

Recommendation 773 (1976) on the Situation of de facto Refugee

Recommendation 773 (1976) Assembly debate on 26 January 1976 (19th Sitting) (tee Doc. 3642. report of the Committee on Population and Refugees).

Text adopted by the Assembly on 26 January 1976 (19th Sitting). 1 on the Situation of de facto Refugee

THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE, AT ITS TWENTY-SEVENTH ORDINARY SESSION

The Assembly,

1. Considering that in the Council of Europe member states there are a considerable number of persons not recognised as refugees within the meaning of Article 1 of the Convention relating to the Status of Refugees of 28 July 1951 as amended by the Protocol of 31 January 1967 and who are unable or unwilling for political, racial, religious or other valid reasons to return to their countries of origin (de facto refugees);
2. Observing that the special situation of these persons often creates problems, for example with respect to residence permits and employment opportunities in the host country;
3. Being of the opinion that these persons, in view of their inability or unwillingness to return to their country of origin, need a more favourable treatment than that accorded to aliens in general;
4. Considering that it is highly desirable that their treatment in the Council of Europe member states should be as uniform as possible,
5. Recommends that the Committee of Ministers:
 - I. instruct the competent committee of government experts to prepare an appropriate instrument, preferably an agreement, on de facto refugees, covering the following points:
 - a. to provide for the granting of residence and work permits;
 - b. to make applicable to de facto refugees as many articles as possible of the Convention relating to the Status of Refugees of 28 July 1951, especially those relating to wage-earning employment (Article 17), public relief (Article 23), labour legislation and social security (Article 24), as well as the provisions concerning refugees unlawfully in the country of refuge (Article 31), expulsion (Article 32) and, especially, prohibition of expulsion or return (Article 33);
 - c. to enable de facto refugees to find adequate housing;
 - d. to extend as far as possible the recognition of professional qualifications, particularly those pertaining to the liberal professions;
 - e. to enable de facto refugees to receive language and vocational training free of charge, and to award grants and scholarships to students;
 - f. to issue to de facto refugees not possessing valid travel documents, travel documents enabling them to travel abroad and to return to the issuing country, and to exempt holders of these documents from visa charges;
 - II. invite member governments:
 - i. to apply liberally the definition of "refugee" in the Convention relating to the Status of Refugees of 28 July 1951 as amended by the Protocol relating to the Status of Refugees of 31 January 1967;
 - ii.
 - a. not to expel de facto refugees unless they will be admitted by another country where they do not run the risk of persecution;
 - b. not to refuse admission and residence to persons who have found "protection or asylum elsewhere", unless they will in fact be admitted by another country;
 - iii. not to subject de facto refugees to restrictions regarding their political activities - with the exception of political rights in the strict sense which depend upon possessing the nationality of the country of residence - other than those applicable to their own nationals.