or subsection (1) of section eighty-four of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946 (which subsections relate to reciprocal agreements with other governments), and the Family Allowances Acts (Northern Ireland), 1945 to 1956, the National Insurance Acts (Northern Ireland), 1946 to 1956, and the National Insurance (Industrial Injuries) Acts (Northern Ireland), 1946 to 1956, shall have effect subject to such modifications as may be required therein for the purpose of giving effect to any such provisions.

Given at Stormont Castle, Belfast, this ninth day of January, one thousand nine hundred and fifty-seven.

Terence O'Neill
W. B. Topping
Ivan Neill
Dehra Parker

(a) 1945. c. 19.

FIRST SCHEDULE

PROVISIONS OF THE CONVENTION RELATING TO THE STATUS OF REFUGEES

ARTICLE 1

Definition of the Term "Refugee"

A. For the purposes of the present Convention, the term "refugee" shall apply to any person who—

(1) Has been considered a refugee under the Arrangements of May 12, 1926, and June 30, 1928, or under the Conventions of October 28, 1933,(a) and February 10, 1938,(b) the Protocol of September 14, 1939,(c) or the Constitution of the International Refugee Organisation;(d)

Decisions of non-eligibility taken by the International Refugee Organisation during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph (2) of this section;

(2) As a result of events occurring before January 1, 1951, and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

B.—(1) For the purposes of this Convention, the words "events occurring before January 1, 1951," in article 1, section A, shall be understood to mean either

(*a*) "events occurring in Europe before January 1, 1951"; or

(*b*) "events occurring in Europe or elsewhere before January 1, 1951";

and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention.

(2) Any Contracting State which has adopted alternative (*a*) may at any time extend its obligations by adopting alternative (*b*) by means of a notification addressed to the Secretary-General of the United Nations.

C. This Convention shall cease to apply to any person falling under the terms of section A if:

(1) He has voluntarily re-availed himself of the protection of the country of his nationality; or

(2) Having lost his nationality, he has voluntarily re-acquired it; or

(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(5) He can no longer, because the circumstances in connexion with which he has been recognised as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality;

(a) "Treaty Series No. 4 (1937)," Cmd. 5347.
(b) "Treaty Series No. 8 (1939)," Cmd. 5929.
(c) "Treaty Series No. 20 (1940)," Cmd. 6232.
(d) "Treaty Series No. 25 (1950)," Cmd. 7934.

Provided that this paragraph shall not apply to a refugee falling under section A (1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality;

(6) Being a person who has no nationality he is, because the circumstances in connexion with which he has been recognised as a refugee have ceased to exist, able to return to the country of his former habitual residence;

Provided that this paragraph shall not apply to a refugee falling under section A (1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to return to the country of his former habitual residence.

D. This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitely settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Convention.

E. This Convention shall not apply to a person who is recognised by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.

F. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(*a*) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(*b*) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(*c*) he has been guilty of acts contrary to the purposes and principles of the United Nations.

ARTICLE 24

Labour Legislation and Social Security

3. The Contracting States shall extend to refugees the benefits of agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the States signatory to the agreements in question.

ARTICLE 39

Signature, Ratification and Accession

1. This Convention shall be opened for signature at Geneva on July 28, 1951, and shall thereafter be deposited with the Secretary-General of the United Nations. It shall be open for signature at the European Office of the United Nations from July 28 to August 31, 1951, and shall be re-opened for signature at the Headquarters of the United Nations from September 17, 1951, to December 31, 1952.

2. This Convention shall be open for signature on behalf of all States Members of the United Nations, and also on behalf of any other State invited to attend the Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons or to which an invitation to sign will have been addressed by the General Assembly. It shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall be open from July 28, 1951, for accession by the States referred to in paragraph 2 of this article. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

ARTICLE 40

Territorial Application Clause

1. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.

2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.

3. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

ARTICLE 42

Reservations

1. At the time of signature, ratification, or accession, any State may make reservations to articles of the Convention other than to articles 1, 3, 4, 16 (1), 33, 36-46 inclusive.

2. Any State making a reservation in accordance with paragraph 1 of this article may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

ARTICLE 43

Entry into force

1. This Convention shall come into force on the ninetieth day following the day of deposit of the sixth instrument of ratification or accession(a).

2. For each State ratifying or acceding to the Convention after the deposit of the sixth instrument of ratification or accession, the Convention shall enter into force on the ninetieth day following the date of deposit by such State of its instrument of ratification or accession.

ARTICLE 44

Denunciation

1. Any Contracting State may denounce this Convention at any time by a notification addressed to the Secretary-General of the United Nations.

2. Such denunciation shall take effect for the Contracting State concerned one year from the date upon which it is received by the Secretary-General of the United Nations.

3. Any State which has made a declaration or notification under article 40 may, at any time thereafter, by a notification to the Secretary-General of the United Nations declare that the Convention shall cease to extend to such territory one year after the date of receipt of the notification by the Secretary-General.

(a) April 22, 1954.

SECOND SCHEDULE

STATES RATIFYING OR ACCEDING TO THE CONVENTION WITH DATES OF DEPOSIT OF THEIR INSTRUMENTS OF RATIFICATION OR ACCESSION AND DATES ON WHICH THE CONVENTION COMES INTO FORCE AS REGARDS THOSE GOVERNMENTS

(1) *State*	(2) *Date of Deposit of ratification or accession*	(3) *Date of coming into force of the Convention*
Denmark	4 December, 1952	22 April, 1954
Norway	23 March, 1953	22 April, 1954
Belgium	22 July, 1953	22 April, 1954
Luxembourg	23 July, 1953	22 April, 1954
Federal Republic of Germany (including Land Berlin)	1 December, 1953	22 April, 1954
Australia	22 January, 1954	22 April, 1954
United Kingdom	11 March, 1954	9 June, 1954
Monaco	18 May, 1954	16 August, 1954
France	23 June, 1954	21 September, 1954
Israel	1 October, 1954	30 December, 1954
Sweden	26 October, 1954	24 January, 1955
Austria	1 November, 1954	30 January, 1955
Italy	15 November, 1954	13 February, 1955
Switzerland	21 January, 1955	21 April, 1955
Tunisia	2 June, 1955	31 August, 1955
Ecuador	17 August, 1955	15 November, 1955
Iceland	30 November, 1955	28 February, 1956
Vatican	15 March, 1956	13 June, 1956
Netherlands	3 May, 1956	1 August, 1956

EXPLANATORY NOTE

(This note is not part of the order, but is intended to indicate its general purport.)

This order modifies the Family Allowances Acts (Northern Ireland), 1945 to 1956, the National Insurance Acts (Northern Ireland), 1946 to 1956, and the National Insurance (Industrial Injuries) Acts (Northern Ireland), 1946 to 1956, in order to give effect in Northern Ireland to the provisions of the Convention relating to the Status of Refugees which extend to refugees, as defined in the Convention, the benefits of reciprocal agreements on social security concluded, or to be concluded, with the Governments of the States specified in the Second Schedule.

At the date of coming into operation of the order, there are in force reciprocal agreements with Australia, France, the Netherlands, Switzerland and Luxembourg affecting the National Insurance Acts (Northern Ireland), 1946 to 1956, and with France, the Netherlands, Switzerland, Luxembourg and Denmark in relation to the National Insurance (Industrial Injuries) Acts (Northern Ireland), 1946 to 1956.