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Protocol relating to the Status of Refugees of 31 January 1967

[States Parties List](#)

United Nations General Assembly, 16 December 1966

4 October 1967

Preamble

The States Parties to the present Protocol,

Considering that the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 (hereinafter referred to as the Convention) covers only those persons who have become refugees as a result of events occurring before 1 January, 1951,

Considering that new refugee situations have arisen since the Convention was adopted and that the refugees concerned may therefore not fall within the scope of the Convention,

Considering that it is desirable that equal status should be enjoyed by all refugees covered by the definition in the Convention irrespective of the dateline 1 January 1951,

Have agreed as follows:

Article 1

General provision 1. The States Parties to the present Protocol undertake to apply Articles 2 to 34 inclusive of the Convention to refugees as hereinafter defined.

2. For the purpose of the present Protocol, the term "refugee" shall, except as regards the application of paragraph 3 of this Article, mean any person within the definition of Article 1 of the Convention as if the words "As a result of events occurring before 1 January 1951 and . . . "and the words" . . .a result of such events", in Article 1 A (2) were omitted.

3. The present Protocol shall be applied by the States Parties hereto without any geographic limitation, save that existing declarations made by States already Parties to the Convention in accordance with Article 1 B (1)(a) of the Convention, shall, unless extended under Article 1 B (2) thereof, apply also under the present Protocol.

Article 2

Co-operation of the national authorities with the United Nations 1. The States

Parties to the present Protocol undertake to co-operate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of the present Protocol.

2. In order to enable the Office of the High Commissioner, or any other agency of the United Nations which may succeed it, to make reports to the competent organs of the United Nations, the States Parties to the present Protocol undertake to provide them with the information and statistical data requested, in the appropriate form, concerning: (a) The condition of refugees; (b) The implementation of the present Protocol; (c) Laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

Article 3

Information on national legislation The States Parties to the present Protocol shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of the present Protocol.

Article 4

Settlement of disputes Any dispute between States Parties to the present Protocol which relates to its interpretation or application and which cannot be settled by other means shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

Article 5

Accession The present Protocol shall be open for accession on behalf of all States Parties to the Convention and of any other State Member of the United Nations or member of any of the specialized agencies or to which an invitation to accede may have been addressed by the General Assembly of the United Nations. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 6

Federal clause In the case of a Federal or non-unitary State, the following provisions shall apply:

(a) With respect to those articles of the Convention to be applied in accordance with Article I, paragraph 1, of the present Protocol that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of States Parties which are not Federal States;

(b) With respect to those articles of the Convention to be applied in accordance with Article I, paragraph 1, of the present Protocol that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of States, provinces or cantons at the earliest possible moment;

(c) A Federal State Party to the present Protocol shall, at the request of any other State Party hereto transmitted through the Secretary-General of the United Nations,

supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention to be applied in accordance with Article I, paragraph 1, of the present Protocol, showing the extent to which effect has been given to that provision by legislative or other action.

Article 7

Reservations and declarations

1. At the time of accession, any State may make reservations in respect of Article IV of the present Protocol and in respect of the application in accordance with Article I of the present Protocol of any provisions of the Convention other than those contained in Articles 1, 3, 4, 16 (1) and 33 thereof, provided that in the case of a State Party to the Convention reservations made under this Article shall not extend to refugees in respect of whom the Convention applies.
2. Reservations made by States Parties to the Convention in accordance with Article 42 thereof shall, unless withdrawn, be applicable in relation to their obligations under the present Protocol.
3. Any State making a reservation in accordance with paragraph 1 of this Article may at any time withdraw such reservation by a communication to that effect addressed to the Secretary-General of the United Nations.
4. Declarations made under Article 40, paragraphs 1 and 2, of the Convention by a State Party thereto which accedes to the present Protocol shall be deemed to apply in respect of the present Protocol, unless upon accession a notification to the contrary is addressed by the State Party concerned to the Secretary-General of the United Nations. The provisions of Article 40, paragraphs 2 and 3, and of Article 44, paragraph 3, of the Convention shall be deemed to apply mutatis mutandis to the present Protocol.

Article 8

Entry into force

1. The present Protocol shall come into force on the day of deposit of the sixth instrument of accession.
2. For each State acceding to the Protocol after the deposit of the sixth instrument of accession, the Protocol shall come into force on the date of deposit by such State of its instrument of accession.

Article 9

Denunciation

- 1 Any State Party hereto may denounce this Protocol at any time by a notification addressed to the Secretary-General of the United Nations.
2. Such denunciation shall take effect for the State Party concerned one year from the date on which it is received by the Secretary-General of the United Nations.

Article 10

Notifications by the Secretary-General of the United Nations The Secretary-General

of the United Nations shall inform the States referred to in Article V above of the date of entry into force, accessions, reservations and withdrawals of reservations to and denunciations of the present Protocol, and of declarations and notifications relating hereto.

Article 11

Deposit in the archives of the Secretariat of the United Nations A copy of the present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, signed by the President of the General Assembly and by the Secretary-General of the United Nations, shall be deposited in the archives of the Secretariat of the United Nations. The Secretary-General will transmit certified copies thereof to all States Members of the United Nations and to the other States referred to in Article V above.

APPENDIX

GENERAL ASSEMBLY RESOLUTION 2198 (XXI)

Protocol relating to the Status of Refugees

The General Assembly, Considering that the Convention relating to the Status of Refugees, signed at Geneva on 28 July 1951, covers only those persons who have become refugees as a result of events occurring before 1 January 1951,

Considering that new refugee situations have arisen since the Convention was adopted and that the refugees concerned may therefore not fall within the scope of the Convention,

Considering that it is desirable that equal status should be enjoyed by all refugees covered by the definition in the Convention, irrespective of the date-line of 1 January 1951,

Taking note of the recommendation of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees that the draft Protocol relating to the Status of Refugees should be submitted to the General Assembly after consideration by the Economic and Social Council, in order that the Secretary-General might be authorized to open the Protocol for accession by Governments within the shortest possible time,

Considering that the Economic and Social Council, in its resolution 1186 (XLI) of 18 November 1966, took note with approval of the draft Protocol contained in the addendum to the report of the United Nations High Commissioner for Refugees and concerning measures to extend the personal scope of the Convention and transmitted the addendum to the General Assembly,

1. Takes note of the Protocol relating to the Status of Refugees, the text of which is contained in the addendum to the report of the United Nations High Commissioner for Refugees;

2. Requests the Secretary-General to transmit the text of the Protocol to the States mentioned in article V thereof, with a view to enabling them to accede to the Protocol.

1495th plenary meeting, 16 December 1966.

Angola

Date of accession and entry into force: 23 June 1981

Reservation

In its instrument of accession to the Protocol, the Government of Angola declared, in accordance with Article VII paragraph 1, that it does not consider itself bound by Article IV of the Protocol, concerning settlement of disputes relating to the interpretation of the Protocol.

Botswana

Date of accession and entry into force: 6 January 1969

Reservations

"Subject to the reservation in respect of article IV of the said Protocol and in respect of the application in accordance with article I thereof of the provisions of articles 7, 17, 26, 31, 32 and 34 and paragraph 1 of article 12 of the Convention relating to the Status of Refugees, done at Geneva on 28 July 1951"

Burundi

Date of accession and entry into force: 15 March 1971

Reservations

The instrument of accession to the Protocol was made subject to the following reservations with respect to the application of the Articles of the Convention to those refugees covered by the Protocol:

"1. The provisions of Article 22 are accepted, in respect of elementary education, only (a) in so far as they apply to public education, and not to private education; (b) on the understanding that the treatment applicable to refugees shall be the most favourable accorded to nationals of other States.

2. The provisions of Article 17(1) and (2) are accepted as mere recommendations and, in any event, shall not be interpreted as necessarily involving the régime accorded to nationals of countries with which the Republic of Burundi may have concluded regional, customs, economic or political agreements.

3. The provisions of Article 26 are accepted only subject to the reservation that refugees: (a) do not choose their place of residence in a region bordering on their country of origin; (b) refrain in any event, when exercising their right to move freely, from any activity or incursion of a subversive nature with respect to the country of which they are nationals."

Cape Verde

Date of accession: 09 July 1987

Reservations

In all cases where the 1951 Convention relating to the Status of Refugees grants to refugees the most favorable treatment accorded to nationals of a foreign country, this provision shall not be interpreted as involving the régime accorded to nationals of countries with which Cape Verde has concluded regional customs, economic or political agreements.

Chile

Date of accession and entry into force: 27 April 1972

Reservations

(1) With the reservation that, with reference to the provisions of article 34, the Government of Chile will be unable to grant to refugees facilities greater than those granted to aliens in general, in view of the liberal nature of Chilean naturalization laws;

(2) With reservation that the period specified in article 17, paragraph 2 (a) shall, in the case of Chile, be extended from three to ten years;

(3) With the reservation that article 17, paragraph 2 (c) shall apply only if the refugee is the widow or the widower of a Chilean spouse;

(4) With the reservation that the Government of Chile cannot grant a longer period for compliance with an expulsion order than that granted to other aliens in general under Chilean law.

China (Peoples' Republic of)

Date of accession and entry into force: 24 September 1982

Reservation

The Government of China declared that it does not consider itself bound by Article IV of the Protocol regarding the settlement of disputes.

Congo

Date of accession and entry into force: 10 July 1970

Reservation

The Government of the Congo does not consider itself bound by Article IV of the Protocol regarding the settlement of disputes.

El Salvador

Date of accession and entry into force: 28 April 1983

Reservations In its instrument of accession to the above-mentioned Protocol, the Government of El Salvador made a reservation to the effect that article IV would not apply in respect of El Salvador.

Ethiopia

Date of accession and entry into force: 10 November 1969

Reservations

Subject to the following reservation in respect of the application, under article 1 of the Protocol, of the Convention relating to the Status of Refugees, done at Geneva on 28 July 1951:

"The provisions of articles 8, 9, 17 (2), and 22 (1) of the Convention are recognized only as recommendations and not as legally binding obligations"

Finland

Date of accession and entry into force: 10 October 1968

Reservations

Subject to the reservations made in relation to the Convention relating to the Status of Refugees, in accordance with article I of the Protocol.

Ghana

Date of accession and entry into force: 30 October 1968

Reservation

"The Government of Ghana does not consider itself bound by Article IV of the Protocol regarding the settlement of disputes."

Guatemala

Date of accession and entry into force: 22 September 1983

Reservations

1. The Republic of Guatemala accedes to the Convention Relating to the Status of Refugees and its Protocol, with the reservation that it will not apply provisions of those instruments in respect of which the Convention allows reservations if those provisions contravene constitutional precepts in Guatemala or norms of public order under domestic law.

2. The expression "treatment as favourable as possible" in all articles of the Convention and of the Protocol in which the expression is used should be interpreted as not including rights which, under law or treaty, the Republic of Guatemala has accorded or is according to nationals of the Central American countries or of other countries with which it has concluded or is entering into agreements of a regional nature.

Honduras

Date of accession: 23 March 1992

Reservation

With respect to Article I(1): The Government of the Republic of Honduras does not consider itself bound by those articles of the Convention to which it has entered reservations.

Israel

Date of accession and entry into force: 14 June 1968

Reservations

The reservations made by Israel to the 1951 Convention (see above) are, in accordance with Article VII(2) of the 1967 Protocol, applicable to its obligations under the latter instrument.

Jamaica

Date of accession and entry into force: 30 October 1980

Reservations

"1. The Government of Jamaica understands Articles 8 and 9 of the Convention as not preventing it from taking, in time of war or other grave and exceptional circumstances, measures in the interest of national security in the case of a refugee on the ground of his nationality;

2. The Government of Jamaica can only undertake that the provisions of paragraph 2 of Article 17 of the Convention will be applied so far as the law of Jamaica allows;

3. The Government of Jamaica can only undertake that the provisions of Article 24 of the Convention will be applied so far as the law of Jamaica allows;

4. the Government of Jamaica can only undertake that the provisions of paragraphs 1, 2 and 3 of article 25 of the Convention will be applied so far as the law of Jamaica allows;

5. The Government of Jamaica does not accept the obligation imposed by Article IV of the Protocol Relating to the Status of Refugees with regard to the settlement of disputes."

Luxembourg

Date of accession and entry into force: 22 April 1971

Reservation

The reservation made by Luxembourg to the 1951 Convention (see above) is, in accordance with Article VII(2) of the 1967 Protocol, applicable to its obligations under the latter instrument.

Malawi

Date of accession and entry into force: 10 December 1987

Declaration

"The Government of the Republic of Malawi reiterates its declaration on recognition as compulsory the jurisdiction of the International Court of Justice made on 12 December, 1966 in conformity with Article 36 paragraph 2 of the Statute of the Court. In this respect, the Government of the Republic of Malawi regards the phrase "settled by other means" in Article 38 of the Convention and Article IV of the Protocol to be those means stipulated in Article 33 of the Charter of the United Nations."

Malta

Date of accession and entry into force: 15 September 1971

Reservations

The reservations made by Malta to the 1951 Convention (see above) are, in accordance with Article VII(2) of the 1967 Protocol, applicable to its obligations under the latter instrument.

Netherlands

Date of accession and entry into force: 29 November 1968

Reservation

In accordance with article VII of the Protocol, all reservations made by the Kingdom of the Netherlands upon signature and ratification of the Convention relating to the Status of Refugees, which was signed in Geneva on 28 July 1951, are regarded to apply to the obligations resulting from the Protocol.

Territorial Application

The Kingdom of the Netherlands accedes to the said Protocol so far as the territory of the Kingdom situated in Europe is concerned; and, as from 1 January 1986, for Aruba.

Peru

Date of accession: 15 September 1983

Declaration:

The Government of Peru hereby expressly declares with reference to the provisions of article I, paragraph 1, and article II of the aforementioned Protocol, that compliance with the obligations undertaken by virtue of the act of accession to that instrument shall be ensured by the Peruvian State using all the means at its disposal, and the Government of Peru shall endeavour in all cases to co-operate as far as possible with the Office of the United Nations High Commissioner for Refugees.

Portugal

Date of accession and entry into force: 13 July 1976

Declaration:

Upon accession, the Government of Portugal stated the following:

" (1) The Protocol will be applied without any geographical limitation.

(2) In all cases in which the Protocol confers upon the refugees the most favoured person status granted to nationals of a foreign country, this clause will not be interpreted in such a way as to mean the status granted by Portugal to the nationals of Brazil or to the national of other countries with whom Portugal may establish commonwealth-type relations"

Republic of Korea

Date of accession: 03 December 1992

Reservation

"The Republic of Korea declares pursuant to article 7 of the Protocol that it is not bound by article 7 of the Convention relating to the Status of Refugees, which provides for the exemption of refugees from legislative reciprocity after fulfilling the condition of three years' residence in the territory of the Contracting States."

Rwanda

Date of accession and entry into force: 3 January 1980

Reservations

The instrument of accession also contains the following reservation to Article IV: "For the settlement of any dispute between States Parties, recourse may be had to the International Court of Justice only with the prior agreement of the Rwandese Republic."

Somalia

Date of accession and entry into force: 10 October 1978

Reservations

"The Government of the Somali Democratic Republic acceded to the Convention and Protocol on the understanding that nothing in the said Convention or Protocol will be construed to prejudice or adversely affect the national status, or political aspiration of displaced persons from Somali territories under alien domination.

It is in this spirit, that the Somali Democratic Republic will commit itself to respect the terms and provisions of the said Convention and Protocol."

Swaziland

Date of accession and entry into force: 28 January 1969

Declaration

The instrument of accession made the following declaration:

"The Government of the Kingdom of Swaziland deems it essential to draw attention to the accession herewith as a Member of the United Nations, and not as a Party to the said Convention by reason of succession or otherwise."

Reservations

Pursuant to paragraph 1 of Article VII of the Protocol, the accession to the Protocol by Swaziland was made subject to the following reservations in respect of the application, under Article I of the Protocol, of the provisions of the Convention relating to the Status of Refugees:

"(1) The Government of the Kingdom of Swaziland is not in a position to assume obligations as contained in Article 22 of the said Convention, and therefore will not consider itself bound by the provisions therein."

(2) Similarly, the Government of the Kingdom of Swaziland is not in a position to assume the obligations of Article 34 of the said Convention, and must expressly reserve the right not to apply the provisions therein."

Turkey

Date of accession and entry into force: 31 July 1968

Reservations

The instrument of accession stipulates that the Government of Turkey maintains the provisions of the declaration made under section B of Article 1 of the Convention Relating to the Status of Refugees, according to which it applies the Convention only to persons who have become refugees as a result of events occurring in Europe, and also the reservation clause made upon ratification of the Convention to the effect that no provision of this Convention may be interpreted as granting to refugees greater rights than those accorded to Turkish citizens in Turkey.

Uganda

Date of accession and entry into force: 27 September 1976

Reservations

The reservations made by Uganda to the 1951 Convention (see above) are, in accordance with Article VII(2) of the 1967 Protocol, applicable to its obligations under the latter instrument.

United Kingdom

Date of accession and entry into force: 4 September 1968

Territorial Application

"In accordance with the provisions of the first sentence of Article VII(4) of the Protocol, the United Kingdom hereby excludes from the application of the Protocol the following territories for the international relations of which it is responsible: Jersey, Southern Rhodesia, Swaziland."

"In accordance with the Provisions of the second sentence of Article VII(4) of the said Protocol, the United Kingdom hereby extends the application of the Protocol to the following territories for the international relations of which it is responsible: St. Lucia, Montserrat."

United Republic of Tanzania

Date of accession and entry into force: 4 September 1968

Reservation

"The provision of Article IV of the Protocol shall not be applicable to the United Republic of Tanzania except within the explicit consent of the Government of the United Republic of Tanzania."

United States of America

Date of accession and entry into force: 1 November 1968

Reservations

The instrument of accession contained the following reservations in respect of the application of the Convention, in accordance with Article I of the Protocol:

"The United States of America construes Article 29 of the Convention as applying only to refugees who are resident in the United States and reserves the right to tax refugees who are not residents of the United States in accordance with its general rules relating to non-resident aliens."

"The United States of America accepts the obligation of paragraph 1(b) of Article 24 of the Convention except in so far as that paragraph may conflict in certain instances with any provisions of title II (old age, survivors' and disability insurance) or title XVIII (hospital and medical insurance for the aged) of the Social Security Act. As to any such provision, the United States will accord to refugees lawfully staying in its territory treatment no less favourable than is accorded to aliens generally in the same circumstances."

Venezuela

Date of accession and entry into force: 19 September 1986

Declaration

"In implementing the provisions of the Protocol which confer on refugees the most favourable treatment accorded to nationals of a foreign country, it shall be understood that such treatment does not include any rights and benefits which Venezuela has granted or may grant regarding entry into or sojourn in Venezuela has concluded regional or subregional integration, customs, economic or political agreements"

Reservation

The instrument of accession also contains a reservation in respect of Article IV.

