

Act on the Status of Displaced Aliens in the Federal Republic of Germany (25 April 1951)

Caption: On 25 April 1951, the Federal Government adopts a law which determines the status of foreign refugees in the territory of the Federal Republic of Germany.

Source: Bundesgesetzblatt 1951 I. Hrsg. Der Bundesminister der Justiz. 27.04.1951, Nr. 19. Bonn: Bundesanzeiger Verlagsges. m. b. H. "Gesetz über die Rechtsstellung heimatloser Ausländer im Bundesgebiet (25. April 1951)", p. 269-271. "Gesetz über die Rechtsstellung heimatloser Ausländer im Bundesgebiet (25. April 1951)", p. 269-271.

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Last updated: 05/07/2016

Act of 25 April 1951 on the Status of Displaced Aliens in the Federal Republic of Germany

The *Bundestag* has adopted the following Act:

Chapter I General provisions

Section 1

(1) A displaced alien within the meaning of this Act is a national of a foreign country or stateless person who

(a) furnishes proof that he is under the protection of the International Organisation charged by the United Nations with the care of deported persons and refugees,

(b) is not a German within the meaning of Article 116 of the Basic Law, and

(c) had his ordinary residence in the area of application of the Basic Law or in Berlin (West) on 30 June 1950 or has the status of a displaced alien by virtue of the provisions of Section 2(3) of the present Act.

(2) The Federal Government is authorised to enact statutory instruments, subject to the consent of the *Bundesrat*, with a view to granting other foreign refugees equality of status with the persons referred to in paragraph (1) above in order to prevent undue hardship.

(3) Anyone who derives his nationality from a displaced alien or from a person granted equal status pursuant to paragraph (2) above is equivalent to a displaced alien for the purposes of this Act.

Section 2

(1) A displaced alien shall lose this status if, after 30 June 1950, he acquires a new nationality or establishes his ordinary residence outside the area of application of the Basic Law or Berlin (West).

(2) A displaced alien who establishes his ordinary residence outside the area of application of the Basic Law or Berlin (West) may re-establish his ordinary residence in the area of application of the Basic Law or Berlin (West) within two years of the date of his departure from the area of application of the Basic Law or Berlin (West). On his return, he shall regain the status of a displaced alien.

(3) A foreign national or stateless person who satisfies the conditions laid down in Section 1(1)(a) and (b) of this Act and who had his ordinary residence in the area of application of the Basic Law or Berlin (West) after 1 July 1948 and thereafter established his ordinary residence outside the area of application of the Basic Law or Berlin (West) shall acquire the status of a displaced alien if he legally re-establishes his domicile or permanent residence in the area of application of the Basic Law or Berlin (West) within two years of the date of his departure from the area of application of the Basic Law or Berlin (West).

Section 3

(1) A displaced alien shall not be subject to discrimination on account of his parentage, his race, his language, his native country and origins, his faith or his refugee status.

(2) The unhindered practice of religion shall be guaranteed.

Section 4

(1) Displaced aliens shall be subject to the laws and regulations in force in the area of application of the Basic Law or in Berlin (West), including measures taken for the purpose of maintaining public order.

(2) They shall be subject to the jurisdiction of the German courts.

Section 5

Rights and privileges which are granted to nationals of foreign States on a basis of reciprocity only shall not be denied to displaced aliens, even if reciprocity is not guaranteed.

Section 6

Emergency measures aimed at nationals of a displaced alien's former home State may not be applied against him.

Section 7

In instances where the acquisition or exercise of a right is dependent on the length of a person's residence in the area of application of the Basic Law or in Berlin (West), the period of compulsory residence of a person deported during the period from 1 September 1939 to 8 May 1945 shall be taken into account.

Chapter II

Civil law

Section 8

If, prior to the entry into force of this Act, a displaced alien has acquired rights by virtue of non-German legal provisions, he shall retain these rights in so far as the laws of the place in which the relevant legal transaction was effected are observed. This applies particularly to a marriage solemnised before the entry into force of this Act.

Section 9

Displaced aliens may acquire ownership and other rights to real estate and movable property on the same terms as German nationals.

Section 10

With regard to the protection of literary, artistic and scientific copyright and publishing rights and of industrial property rights, displaced aliens shall enjoy the most favourable treatment available to nationals of foreign States.

Section 11

In proceedings before all German courts of law, displaced aliens shall have the same status as German nationals. They shall enjoy the right to legal aid on the same terms as German nationals and shall be exempt from the special bail requirements applicable to nationals of foreign States and stateless persons.

Chapter III

Public law

Section 12

Displaced aliens shall be as free as German nationals to choose their place of residence and to move within the federal territory.

Section 13

(1) Displaced aliens shall enjoy the same right as German nationals to form associations devoted to cultural, social, welfare, self-help and similar purposes. This equality of status shall not apply to the formation of associations with political aims.

(2) Displaced aliens shall have the right to form trade unions or to apply for membership of German trade unions.

Section 14

(1) Displaced aliens shall have access to all public primary schools, secondary schools and institutions of further and higher education, including universities and art colleges, on the same terms as German nationals. They shall be eligible for remission of fees and support for gifted individuals, subject to the legal provisions of the relevant federal state.

(2) Displaced aliens may take state examinations on the same terms as German nationals.

(3) The right to establish private schools for displaced aliens is guaranteed, subject to the provisions of Article 7(4) and (5) of the Basic Law.

Section 15

(1) Foreign qualifications obtained by displaced aliens shall be recognised in the federal territory if the examinations through which they were obtained are deemed equivalent to the corresponding German examinations.

(2) The decision as to which foreign examinations are deemed equivalent to German examinations shall be made by the highest authorities of the relevant federal state.

Section 16

Displaced aliens who have taken the examinations referred to in Section 14 of this Act or whose foreign qualifications have been recognised in accordance with Section 15 shall be authorised to practise an independent profession on the same terms as German nationals.

Section 17

(1) Displaced aliens shall have the same status as German nationals with regard to the performance of work other than self-employment.

(2) With regard to the right of self-employment in agriculture, industry, crafts and trades or commerce and the right to establish commercial or industrial businesses, whether or not in the form of registered companies, displaced aliens shall have the same status as German nationals. This does not apply to itinerant or street trading. The pursuit of these activities by displaced aliens remains subject to the provisions relating to aliens in Sections 56d and 42b(4) of the Trade Regulation Code.

Section 18

Displaced aliens shall have the same status as German nationals in the domains of social insurance, unemployment insurance and unemployment relief.

Section 19

Displaced aliens shall receive the same level of public welfare benefits as German nationals.

Section 20

The imposition of taxes, duties and other public charges on displaced aliens shall be governed by the legal provisions that apply to German nationals.

Chapter IV Administrative measures

Section 21

The general provisions governing naturalisation shall apply to displaced aliens. The specific fate of displaced aliens shall be taken into account when their applications for naturalisation are considered. When naturalisation fees are set, consideration shall be given to the applicant's economic circumstances.

Section 22

A displaced alien may not be prohibited from returning to his home country or from emigrating.

Section 23

(1) Displaced aliens may be expelled from the federal territory only on grounds of public safety and order. The subject of an expulsion order shall be free to challenge it through legal channels. If he avails himself of that right, the enforceability of the expulsion order shall be suspended pending a final judicial decision.

(2) Where expulsion occurs, the expellee shall be granted a reasonable period of time in which to apply for admittance to another State.

(3) A displaced alien may not be extradited, expelled, deported or sent back to a State in which his life or freedom is threatened because of his race, his parentage, his origins, his faith or his religious or political opinions.

(4) These provisions shall be without prejudice to the application of Law No 10 of the Allied High Commission, dated 27 October 1949, on the expulsion of undesirable persons.

Chapter V Legal safeguards

Section 24

(1) The Federal Government is empowered to enact statutory instruments, subject to the consent of the *Bundesrat*, with a view to

(a) granting displaced aliens the protection and assistance that is otherwise provided to foreign nationals by the diplomatic and consular missions of their home States, and

(b) making provision for the issuing of official documents that are otherwise issued to foreign nationals by the authorities of their home States.

(2) Such official documents shall have the same validity as the corresponding documents issued to foreign nationals by the authorities of their home States.

(3) Without prejudice to any preferential treatment granted to displaced aliens of modest means, the fees charged for issuing such official documents shall not be higher than those payable by German nationals.

Chapter VI

Concluding and transitional provisions

Section 25

The costs arising from the implementation of this Act shall be met from the Federal Treasury in accordance with a law enacted pursuant to Article 120 of the Basic Law.

Section 26

This Act shall not apply to persons who are in the process of resettling and are receiving care and maintenance from the International Refugee Organization (IRO).

Section 27

The application of this Act to displaced aliens who have or who had their domicile or permanent residence in Berlin (West) depends on Berlin (West) adopting a similar legal instrument and assuming the obligations incurred by the federal states under this Act.

Section 28

This Act shall enter into force at the end of the day on which it is promulgated.

The constitutional rights of the *Bundesrat* have been upheld.

The preceding Act is promulgated herewith.

Bonn, 25 April 1951.

The President of the Federal Republic
Theodor Heuss

The Federal Chancellor
Adenauer

The Federal Minister for Expellees
Dr Lukaschek