ASSISTANCE TO INDIGENT FOREIGNERS

Replies of Governments on the Questionnaire concerning Methods at present applied in Different Countries in the Matter of Assistance to Indigent Foreigners

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INTRODUCTION.

In 1931, the Council of the League of Nations set up a temporary Committee of Experts, inviting a limited number of countries to study the question of assistance to indigent foreigners and to prepare a preliminary draft International Convention.1

The Committee of Experts has up to now held two meetings, the first in 1933, when it prepared a first draft Multilateral Convention for Assistance to Indigent Foreigners. The general stipulations of this Convention were to the effect that "each of the Contracting Parties should grant indigent nationals of the other Contracting Parties, residing in its territory and needing material or moral assistance, the same treatment as it grants to its own nationals".

The Committee of Experts at its first session also drew up fourteen recommendations, of which it proposed the immediate application so as to remedy as soon as possible the precarious situation of indigent foreigners.2

This first draft Convention and the fourteen recommendations were submitted to Governments in 1934.

In 1936, at its second session, the Committee of Experts studied the observations of Governments on the first draft Convention and the fourteen recommendations. The majority of the experts were, in principle, in favour of the drawing up of a multilateral Convention, but numerous amendments were suggested to the Articles of the draft Convention.

The Committee of Experts, after studying the replies of Governments and hearing the views of different experts, drew up a second draft Multilateral Convention representing a compromise between the various tendencies.3 This Second Multilateral Convention was sent to Governments for their observations in May 1936 and the replies were published in 1937.4

At its second session in 1936, the experts of the United States of America proposed that information should be collected on the methods at present applied in the different countries in the matter of assistance to indigent foreigners. The Committee of Experts fully realised the complexity of the problem, and therefore agreed that if various aspects of the question were more fully elucidated, there would be more likelihood of arriving at a satisfactory solution at an early date. The Committee adopted the following resolution to that effect:

"The Committee of Experts on Assistance to Indigent Foreigners asks the Secretariat to undertake an enquiry through questionnaires to be sent to the Governments or to the private organisations of certain countries to be chosen by the Secretariat. The enquiry shall have to do with the following matters:

1. The manner in which Governments communicate with each other, with or without the aid of private organisations, concerning the social circumstances of indigent aliens subject to repatriation;

2. Suggestions which such Governments might make which would tend to improve existing procedures;

3. The manner in which the general principle of Article 4 of the proposed Multilateral Convention is at present, or can be, implemented in Government procedures;

4. The kinds and character of assistance, including moral assistance, given to indigent foreigners in different countries;

5. The forms of assistance restricted to nationals;

6. The experience resulting from particular regional or bilateral arrangements which might be useful for the consideration of other Governments;

7. Any other pertinent suggestions which Governments or social organisations may wish to present."

In accordance with the Committee’s instructions, a questionnaire was prepared and submitted to the Governments represented on the Committee of Experts and to the Governments of Austria, Canada, Czechoslovakia, Finland, Norway, Sweden and Yugoslavia.

Up to the present, the Secretary-General has received replies to the questionnaire from the following countries:

1 The following Governments accepted the Council’s invitation to appoint one or more representatives on this Committee: Argentine Republic, United Kingdom, Denmark, France, Hungary, Italy, Japan, Mexico, Netherlands, Poland, Switzerland, United States of America, and two international private organisations, the Permanent International Conference for the Protection of Migrants and the International Migration Service.

2 Document C.I0.M.8.1934.IV.

3 Document C.341.M.231.1937.IV.

4 Document C.341.M.231.1937.IV.
Austria
United Kingdom
Czechoslovakia
Denmark
Finland
France
Hungary
Japan
Netherlands
Norway
Poland
Sweden
Switzerland
United States of America
Yugoslavia.

QUESTION I.

Points (a) and (b).

Does your Government communicate with other Governments concerning the social circumstances of indigent foreigners with a view either to assisting or to repatriating them?

Is this information obtained with or without the help of private organisations?

Austria.

The Federal Government communicates with other Governments to obtain information on the social circumstances of indigent foreigners with a view to assisting or repatriating them.

This information is obtained without the help of private organisations.

United Kingdom.

The United Kingdom Government does not communicate with other Governments concerning the social circumstances of indigent foreigners.

The question of the help of private organisations therefore does not arise.

Denmark.

Public assistance is granted to an indigent foreigner without previous application to his country of origin for information regarding him. On the other hand, indigent foreigners are not repatriated until negotiations regarding the matter have taken place with the foreign Government concerned, which thus has an opportunity of supplying information respecting the foreigner's circumstances.

This information is obtained without the help of private organisations.

United States of America.

The questions submitted have been given consideration by the competent Federal Departments of the United States Government. In the answers to the individual questions, it is explained that matters of assistance to indigent citizens and foreigners alike lie within the competency of the individual States. During the years of the depression, the Federal Government, under special emergency Acts of Congress, has provided certain forms of assistance such as work relief, training-camps for young people, scholarships and sustenance care for the homeless and transient indigent persons.

In general, these forms of Federal assistance have been organised to supplement the assistance supplied by the individual States, and have been administered through or in close co-operation with State Public Welfare Administrations. Hence Federal assistance has not changed the administration of assistance to indigent foreigners in the individual States. The laws and procedures of assistance to indigent foreigners vary in the individual States, and no complete survey of the respective procedures in matters of assistance to indigent foreigners exists. In the main, however, it can be stated that indigent foreigners receive assistance on the same basis as citizens, except that certain forms of assistance are reserved for citizens by certain States.

Further, in general, no legal rights to assistance exist for citizen or foreigner under the laws of assistance in the United States. The assistance laws of the United States place the responsibility upon administrative officers to extend assistance to those in need.

Within the bounds of the above general statements, the following specific answers are made to the individual items of the questionnaire:

The United States Government does not communicate with other Governments concerning the social circumstances of indigent foreigners with a view either to assisting or to repatriating them.

Some State, county and local departments of public welfare enlist the assistance of private organisations in making enquiries in other countries on behalf of indigent foreigners. The object of these enquiries is to obtain information on the indigent foreigner's resources in his country of origin and to determine whether repatriation appears to be in his own interest.
Finland.

The competent Finnish authorities correspond directly with the respective authorities of the countries with which Finland has concluded Conventions concerning social assistance. Such Conventions have existed between Finland and Denmark, Norway and Sweden since 1928 and between Finland and Poland since 1931.

Information concerning the social circumstances of indigent foreigners is normally obtained through the official channel. There would be no objection, however, to the authorities of the respective countries having recourse, if necessary, to the help of private organisations in obtaining information of this kind.

France.

The French Government communicates with other Governments with a view to assisting or repatriating all indigent foreigners in application of the various Conventions in force for mutual assistance.

The French Government has direct relations with official organisations only. There may, however, be cases where the preliminary enquiries are made by private organisations, as, for instance, in Switzerland.

Hungary.

The Hungarian authorities competent to deal with the case of an indigent person requiring to be repatriated or assisted endeavour, through the Ministry of Foreign Affairs — i.e., by means of the Diplomatic Service — to determine the nationality of the indigent person and communicate to the authorities of his country of origin such particulars as they have been able to gather concerning him. These include information regarding his social and family circumstances, and in particular the length of his stay in the country, where he has worked and in what capacity, how long he has been indigent, for what reason he became indigent (inability to work, lack of work, accident), information as to his family and children, the period for which he has been in receipt of assistance or treated in hospital, or otherwise cared for in a medical institution.

Assistance to indigent persons in Hungary, irrespective of their nationality, being a duty devolving upon the public authorities, the latter are responsible for collecting information on the subject. The authorities concerned with assistance to indigent persons enlist the help of private organisations in that work.

Japan.

The Japanese Government does not communicate with other Governments concerning the social circumstances of indigent foreigners. The question of the help of private organisations therefore does not arise.

Norway.

Under the Convention of October 25th, 1928, on mutual assistance to indigent foreigners, concluded between Norway, Denmark, Finland and Sweden, the Norwegian Government has communicated to a certain extent with the other Governments parties to the Convention concerning the repatriation of indigent foreigners.

Correspondence is carried on without the help of private organisations.

Netherlands.

As a general rule, the Netherlands Government communicates in advance its intention to repatriate an indigent foreigner to the Government of the country of which he is a national, and states his identity and social circumstances. The latter Government may prevent repatriation by itself undertaking to assist its national or by refunding to the Netherlands Government the cost of subsequent assistance.

In general, the Netherlands Government does not require information as to the social circumstances of indigent foreigners in their country of origin.

Communications with other Governments take place through the diplomatic channel; in the case of Germany they take place between the frontier authorities in conformity with the Establishment Convention concluded with that country.

Information is obtained without the help of private organisations.

Poland.

Poland does not repatriate foreigners, because the latter benefit by the services of social welfare organisations, except in a few cases which are justified on humanitarian grounds — e.g., the repatriation of children to parents who live outside Poland. When public assistance has to be given to indigent foreigners, particulars of their economic or family circumstances are collected by the local government authorities, but only on Polish territory.

Information regarding the financial circumstances of indigent foreigners is obtained without the help of private organisations.
Sweden.

Where there is occasion to repatriate an indigent foreigner, the Swedish Government communicates with the Government of the foreigner’s country of origin in doubtful cases only. If the Government applied to furnishes information throwing further light on the social circumstances of the foreigner, such information is taken into consideration by the Swedish authorities in deciding whether to repatriate or not.

The Swedish Government does not apply to private organisations to obtain such information; but any information of importance which such organisations may furnish is taken into consideration.

Switzerland.

Switzerland does not communicate with other Governments to obtain information on the social circumstances of indigent foreigners, with a view to assisting or repatriating them. This is unnecessary since, in cases of assistance or repatriation, the social circumstances of the assisted person in the country of residence are given primary consideration and can be examined without difficulty. In many cases, it is true, the country of origin is requested to help in obtaining repayment of the costs of assistance from solvent relations of the assisted persons who reside on its territory and are bound to maintain them; but a favourable result is seldom obtained.

Requests are always presented through official channels.

Czechoslovakia.

The Czechoslovak Government communicates with other Governments concerning the social circumstances of indigent foreigners. This information is obtained with the help of private organisations in the case of Czechoslovak nationals, but without their help in the case of foreigners.

Yugoslavia.

The Yugoslav Government acts through its Consular Service in matters relating to Yugoslav nationals domiciled abroad.

When enquiring into the material situation of indigent persons, the Yugoslav Consular Service has recourse to information obtained from the Yugoslav cultural and national organisations in the foreign country in question.

POINT (c).

Has your Government organised certain Consular Services so as to enable such services to undertake the necessary enquiries with the help of officials specially acquainted with social work?

Austria.

Austria has not organised its Consular Services as indicated in the questionnaire.

United Kingdom.

As the United Kingdom Government does not communicate with other Governments concerning the social circumstances of indigent foreigners, this question does not arise.

Denmark.

Denmark has not organised its Consular Services as indicated in the questionnaire.

United States of America.

The United States of America has no staff members specially trained in social work attached to its Consular Service.

Finland.

These functions are carried out by the ordinary Consular Officials.

France.

For this purpose the French Government only requests the assistance of embassies or legations, and does not employ officials specially acquainted with social work.

Hungary.

Hungary has not yet organised its Consular Services as indicated in the questionnaire.
Japan.
Japan has not organised its Consular Services as indicated in the questionnaire.

Norway.
Norway has not organised its Consular Services as indicated in the questionnaire.

Netherlands.
The Netherlands has not organised its Consular Services as indicated in the questionnaire.

Sweden.
Cases involving repatriation are not very numerous; and the Swedish Government has not considered it necessary to organise its Consular Offices as indicated in the questionnaire.

Switzerland.
Requests from Switzerland concerning payment by the relations of assisted persons are always presented through official channels.

Czechoslovakia.
Such services are organised for Czechoslovak nationals, but not for foreigners.

Yugoslavia.
In certain countries (the Argentine, Belgium, France, Germany, New Zealand, United States of America) there are emigration commissioners who are specially concerned with the Yugoslav emigrants in those countries, and who have a special knowledge of social questions.

POINT (d).

In your relations with certain foreign countries, have you had any experiences which might be of special interest to the Committee of Experts on Assistance to Indigent Foreigners?

Austria.
No special remarks.

United Kingdom.
As the United Kingdom Government does not communicate with other Governments concerning the social circumstances of indigent foreigners, this question does not arise.

Denmark.
There appear to have been no such experiences to report.

United States of America.
A competent answer to this question could be given only after a survey of the experiences of the individual States and their subdivisions.

Finland.
Finland has had no special experiences in this matter.

France.
The answer is in the negative.

Hungary.
In general, the Hungarian Government has found by experience that, after a relatively long stay in Hungary, foreigners, whether indigent or not, become accustomed to the conditions of life in that country and do not think of returning to their country of origin, especially if their kindred in the country of origin are dead.

In this case, the question of repatriation does not arise, more especially if the foreigner or his family enjoys certain advantages, such as grants or rights accorded by some social institution in the country of residence.

Japan.
The answer is in the negative.
Norway.

Norwegian experiences would probably be of no interest to the Committee of Experts on Assistance to Indigent Foreigners.

Netherlands.

The German Government alone undertakes in certain cases the cost of assisting German nationals in the Netherlands.

Sweden.

The answer is in the negative.

Switzerland.

It was observed that certain States are excessively slow in complying with Swiss requests however justified, for the repatriation of invalids or indigent persons. Not infrequently they give their reply or consent a year or more after the request for repatriation, even when the nationality of the assisted person is quite clear from the official papers they have issued. Such delays occur not only when the assisted persons have been living in Switzerland for years, but even, and more especially, when they have been there only a short time, or have been turned back at the frontier, or have fallen sick en route. In cases of this kind, the country of residence cannot be expected to bear the costs of assistance for long. As a result of these delays, a large part of the expenses that should be borne by the country of origin unfairly devolves upon Switzerland. The consequence of such a practice might be to induce the country of residence to give up the habitual repatriation procedure and where possible to send the assisted person back to his country of origin without further formalities.

Czechoslovakia.

The answer is in the negative.

QUESTION II.

What action has your Government taken or does it propose to take to give effect to the general principle laid down as follows in Article 4 of the draft Multilateral Convention on Assistance to Indigent Foreigners (document C.94.M.37.1936.IV)?

"The interest of the foreigner and of his family shall be taken into account in deciding whether or not to repatriate an indigent foreigner, and in fixing the date of repatriation, if this is decided upon. During the enquiry conducted on this subject by the authorities of the country of residence, the indigent foreigner may, either personally or through a competent institution, supply full information regarding his situation and that of his family, in particular, regarding his rights or those of his family, where such exist, to grants or benefits at the hand of some social welfare institution."

Austria.

No action had been taken to give effect to the general principle laid down in Article 4 of the second draft Multilateral Convention, for the reasons given in the annex to the letter from the Federal Chancellor's Office, Department of Foreign Affairs.1

United Kingdom.

It is not the practice in the United Kingdom to enforce the repatriation of (i.e., to deport) any foreigner on the ground of destitution alone if he has been resident there for more than twelve months since his last arrival. Before a decision is made to deport a foreigner, all the relevant circumstances affecting him and his family are taken into consideration; and it is open to him to submit such representations as he may think fit.

Denmark.

An indigent foreigner is usually given an opportunity to state his case, generally by means of a statement entered in the police records; as indicated, negotiations take place with the authorities of the country of origin before repatriation is effected.

United States of America.

Assistance to indigent foreigners in the form of repatriation is granted by the Immigration and Naturalization Service of the Federal Department of Labor and by the State Welfare Administrations of certain States. Under the Immigration Act of February 5th, 1917, as amended, indigent foreigners who fall into distress or need public aid may apply for repatriation at Federal Government expense. Applications for such repatriation may also be made to the Welfare Administrations of certain States.

For repatriation at Federal Government expense, the indigent foreigner makes voluntary application and is granted a hearing at which he or any organization acting in his interest may present all pertinent facts concerning his situation. Upon determination by the Federal administrative officers that the application is entirely voluntary; that the foreigner is indigent; and that the proposed repatriation will not result in the separation of the immediate family of the applicant, transport, including sustenance and passport fees, if necessary, is provided from the place of residence in the United States to the ultimate destination abroad.

The procedures of repatriations effected by the State administrations are substantially the same as the foregoing, except that certain State Welfare Administrations enquire in other countries through private organizations to determine whether repatriation is in the interest of the indigent foreigner. The latter is given every opportunity to submit all information concerning his social and economic circumstances in the United States, his resources, including potential assistance from relatives, possessions, and rights to assistance in the country abroad and the existence of opportunities for self-maintenance in the United States and in the country of destination.

Finland.

The principle of Article 4 of the second draft Multilateral Convention has been carried into effect in the Conventions mentioned under points (a) and (b) of question I.1

France.

In cases of the application of mutual assistance treaties, the foreigner is not repatriated until all the necessary enquiries have been made concerning his family circumstances, his state of health and his preferences regarding a place of residence.

In principle — i.e., apart from quite exceptional circumstances — repatriation cannot be demanded without the formal consent of the person concerned.

Hungary.

The competent Hungarian authorities have always in practice acted in accordance with the general principle laid down in Article 4 of the second draft Multilateral Convention on Assistance to Indigent Foreigners. They have always taken into consideration the circumstances of the indigent foreigner and his family. There has never yet been any obstacle, nor can there ever be any, preventing an indigent foreigner from supplying particulars of his situation and of his right to grants and benefits from social institutions. The principle thus actually applied might be universalised by the adoption of the draft Multilateral Convention on Assistance to Indigent Foreigners.

Japan.

The Japanese Government has not yet considered any action on this point; it therefore has no observation to make.

Norway.

In deciding whether indigent foreigners should be repatriated or not, consideration is given to the foreigner's own interest. Thus, care is generally taken not to repatriate in the case of aged persons who have lived for a long time in Norway, or in cases when repatriation would injure their health or entail separation from their near relations. In deciding the date of repatriation, reasonable consideration is generally given to their wishes.

An applicant for public assistance is bound to give full particulars of his financial circumstances and those of any persons responsible for his upkeep, and of any other resources or benefits to which he may be entitled. If there is reason to believe that the information provided is not correct, the matter is examined by the police.

The Norwegian Government has appointed a Committee to study the question of supervising private help.

Netherlands.

When the question whether an indigent foreigner should be repatriated or not is considered, account is taken of all special circumstances (family and other), period of stay in the Netherlands, right to pension or annuities, possibility of finding employment in the near future, etc.

Poland.

Effect is given to the principles laid down in Article 4 of the second draft Convention on Assistance to Indigent Foreigners, but the Ministry of Social Welfare has pointed out, in its instructions to its subordinate organs, that indigent foreigners may be repatriated only when

1 See page 6.
there are humanitarian grounds for such action (e.g., to facilitate the return of deserted children to their native country).

Sweden.

In the ordinary way, indigent foreigners are not repatriated where there are humanitarian objections to such repatriation — e.g., where repatriation would involve the separation of near relatives, where the indigent person is advanced in years and has resided in the country for a long time, where the indigent person is a widow or divorced woman who was a Swedish national before her marriage, or where repatriation would affect the health of the indigent person.

As regards one of the above-mentioned objections to repatriation — viz., in the case of long residence by the foreigner in the country — it may be noted that the Convention on Public Assistance concluded on October 25th, 1928, between Denmark, Finland, Norway and Sweden stipulates that repatriation shall not take place against the wishes of the person concerned, where the latter has come to Sweden before the age of 48 and has resided there consecutively for not less than ten years, not counting occasional interruptions of such residence, without having received more or less permanent public assistance or having been sentenced to more than sixty days’ imprisonment. Foreigners other than Danish, Finnish and Norwegian nationals are not as a rule repatriated after residing in Sweden for ten years or more.

An indigent foreigner is always given an opportunity of furnishing information concerning his circumstances before a decision is taken in regard to his repatriation.

Switzerland.

Switzerland has always observed the principles laid down in Article 4 of the second draft Multilateral Convention on Assistance to Indigent Foreigners; she therefore does not need to take any special steps.

Czechoslovakia.

A draft law is in preparation for the relief of indigent Czechoslovak nationals abroad. It will be used as a basis for the conclusion of assistance conventions founded on the principle of reciprocity.

Yugoslavia.

No special regulations exist to give effect to the general principle laid down in Article 4 of the second draft Multilateral Convention on Assistance to Indigent Foreigners. Nevertheless, as may be seen below, foreigners who enjoy equality of treatment in virtue of Yugoslav social legislation are fully entitled to claim the same treatment as nationals of the country.

When considering whether or not it is desirable to repatriate an indigent foreigner, the situation of the foreigner and that of his family are always taken carefully into account. He is not repatriated if his state of health would be affected thereby; care is taken not to prejudice his material interests; any humane assistance, irrespective of its source, is permitted and welcomed.

QUESTION III.

POINT (a).

When an indigent foreigner is repatriated, how is such repatriation arranged?

Austria.

Repatriation is usually arranged through public assistance channels.

United Kingdom.

When an indigent foreigner is deported, it is the normal practice for him to be escorted by the police to the port of embarkation and provided, at the Government’s expense, with a through ticket to the country to which he is being deported, together with a sum of money to cover his subsistence during the journey. Local authorities have power, with the consent of the Minister of Health, to incur expenditure in assisting the repatriation of destitute foreigners who desire to return to their own countries. Consent was given in eight such cases during the year 1936.

Denmark.

As soon as the country of origin has recognised its obligation to receive the foreigner and has been notified of the date and place of his arrival, he is repatriated and is accompanied as far as the frontier of his country of origin.
United States of America.

In repatriations arranged by the Immigration and Naturalization Service of the United States Department of Labor, transport is provided from the place of residence in the United States to the point of destination in the country abroad. Passport and the required visa fees are also paid when necessary.

The practice of States which grant repatriation as a form of assistance varies, but in general all details of the repatriation are arranged for, including transport to destination in the country of origin. Often the funds for transport become available in part through the Consulates of the countries of origin or through private agencies, the net deficit being supplied by the public administration concerned.

Finland.

The foreigners are conveyed to a place on the frontier indicated by the authorities of the country of which the indigent foreigner is a national.

France.

In the case of foreigners coming under Mutual Assistance Conventions, repatriation is arranged either by agreement between the Ministry of Public Health and the Legation or Embassy of the country of origin, as in the case of Swiss nationals, or between the Prefect of the Department of residence and the corresponding authority in the country of origin, as in the case of Belgian and Italian nationals.

In the case of foreigners who do not come under Mutual Assistance Conventions, repatriation or expulsion is more in the nature of a police measure and, as such, comes within the competence of the Ministry of the Interior.

Hungary.

The competent authorities apply to the Government of the indigent foreigner’s country of origin for information as to his reception. After the Government concerned has given its consent, the foreigner is handed over to the competent authorities at the frontier of his country of origin, within the time fixed by the repatriating authorities. The costs of transport are borne as far as the frontier of the country of origin by the Government of the country of residence.

Japan.

Such repatriation is arranged by the competent police of the place of residence of the indigent foreigner, who gives them all possible facilities concerning reduction of travelling expenses, etc. Repatriation is carried out through the shortest route.

Norway.

When a foreigner is dependent on public assistance and it is not considered that repatriation should be avoided for humanitarian reasons, a request for his reception is addressed through diplomatic channels to the country of origin. When consent has been obtained, the foreigner, together with his family, will be safely — if necessary under escort — conveyed to the frontier of the country of origin at a place indicated by the authorities of that country. The public assistance office of the commune of domicile makes the arrangements for the journey and pays the expenses, which are afterwards refunded by the Government.

Netherlands.

Repatriation is arranged by the authorities who give the assistance (usually the municipality), as far as the frontier station of the country to which the indigent national belongs.

Poland.

Poland accepts in principle the non-repatriation of foreigners on grounds of their poverty, but in practice departures are made from this principle in certain cases; foreigners are sent back to their country of origin if there are humanitarian grounds for such action. Thus, the principle of non-repatriation is taken in conjunction with the principle of the individual treatment of aliens on humanitarian grounds.

Sweden.

Repatriation is arranged by the competent provincial authorities who have recourse in the ordinary way to the local police for the purpose. Persons suffering from mental disease are usually accompanied by attendants.

Switzerland.

When there is no stipulation to the contrary in a Treaty, the diplomatic channel is always employed for the repatriation of invalids, the aged or infirm, or children. Indigent persons who are capable of working and are likely to need more than temporary assistance are asked...
to leave the country of their own accord, or are conveyed to the frontier. In such cases, the diplomatic channel is used only for special reasons, for instance, for the repatriation of an unaccompanied woman and her children.

Czechoslovakia.

On the proposal of the Ministry of the Interior, a declaration is obtained from the national authorities of the foreigner concerned to the effect that they are willing to assume responsibility for him. He is then conveyed to a frontier station of the State of which he is a national, and is there handed over to his national authorities.

The frontier stations at which this may be done are specified in the Conventions in force or, in the absence of a Convention, in the above-mentioned declaration.

Yugoslavia.

The repatriation of indigent foreigners is effected by their respective Consulates, in cases which do not concern the Yugoslav police authorities.

Repatriation takes place after preliminary agreement between the Yugoslav authorities and the Consular Service of the country of which the indigent foreigner is a national. The date and place for handing over the person concerned to the foreign authorities are fixed in the agreement.

Point (b).

When the Consular Service of countries of origin are unable to pay the costs of the repatriation of their indigent nationals, does your Government bear such costs, and if so, to what extent?

Austria.

The repatriation costs are paid by the Consular Service as far as the Austrian frontier.

United Kingdom.

See under point (a) of Question III.1

Denmark.

Denmark bears the costs of repatriation as far as the frontier of the foreign country concerned.

United States of America.

See under point (a) of Question III.1

Finland.

The Government bears the costs of travel and maintenance as far as the frontier.

France.

The costs of conveyance to the frontier are charged to the country of residence. It should, however, be pointed out that, where contracting countries are not adjacent, as, for instance, France and Poland, the costs of conveyance from one country to the other are chargeable to the Ministry for Foreign Affairs.

Hungary.

In all cases, as mentioned under point (a) of Question III2, the Hungarian Government bears the costs of conveyance of an indigent foreigner only as far as the frontier of the country of origin.3

Japan.

Such costs are never paid by the Government itself; they are sometimes paid by a charitable person, or by a person who has employed the indigent foreigner in question.

Norway.

The Government bears the expenses of repatriation of indigent foreigners as far as the frontier of the country of origin.

Netherlands.

The cost of repatriation is borne by the authorities mentioned in (a) of Question III,2 unless the Consular Agent of the country of origin voluntarily offers to bear such cost.

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1 See page 11.
2 See page 12.
Poland.

The principle of reciprocity is applied in the cases referred to in this paragraph.

Sweden.

In general the Swedish State bears the cost of repatriation as far as the frontier of the indigent person's country of origin, to the authorities of which he is handed over, on the presumption that they will assume responsibility for the subsequent cost.

Switzerland.

The costs of repatriation, which are seldom paid by the Consular Services of the assisted person's home country, are borne by Switzerland. These costs include transport and maintenance as far as the frontier of the country of origin, in cases of actual repatriation, with preparatory measures. When indigent foreigners in good health are simply refused permission to reside in the country, these expenses, except in special circumstances, are paid as far as the Swiss frontier only.

Czechoslovakia.

The cost of conveyance in Czechoslovak territory as far as the frontier is always borne by Czechoslovakia. The costs of repatriation involved by the conveyance of the foreigner to the frontier station of the State of which he is a national are, in general, borne by the Czechoslovak State authorities, and only in rare cases by the Consular authorities of the country of origin; the practice in this matter is not uniform however.

Yugoslavia.

The Yugoslav Government does not bear the costs of repatriating indigent foreigners. The costs occasioned by the repatriation are borne as a rule by the Consular Service of the country of which the foreigner is a national. Should that service not be in a position to bear such costs, the Yugoslav Government does so, but only as far as the frontier.

**POINT (c).**

*Does your Government repatriate its indigent nationals at its own expense through its Consular services abroad, and if so, from what countries?*

Austria.

If the repatriation of an indigent foreigner has been proposed by the foreign country, the Federal Government undertakes to pay expenses from the Austrian frontier onwards. If there is no such proposal, the repatriation expenses are borne in their entirety by the Federal Government.

United Kingdom.

Yes, from all countries abroad, but only when no local funds are available and in cases regarded as suitable from the point of view of (i) the deserving nature of the indigent person and (ii) his having some definite tie with the United Kingdom. An undertaking to repay is always required.

Denmark.

It is only in very exceptional cases that Denmark undertakes to bear the costs of repatriating indigent Danish nationals. As a rule, Denmark undertakes to bear the costs of the return journey only from the Danish frontier.

United States of America.

The United States does not repatriate its indigent nationals from other countries.

Finland.

In certain cases, the Government repatriates its indigent nationals, especially seamen, and, in exceptional cases, other nationals residing for only a short time in a foreign country, in particular women and children. Even Finnish citizens in very poor circumstances living permanently outside the country are repatriated, however, though only after a special decision by the Ministry of Foreign Affairs in each case. For this purpose, a certain sum has been put at the disposal of that Ministry.

France.

In the case of the repatriation of French nationals, the French Public Assistance Services are responsible only for the cost of the distance covered on French territory, the cost on the other side of the frontier being borne by the Ministry for Foreign Affairs.
French nationals may be repatriated from countries which have signed mutual assistance treaties with France, or from any other country.

**Hungary.**

As the Hungarian Government repatriates indigent foreigners as far as the frontier of their country at its own expense, it trusts that its own indigent nationals are also being sent to the Hungarian frontier at the expense of the foreign Governments concerned.

**Japan.**

Japanese consuls abroad may instruct a captain of a Japanese ship to take home indigent Japanese within their area. The captain will ask the persons maintaining the indigent person to refund the costs of repatriation. If the costs cannot be refunded in such a way, they are paid by the prefecture concerned.

Indigent Japanese are repatriated through Japanese Consular Services mainly from China, Hong-Kong, India, "Manchukuo", Singapore and European countries.

**Norway.**

The Norwegian External Services are authorised to repatriate indigent nationals after ascertaining that they are really indigent and that they belong to the category of persons dependent upon the Consular Service. The expenses of repatriation are advanced by the Government, but the persons in question must make a declaration of indigence, undertaking to refund the sum advanced. Only if the person is found to be unable to repay the money will the expenses be finally borne by the Government.

**Netherlands.**

In repatriating its own nationals, the Netherlands Government favours, as far as possible, the system applied by itself and described in points (a) and (b) of Question III. If necessary, the Netherlands Consular Agents take action.

**Poland.**

With the exception of a few (overseas) countries, repatriation is carried out usually at the expense and by the efforts of the Polish Consular Authorities. This repatriation is conducted on the customary lines.

**Sweden.**

A Swedish national may in certain cases be repatriated through the Consular Service, for example, where he is unable to work and is residing in a country adjacent to Sweden: but the question of his repatriation has, in the ordinary way, to be submitted first to the Ministry of Foreign Affairs.

**Switzerland.**

In many cases, when the State of residence does not itself ask for repatriation when Switzerland considers such to be necessary, Switzerland repatriates her nationals of her own accord and at her own expense, through her Legations and Consulates. Such repatriation may take place irrespective of the State of residence, if that State has concluded an assistance treaty with Switzerland, and especially whenever a person who should be repatriated does not come within any of the categories of persons entitled to assistance in virtue of such a treaty. Switzerland has concluded assistance treaties stipulating that the State of residence must repatriate certain categories of persons at its own cost, with Austria, Belgium, France, Germany, Hungary, Italy and Portugal.

**Czechoslovakia.**

Yes, according to the circumstances of the case. When Czechoslovak nationals are repatriated, the Czechoslovak State authorities as a rule only refund the costs of conveying the persons repatriated from the Czechoslovak frontier to the communes of origin. The entire cost of repatriation from the place of residence abroad is borne by Czechoslovakia only in certain cases of the repatriation of Czechoslovak nationals from Hungary and Poland.

In the most urgent cases, the sums necessary for the repatriation of indigent Czechoslovak nationals are provided out of the budget of the Ministry of Social Welfare, whenever such repatriation cannot be effected at the cost of the State in which the person concerned is living.

1 See pages 12 and 13.
Yugoslavia.

The Yugoslav Consular Service bears all the costs occasioned by the repatriation of indigent Yugoslavs from any country. These costs are subsequently collected from the relatives of the repatriated person or from his commune of origin, and are refunded to the Consulate.

The Yugoslav Government repatriates at its own expense, through its Consular Service, indigent Yugoslav emigrants from South America, Australia, Canada, New Zealand, the United States of America and the countries of Europe. In regard to countries in other continents, the costs are borne in part by the shipping companies which enjoy concessions.

QUESTION IV.

Points (a) and (b).

What are the forms of public assistance (medical treatment, hospital treatment, burial, public education, maintenance, etc.) given in your country to indigent foreigners?

What forms of public assistance are reserved solely for nationals?

Austria.

In general, the forms of public assistance given to indigent foreigners are the same as those given to Austrian nationals.

The forms of public assistance reserved solely for nationals are as follows:

Assistance granted to wounded ex-servicemen, assistance to persons with small private means ("Kleinrentner"), poor relief ("Notstandsaushilfe"), assistance granted to indigent unemployed after the expiry of the period during which they receive unemployment relief ("Arbeitslosenunterstützung"). Poor relief may, however, be granted to unemployed persons of foreign nationality belonging to countries in which a similar system is in force and which guarantee in that respect the assimilation of Austrian unemployed residing on their territory to their own nationals.

United Kingdom.

Public assistance is granted to foreigners who become destitute in England and Wales on exactly the same lines as to British subjects. This is also the case in Scotland:

"1. An indigent foreigner (in Scotland) is entitled to receive assistance from the local authority under the Poor Law. The essential qualification for such assistance is destitution.

"2. The forms of assistance given are:

"(a) Maintenance allowances, usually paid in cash;

"(b) Maintenance in a poor law institution;

"(c) Medical attention and treatment for the applicant and his dependents;

"(d) Hospital treatment.

"3. The statutory health services of local authorities are available to all foreigners. These services include provision for the care of expectant and nursing mothers and young children, and the treatment of infectious diseases (including tuberculosis and venereal diseases), the facilities provided embracing hospitals, sanatoria, clinics and domiciliary medical and nursing assistance. Some local health authorities have hospitals for the general sick, but this field of service is covered mainly by the numerous voluntary hospitals, which, of course, also admit foreigners.

"4. Burial expenses are paid by the poor law authority if the deceased person was in receipt of poor relief at the time of death. Otherwise the public health authority would undertake the burial if the relatives are unable to bear the cost.

"5. Allowances, training and workshop employment are provided by local authorities under the Blind Persons’ Act, 1920. While foreigners are not normally excluded from benefiting under the local authorities’ schemes for assisting blind persons, some authorities have limited domiciliary allowances to British nationals.

"6. Apart from the exception in the previous paragraph, none of the services mentioned are reserved solely for British nationals.

"7. It is presumed that health insurance benefits, contributory and non-contributory pensions, unemployment benefit and unemployment allowances are not included in 'public assistance' in the Draft Convention."

1 Copy of a Minute by the Department of Health for Scotland.
As regards educational assistance to indigent foreigners in Scotland, the local educational authorities there do not discriminate between foreigners and nationals in the provision made by them for the education of children and young persons resident in their area.

It should be observed that the foregoing observations are not applicable to the questions of Unemployment Insurance and Unemployment Assistance, which have been excluded from the scope of the draft Convention on Assistance to Indigent Foreigners, in connection with which the present questionnaire was issued.

**Denmark.**

As a general rule, public assistance properly so-called is the same for Danish and for foreign nationals. On the other hand, assistance which is subject to the payment of contributions to insurance funds is in substance confined to Danish nationals, but is extended in certain cases to persons assimilated to Danish nationals.

**United States of America.**

Most forms of public assistance, including medical treatment, hospital treatment, burial, public education, maintenance in the home and institutional care, are given to indigent foreigners in the individual States on the same basis as to citizens.

Some States reserve widows' and old-age pensions and assistance in the form of work relief to citizens. These States, however, grant comparable relief in the forms of assistance to indigent foreigners mentioned in the above paragraph.

**Finland.**

According to the Finnish Law on public assistance, compulsory assistance is granted to foreigners on the same basis as Finnish nationals. Such assistance may take any of the forms set out in the questionnaire.

Social aid prescribed by the Law on child welfare, the Law on vagrancy or the Law on alcoholism is not confined to Finnish nationals, but also applies, whenever necessary, to foreigners residing in Finland.

By the decree of 1933 on foreigners entering or residing in the country, prefects have the right, in special cases, to order foreigners to leave the country. Nevertheless, in certain cases defined in the previously mentioned international Conventions on public assistance, indigent foreigners receiving public assistance in Finland may not be repatriated; they are therefore entitled to public assistance in accordance with the laws currently in force.

Certain forms of social assistance already exist in Finland, and others are being contemplated which are not based on the Law of compulsory public assistance or on any other laws, but are paid for wholly or in part by credits in the State budget, the employment of which is regulated by administrative prescriptions. Such are State subsidies for the vocational training of children and young people, through the medium and with the aid of the communes and State subsidies for the blind. This special help is granted only to Finnish nationals.

A draft law on maternity assistance has been submitted to Parliament by the Government, and the law will probably come into force early in 1938. This draft law confines assistance to Finnish nationals.

**France.**

Nationals of countries coming under Mutual Assistance Conventions are entitled on French territory to the benefit of all French legislation concerning public assistance whether in the home or in institutions (hospitals, etc.).

Nationals of the following countries are entitled to such assistance: Austria, Belgium, Italy, Luxemburg, Poland, Spain and Switzerland.

Furthermore, under the French Law of October 20th, 1936, the Convention of October 28th, 1933, concerning the international status of refugees, came into force. Under Article 9 of this Convention, refugees of the categories therein specified have the right to assistance under the same conditions as nationals of the States enjoying most favoured treatment in France in the matter of assistance, namely Switzerland. More recent enactments have extended these provisions to immigrant Saar refugees who came to France as a result of the plebiscite of January 1935.

Further, when a hospital has admitted a foreigner who does not come under a treaty of mutual assistance, as it is legally obliged to do under the Law of August 7th, 1851, it has a right to a compensatory subsidy from the State.

In principle, foreigners coming under Mutual Assistance Treaties are on the same footing as French nationals, as far as public assistance is concerned.

Relief in kind distributed by relief committees may nevertheless be reserved for French nationals. The same applies to extra allowances which communes are authorised to grant to recipients of relief in the home under the Law of July 14th, 1905, over and above the legal rate. The communes have to assume responsibility for the whole of such extra allowances.
Hungary.

In regard to the forms of public assistance, the Hungarian public assistance services make a distinction between cases of lack of work and cases of incapacity.

In the first case, the competent authorities must give all the assistance necessary to maintain the indigent foreigner (food, pecuniary assistance, lodging).

As a general principle, the public assistance authorities seek to instil an appreciation of the value of work and, in return for assistance given to an indigent person, they require the performance of a minimum of work as a part of the assistance scheme.

In the second case — i.e., if the indigent person is incapable of working (as a result of sickness or accident) — he is entitled to treatment in a hospital or institution, according to his state of health.

Assistance to indigent persons incapable of working is given by means of a system known as the "Hungarian norm." Under this system, the public participates in public assistance by means of gifts. The distribution of gifts takes place under the supervision of the public authorities.

Under this system of public assistance, indigent persons remain in their own homes and are cared for by specially trained members of religious sisterhoods.

Indigent persons holding a certificate of indigence may, if necessary, be given medical attention and may be accommodated in hospital and treated. The public authorities also bear their funeral expenses.

Elementary education is free to all in Hungary.

The children of indigent parents attend school and receive free meals, clothing and school medical attention.

As regards secondary and higher education, the children of indigent parents, whether nationals or foreigners, have various advantages, according to their conduct and ability, exactly as if the foreigners were nationals of the country.

In regard to assistance to indigent persons, the Hungarian authorities make no distinction between foreigners and nationals.

Japan.

As regards travelling foreigners who fall sick or die, and those accompanying them, assistance (medical treatment, maintenance and burial) is given in accordance with a special decree on the subject (Decree of the Ministry for Home Affairs, No. 24, June 19th, 1899).

As regards other indigent foreigners, public assistance may be given through the various institutions for social work.

In Japan, almost all forms of public assistance are as a rule reserved for nationals; but, in cases of necessity, assistance is extended to indigent foreigners through the various public institutions for social work.

Norway.

Foreigners receive public assistance in the same way and under the same rules as indigent nationals. The law concerning public assistance is worded as follows (paragraph 1): "If their indigence cannot be remedied in any other way, the necessary help shall be granted by the public assistance authorities to all persons who are without means of subsistence or without medical care and treatment, are incapable of earning their living and have no one responsible for their maintenance or capable of assisting them. The help shall be granted to such an extent and in such a way as the public assistance authorities think fit." Consequently, assistance is given in respect of food, clothing, medical care, hospital treatment, care of the insane, funeral expenses, etc.

According to the law concerning old age insurance, dated July 16th, 1936, a pension and a contribution towards funeral expenses are granted to persons over seventy years of age and to married couples when either the husband or the wife is over seventy years of age, on condition that the pensioner or, in the case of married couples, either the husband or the wife, is a Norwegian national.

Under the provisional law for the assistance of blind or helpless people, such help is given solely to Norwegian nationals domiciled in Norway, but the assistance may by common accord be extended to foreigners.

Netherlands.

Public assistance to indigent foreigners is furnished (for a reasonable time) in the same form as to nationals of the country. It covers everything necessary for life, including medical treatment. In the event of death, arrangements are made for burial, and the expenses are paid if necessary.

Poland.

Indigent foreigners residing in Poland are given all forms of public assistance which are granted to Polish nationals, including medical treatment, accommodation in homes for the aged, cripples or orphans, granting of immediate or regular assistance in money or in kind (clothing, food), and burial.
In Poland, there is no form of public assistance reserved solely for indigent nationals. As has already been pointed out above, all forms of public assistance are also given where necessary to indigent foreigners.

**Sweden.**

The following, under Swedish law, are entitled to public assistance: minors (i.e., adolescents who have not completed their sixteenth year of age), and persons who, on account of old age, weakness, infirmity or other physical or mental disabilities, are unable to earn their living by working, where it is impossible to provide for their needs in any other manner. Such assistance is known as "obligatory," and includes maintenance and necessary treatment, and education in the case of minors. It is given to every indigent person regardless of his nationality.

The competent local authorities (Fattigvardsstyrelsen) may give further public assistance in accordance with regulations laid down by each commune. Such assistance, known as "voluntary," is given chiefly to unemployed persons or as a preventive measure. It may be given only to persons qualified as citizens of the commune. Since foreigners cannot qualify as citizens of a Swedish commune, they are not entitled to such assistance; nor are Swedish nationals who are not qualified citizens of any Swedish commune.

**Switzerland.**

In Switzerland, assistance, which is also available to foreigners, comprises chiefly medical treatment, hospital treatment (hospitals, hospices, sanatoria, institutions for aged people, homes, etc.), help in money or in kind for household care and assistance, funerals, and public education at elementary schools.

The only help exclusively confined to Swiss nationals is that granted in special cases, and as an accessory by private foundations or associations. As a rule, the activities of such foundations or associations are only local, so that their payments are confined to the inhabitants of a commune or a canton, or sometimes the members of a corporation. In the matter of public assistance there are practically no forms from which foreigners are debarred.

**Czechoslovakia.**

In principle, such assistance is always provided, either subject to reciprocity or subject to repayment of the costs involved. It comprises medical treatment in public hospitals, burial, poor relief, etc.

As regards assistance to sick indigent foreigners, two bilateral Conventions have so far been concluded—viz., with Germany (this Convention having been extended by the so-called Eisenach Agreement) and with Bulgaria.

All public hospitals in Czechoslovakia are legally required to take in any foreign national suffering from a curable disease requiring hospital treatment. In this particular no distinction is made between nationals and foreigners.

In practice, the out-treatment of foreigners may also be considered at such public hospitals as possess out-patient departments; even nationals, however, have no actual right to such treatment.

As regards social insurance, mention may be made of the following:

(a) The Convention regarding equal treatment of nationals and foreigners in the matter of workmen's compensation (No. 34/1928 of the Collection of Laws and Decrees);

(b) The Convention regarding sickness insurance for agricultural workers (No. 172/1929 of the Collection of Laws and Decrees);

(c) The Convention of July 7th, 1927, regarding sickness insurance for industrial and commercial workers and employees and for domestic servants (No. 173/1929 of the Collection of Laws and Decrees);

(d) The bilateral Conventions on social insurance concluded with Austria (No. 78/1933 of the Collection of Laws and Decrees), with Germany (No. 209/1933 in the Collection of Laws and Decrees), and the Convention concluded with the Argentine on workmen's compensation (No. 5/1935 in the Collection of Laws and Decrees).

Only nationals are legally entitled to medical attention other than hospital treatment at the expense of their commune of origin.

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The purpose of the official system of social assistance to necessitous persons is to prevent pauperism. Responsibility for the provision of assistance to indigent persons lies with the communes, which are under an obligation to provide relief for their necessitous residents. Naturally the law also requires the communes to provide the necessary relief even from "outside persons"—i.e., those not domiciled in the commune. Unless otherwise provided by an international Convention or by a special law, communes are nevertheless entitled to attempt to recover the costs of such relief from the official authorities of the foreign country concerned, or from those who, under the Civil Law or other legislation, are under an obligation to assist the person in receipt of relief from the commune.
Subject to these qualifications, each commune is required to assist outside persons falling ill within its boundaries, whenever such assistance cannot be withheld without danger to the health of the persons concerned or of others. Hence, in case of need, even the nationals of foreign States will not be denied such assistance. Naturally, in cases in which the commune is unable to meet the necessary expenditure out of its own funds, or fails to obtain (in accordance with the provisions described above) any payment from abroad, such assistance to foreigners is not certain. Whether, and to what extent, foreign nationals are allowed to benefit by departmental or provincial welfare services depends upon the circumstances in each case (e.g., in the case of lunacy). They have no actual rights in this respect. These matters can be more effectively dealt with through the international Conventions which regulate assistance to indigent foreigners in various ways. Reference has already been made to the so-called Eisenach Convention and the Agreement with Bulgaria.

Apart from measures of assistance of a general character — that is, the relief of indigence — reference must further be made to certain special forms of social assistance which are also granted to foreigners.

Under Law No. 74/1930 and Government Decree No. 161/1933 of the Collection of Laws and Decrees, the unemployment relief provided for in Law No. 287/1921 may be drawn by foreign nationals, provided they are members of the special organisations authorised to pay unemployment relief, including the contribution made by the State. In accordance with the laws and administrative regulations in force, the State contribution is granted to nationals of the following States: Austria, Bulgaria, France, Germany, Poland, Sweden and Switzerland.

Unemployment relief, including the State contribution, in accordance with the abovementioned laws, is further supplemented by various special forms of assistance which foreigners may also obtain, subject of course to reciprocity.

In the matter of social insurance, Czechoslovak legislation is founded on the principle of equal treatment for nationals and foreigners. Under Decree No. 189/1934 of the Collection of Laws and Decrees, the provisions of Law No. 221/1924 on sickness and invalidity insurance and old-age pensions for workers are extended to foreigners, with the exception of persons in the employment of consular authorities and international commissions, and persons enjoying extraterritoriality. No distinction is made with regard to foreigners in the case of insurance payments; foreigners are not entitled to the State contribution towards old-age or invalidity benefits, or to widows', widowers' or orphans' pensions, unless such benefits are available in their own countries, and also unless Czechoslovak nationals are also entitled to receive the State contribution towards such pensions or benefits.

Accident insurance is based upon equal treatment for foreigners, as regards both the compulsory character of such insurance and the payment of premiums. Through the ratification of the Convention regarding equal treatment for foreign and national workers in the matter of injury caused by industrial accidents, as adopted by the Seventh International Labour Conference in 1925 and ratified in 1927, foreign workers are now assured of full and entire protection in the matter of accident insurance.

The insurance of underground workers, as established by Law No. 242/1922 of the Collection of Laws and Decrees, also makes no distinction between Czechoslovak and foreign nationals in regard to the compulsory character of such insurance.

Similarly, the Law on old age pensions, No. 26/1929 of the Collection of Laws and Decrees, embodies the principle of equality as between foreigners and nationals.

The system of State relief for the aged (under Law No. 43/1929 of the Collection of Laws and Decrees) is also an important adjunct to social assistance.

Such relief is granted to the nationals of States in which similar relief may be obtained by Czechoslovak nationals. Those benefiting by such reciprocally are nationals of Belgium, Germany and certain Swiss cantons.

As part of the system of social assistance, mention must be made of child welfare measures which are differently organised in Bohemia and Moravia-Silesia, on the one hand, and in Slovakia and Sub-Carpathian Russia on the other. In Bohemia and Moravia-Silesia, child welfare measures form part of the poor relief system and, as stated above, the responsible authorities are those of the commune of legal domicile and, to a less extent, of the district and province. Under the poor relief system, provision is also made for the education of poor children (orphans) and of children deserted in some respect or other by those responsible for their upbringing. The public child welfare system is supplemented by private charity under provision and controlled with financial support from the public funds.

Under Laws VIII and XXI of 1901 it is the State which in Slovakia and Sub-Carpathian Russia is responsible for assistance to necessitous children. Such assistance may be granted in the case of children up to the age of 15 under the decision of a Court declaring the child "deserted" and ordering it to be sent to a State home. In Slovakia and Sub-Carpathian Russia this system also applies to the children of foreign nationals; in Bohemia and Moravia-Silesia, on the other hand, the assistance of children of foreign nationality is left, in the main, to private charitable organisations.

Yugoslavia.

In regard to social legislation, foreigners enjoy equality of treatment. This principle inspired paragraph 8 of the Law on workers' insurance, paragraph 76 of the Executive
Regulations regarding the organisation of conciliation in labour matters, and the Law on emigration. Similarly, with regard to the fixing of working conditions in accordance with the Law on the protection of workers, foreigners enjoy the same rights as nationals. This principle is also applied in the case of medical assistance in hospitals, which recover their expenses only afterwards from the indigent foreigner’s country of origin, and at day-hostels, where foreigners enjoy the same rights as nationals (though this is not expressly mentioned in the relevant Regulations).

Indigent foreigners enjoy nearly all the rights granted to nationals in respect of all forms of public assistance. They are entitled to free treatment in State hospitals, education, burial, etc.

**QUESTION V.**

Could your Government communicate other information likely to be of interest to the Committee of Experts on Assistance to Indigent Foreigners, more particularly:

(a) Suggestions for the improvement of the procedures at present followed;
(b) Experience gained in the application of existing regional Conventions and Treaties such as:

- The Convention of October 25th, 1928, concerning assistance to indigent foreigners, concluded between Denmark, Finland, Norway and Sweden;
- The Franco-Swiss Convention of October 9th, 1931, and The administrative Arrangements concluded between the United States of America and Canada regarding assistance to and repatriation of their respective nationals?

**Austria.**

No special remarks.

**United Kingdom.**

No observations.

**Denmark.**

This question calls for no observations.

**United States of America.**

The United States Government is not a party to regional Conventions and Treaties having to do with assistance to indigent foreigners. The inter-State experience in the matter of assistance to citizens without settlement or residence in the State in which application for assistance is made suggests that improvement in present procedure results more often from informal co-operative arrangements made by the competent officers of the interested States than from more formal agreements.

**Finland.**

The competent authorities are not in a position to communicate any experiences or suggestions of interest to the Committee of Experts appointed by the Council of the League of Nations.

**France.**

A separate communication will be sent under this head.

**Hungary.**

The provisions and rules relating to the improvement of procedure in connection with the draft Multilateral International Convention on Assistance to Indigent Foreigners are of great importance and, for that reason, the Hungarian Government considers the adoption of that Convention to be necessary.

In regard to assistance to and medical care for indigent foreigners, the Hungarian Government has hitherto concluded Conventions with four States, and reciprocity has been established in regard to a fifth.

The States in question are the following:

1. **Bulgaria.** — Convention concluded at Sofia on February 5th, 1929.
2. **Italy.** — Convention concluded at Vienna on June 25th, 1896.
3. **Switzerland.** — Convention concluded at Berne on December 7th, 1875.
4. **Kingdom of Yugoslavia.** — Convention signed at Belgrade on February 22nd, 1928.
5. **Germany.** — Eisenach Convention, concluded with a number of States of the German Union and signed on July 11th, 1854. The Contracting Parties grant the same assistance and medical attention to each other’s indigent nationals as to their own.
This Convention is not formally in force between Hungary and Germany, but is only so on the basis of effective and continuous reciprocity.

These Conventions exclude all pecuniary obligations arising out of the costs of medical attention and assistance granted to indigent nationals of the Contracting Parties, and require only reciprocity.

The application of these reciprocity Conventions for many years has proved their utility and has convinced the Hungarian Government that, in this field, the above system offers the best means of attaining the ideal.

Norway.

There are relatively few cases of repatriation resulting from the Convention of October 25th, 1928, concerning mutual assistance to indigent foreigners, concluded between Denmark, Finland, Norway and Sweden, the country of origin being often impelled by humanitarian considerations (Article 10) to pay for the granting of help, even in cases when, according to the Convention, repatriation would be the proper course.

Netherlands.

Assistance to indigent foreigners has been arranged with Germany (Articles 5 et seq., of the Convention of 1906) and with Belgium (Convention of 1936, which will shortly be ratified).

Sweden.

The Convention concluded on October 25th, 1928, between Denmark, Finland, Norway and Sweden has proved very effective. Its principal benefit consists in its provision for equality of treatment as between nationals of any one of the signatory countries and nationals of all the other signatory countries, the effect of which is to afford a guarantee against arbitrary repatriation. As a counterpart to this benefit it is stipulated that the country of origin shall, under certain conditions, reimburse to the country of domicile the cost of the assistance given by the latter to nationals of the country of origin. Naturally, one of the contracting countries may have to bear heavier costs than another for the assistance of nationals of the other contracting countries. It might then of course be led to claim from the country of origin reimbursement of a larger proportion of such cost. Such claims, if carried to excess, may threaten the very continuance of the Convention.

Switzerland.

The Franco-Swiss Convention on Assistance offers two principal advantages: it provides for a large number of people entitled to assistance— not only indigent invalids, but also the aged, the infirm, unsupported children, women during pregnancy and confinement and nursing mothers, and large families; and further, as regards the treatment of the indigent person, it places his own interests first. In this way, the State of origin cannot claim repatriation when the State of residence, with which the final decision lies, considers that on grounds of humanity the indigent person must be kept in its own territory. The two Contracting Parties often make use of this power held by the State of residence.

ANNEX.

QUESTIONNAIRE CONCERNING ASSISTANCE TO INDIGENT FOREIGNERS.

I.

(a) Does your Government communicate with other Governments concerning the social circumstances of indigent foreigners with a view either to assisting or to repatriating them?

(b) Is this information obtained with or without the help of private organisations?

(c) Has your Government organised certain Consular Services so as to enable such services to undertake the necessary enquiries with the help of officials specially acquainted with social work?

(d) In your relations with certain foreign countries, have you had any experiences which might be of special interest to the Committee of Experts on Assistance to Indigent Foreigners?

II.

What action has your Government taken or does it propose to take to give effect to the general principle laid down as follows in Article 4 of the draft Multilateral Convention on Assistance to Indigent Foreigners? (document C.94.M.37.1936.IV)?
"The interest of the foreigner and of his family shall be taken into account in deciding whether or not to repatriate an indigent foreigner, and in fixing the date of repatriation, if this is decided upon.

During the enquiry conducted on this subject by the authorities of the country of residence, the indigent foreigner may, either personally or through a competent institution, supply full information regarding his situation and that of his family, in particular, regarding his rights or those of his family, where such exist, to grants or benefits at the hand of some social welfare institution."

III.

(a) When an indigent foreigner is repatriated, how is such repatriation arranged?

(b) When the Consular Services of countries of origin are unable to pay the costs of the repatriation of their indigent nationals, does your Government bear such costs, and if so, to what extent?

(c) Does your Government repatriate its indigent nationals at its own expense through its Consular Services abroad, and if so, from what countries?

IV.

(a) What are the forms of public assistance (medical treatment, hospital treatment, burial, public education, maintenance, etc.) given in your country to indigent foreigners?

(b) What forms of public assistance are reserved solely for nationals?

V.

Could your Government communicate other information likely to be of interest to the Committee of Experts on Assistance to Indigent Foreigners, more particularly:

(a) Suggestions for the improvement of the procedures at present followed;

(b) Experience gained in the application of existing regional Conventions and Treaties such as:

The Convention of October 25th, 1928, concerning assistance to indigent foreigners, concluded between Denmark, Finland, Norway and Sweden;

The Franco-Swiss Convention of October 9th, 1931, and

The administrative Arrangements concluded between the United States of America and Canada regarding assistance to and repatriation of their respective nationals?
LEAGUE OF NATIONS.

ASSISTANCE TO INDIGENT FOREIGNERS.

REPLIES OF GOVERNMENTS TO THE QUESTIONNAIRE CONCERNING METHODS AT PRESENT APPLIED IN DIFFERENT COUNTRIES IN THE MATTER OF ASSISTANCE TO INDIGENT FOREIGNERS.

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UNION OF SOUTH AFRICA.

Question I.

Points (a) and (b).

Does your Government communicate with other Governments concerning the social circumstances of indigent foreigners with a view either to assisting or to repatriating them?

Is this information obtained with or without the help of private organisations?

The Government of the Union of South Africa does not communicate with other governments concerning the social circumstances of indigent foreigners.

The question of the help of private organisations therefore does not arise.

Point (c).

(c) Has your Government organised certain consular services so as to enable such services to undertake the necessary enquiries with the help of officials specially acquainted with social work?
The Union of South Africa has not organised its consular services in the manner indicated in the questionnaire.

Point (d).

In your relations with certain foreign countries, have you had any experiences which might be of special interest to the Committee of Experts on Assistance to Indigent Foreigners?

As the Government of the Union of South Africa does not communicate with other governments concerning the social circumstances of indigent foreigners, this question does not arise.

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Question II.

What action has your Government taken or does it propose to take to give effect to the general principle laid down as follows in Article 4 of the draft Multilateral Convention on Assistance to Indigent Foreigners (document C.94.M.37.1936.IV):

"The interest of the foreigner and of his family shall be taken into account in deciding whether or not to repatriate an indigent foreigner, and in fixing the date of repatriation, if this is decided upon.

"During the enquiry conducted on this subject by the authorities of the country of residence, the indigent foreigner may, either personally or through a competent institution, supply full information regarding his situation and that of his family, in particular, regarding his rights or those of his family, where such exist, to grants or benefits at the hand of some social welfare institution."

If in special circumstances it became necessary to repatriate a foreigner, his interests would be taken into account and he would not be removed until he had arranged his private affairs.

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Question III.

Point (a).

When an indigent foreigner is repatriated, how is such repatriation arranged?

Repatriation is arranged direct with the shipping company and his country of origin.

Point (b).

When the consular services of countries of origin are unable to pay the costs of the repatriation of their indigent nationals, does your Government bear such costs, and if so, to what extent?

Yes, in full if necessary.

Point (c).

Does your Government repatriate its indigent nationals at its own expense through its consular services abroad, and if so, from what countries?

Yes, in special circumstances. From all countries.

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Question IV.

Points (a) and (b).

What are the forms of public assistance (medical treatment, hospital treatment, burial, public education, maintenance, etc.) given in your country to indigent foreigners?

What forms of public assistance are reserved solely for nationals?

No distinction is made between Union nationals and foreigners in the Union of South Africa in so far as the industrial and social laws administered by the Government are concerned. The right to benefits under the Workmen's Compensation Act, the Factories Act and the Unemployment Benefit Act is not dependent on nationality. It should, however, be noted that the last-mentioned Act (which has not yet come into operation) is not of general application, but covers only certain persons in
certain scheduled industries, although provision is made for extending its application to industries additional to those appearing in the schedule.

In so far as employment is concerned, the services of the State Employment Exchange are available to all applicants free of charge. The only discrimination which is made is that, before recommending to the Aliens Board the issue of a permit allowing an alien to remain in this country, the Government must satisfy itself that there is no unemployment in the particular trade, etc., in which the applicant is seeking employment. For certain public schemes, such as relief works, physically fit adult males may be taken on only if they can fulfil the local residential qualification, but this qualification applies irrespective of nationality. Similarly, indigent foreigners are equally eligible for employment under the subsidised semi-fit schemes, provided they comply with the requisite local residential qualification of two years.

As regards the recently introduced invalidity scheme, under which grants are made to indigent persons who are totally and permanently unfit for employment, in the case of indigent foreigners such grants are made irrespective of the applicants' physical condition, provided they have reached the age of 60 years in the case of women and 65 in the case of men, but are not yet eligible for Old Age Pensions on account of the lack of the requisite residential qualification in the Union.

Public assistance is conducted by the various Provincial Administrations in the Union of South Africa which were consulted in this connection. The replies of the Provincial Administrations of the Cape Province, Transvaal, Natal and the Orange Free State are as follows:
CAPE PROVINCE.

(i) Medical and Hospital Treatment, Maintenance, etc.

Poor Relief is a matter entrusted to the Provincial Administration in terms of section 12(1)(a) and the Second Schedule of the Financial Relations Act No.10 of 1913, as amended.

The distribution of poor relief in the Cape Province is controlled by Ordinance No.4 of 1919, as amended, and the measures taken are briefly as follows:

(a) This Administration has assumed entire responsibility for the distribution of ordinary poor relief (rations). Funds are allocated to magistrates for this purpose and they distribute the rations. Rail warrants are also issued to paupers, and in some cases monetary allowances are authorised in lieu of rations.

(b) Local Authorities are empowered to render additional poor relief and to recover one-quarter of the cost from this Administration. The grant of and nature of this relief is at the discretion of the Local Authority.

(c) Magistrates may, with the concurrence of the Local Authority, authorise the supply of medical services, medicines and medical and surgical appurtenances to necessitous persons, in which case the expenditure is divided equally between the Local Authority and the Administration.

(d) In cases of urgency, where medical services are authorised by a magistrate without the concurrence of the Local Authority, this Administration meets the full cost. In areas where there are no Local Authorities, direct relief is rendered by the Administration.

(e) In the case of the Municipality of Capetown, a Board of Aid has been created. This Board receives an annual grant from the Administration and the Municipality of
Capetown. It is responsible for all forms of poor relief in the municipal area. Special arrangements have also been made in regard to Capetown (Ordinance No. 5 of 1932), whereby this Administration meets one-half of the expenditure incurred by the Municipality on the supply of medical services, medicines and surgical appurtenances to the needy.

(f) This Administration subsidises registered charitable institutions, which distribute forms of relief varying with their constitution.

(g) Special rations are authorised to necessitous persons in times of special distress caused by drought, etc.

(h) Certain charitable institutions are given annual grants.

(ii) Public Education.

(a) Primary Education. No fees are charged for primary instruction. The local school authority may grant remission of charges for school books and requisites to indigent pupils. It may also, subject to the approval of the Department, pay a portion or the whole of the cost of daily transport of an indigent pupil to a suitable school or, alternatively, the whole or portion of the cost of boarding the child in order to enable him to attend a suitable school.

(b) Secondary Education. Pupils up to the age of 15 years may receive secondary education free of charge, and the local school authority may grant remission of school fees to indigent pupils over this age. Transport and boarding bursaries are also placed at the disposal of local school authorities to assist indigent pupils to attend suitable secondary or high schools.
(c) No forms of public assistance in regard to education are reserved solely for nationals. The Department does not discriminate between indigent nationals and indigent foreigners.

In regard to the burial of paupers, this is a responsibility which rests upon the Local Authority concerned. In this connection, attention is invited to the provisions of Section 35 of the Public Health Act No.36 of 1919 as substituted by Section 5 of Act No.15 of 1928.

As far as the granting of assistance to indigent persons by this Administration is concerned, no distinction is made in regard to nationality, and indigent foreigners are placed on exactly the same footing as Union nationals in the Province.

TRANSVAAL.

In this Province, all such forms of public assistance as may from time to time be made available to indigent Union nationals are also available to indigent foreigners.

There is no form of public assistance specially reserved for nationals.

NATAL.

This Administration makes no distinction between foreigners and Union nationals with regard to any form of public assistance, and no form of assistance is reserved solely for nationals.

The question of assistance to indigent foreigners has not as yet been felt appreciably in this Province. No distinction is made in the bestowal of benevolent grants between Union nationals and foreigners, except that the Benevolent Societies of Durban and Maritzburg give no grants to anyone at all apart
from a three or four years residential qualification. But those who find themselves so disqualified are usually assisted by Provincial Administration Relief Funds, and nationality is not a factor in the problem.

THE ORANGE FREE STATE.

The different forms of assistance allowed to indigent persons resident in the Orange Free State out of funds of the Provincial Administration are set out below.

No differentiation is made between indigent nationals and foreigners in the dispensing of Poor Relief assistance, and no particular form of relief is reserved solely for Union nationals domiciled in the Province.

Poor Relief is administered mainly through the Magistrates of the various districts, but all grants in money or in kind require the approval of the Provincial Administration before they are made, except where otherwise stated in circular instructions.

The following is a list of matters falling under the head of Poor Relief:

1. Monetary grants (or rations in certain cases);
2. Supply of provisions and medical comforts to sick paupers;
3. Medical attendance on sick paupers;
4. Maintenance of, and attendance on, sick paupers in gaols (excluding prisoners and awaiting-trial prisoners);
5. Treatment of sick paupers in hospitals and their conveyance to and from hospitals;
6. Provision of travelling facilities to indigent persons;
7. Supply of clothing to school-children whose parents are indigent.
I. Monetary Grants.

A. Grants of a **permanent** nature are made to persons who come within the following definition:

"Persons who are indigent and are unable by reason of old age, continued ill-health or physical infirmity or defect (or a combination of these disabilities) to earn a livelihood and who, moreover, have no relatives or friends in a position and willing to provide for their maintenance".

B. Grants of a **temporary or casual** nature are allowed in the following cases:

(a) Where the father of a family is temporarily unable to work and to provide for the needs of his family by reason of the fact that he is undergoing hospital or medical treatment;

(b) Where the mother, a widow with young children to support, is similarly debarred from providing for her own needs and those of her family;

(c) Where a mother with children under 16 years of age, whose case is covered by the provisions of Section 11 of the Children's Protection Amendment Act, has applied to the Union Education Department for the grant of assistance and is awaiting the decision of that Department;

(d) Where widowed mothers with young children to support, who are ordinarily in a position to maintain themselves and their children, are, through some cause beyond their control e.g., droughts, floods, etc., temporarily debarred from earning a livelihood.

C. Maintenance grants are given:

(i) In terms of Section 49 of the Public Health Act No.36 of 1919 to children under 16 years of age, both of whose parents died from a formidable epidemic disease.

(ii) In special cases where, according to the general circumstances and age of an applicant, the provision of relief by way of a monetary grant is not considered advisable or in the best interests of the applicant, such applicants are maintained by willing relatives or friends out of grants usually amounting to £2 per month or more, or are, where possible, admitted at the instance and for account of the Administration to Homes for the Aged and Infirm.
D. **Rations** are issued to:

(i) Genuinely indigent persons travelling from other centres in search of employment, and

(ii) Stranded and starving families.

**NOTE:** All applications for grants and rations in respect of stranded and starving families are decided by the Provincial Administration on information furnished by Magistrates, supported by medical certificates, where required, testifying to the disability of the applicants. **No monetary grants are given to able-bodied persons who happen to be temporarily unemployed nor to any widow except:** (i) those who have young children to care for and are temporarily unemployed; and (ii) those mentioned in paragraphs (b), (c) and (d) of B above.

II. **Provisions and Medical Comforts**

for sick paupers are ordered by Magistrates at the instance of District Surgeons who have discretion to prescribe such requirements without reference to Headquarters (except spectacles and trusses). The accounts for such supplies must be endorsed by the District Surgeon. **All accounts except District Surgeons' Claims are referred to the Provincial Administration for payment.**

III. **Medical Attendance**

on sick paupers is furnished by District Surgeons on orders (A2) from Magistrates who are required to satisfy themselves that the applicants fall within the following definition:

"In connection with the issue of free medical relief orders to paupers or indigents, the terms (sick) 'pauper' or (sick) 'indigent person' mean a person whom the Magistrate, after making such enquiries as in the circumstances are necessary and possible, is in a position to certify is dangerously or seriously ill or for other definite and sufficient reason requires medical examination or treatment and who is unable to pay for this himself and has no relatives legally liable to assist him to do so"."
IV. Sick Paupers temporarily accommodated in gaols.

are provided with rations for their maintenance for account of the Provincial Administration and are attended to by the District Surgeon, who must endorse the accounts for such rations.

V. Treatment of Sick Paupers in Hospitals:

(i) Patients recommended for hospital treatment, who are found to be unable to contribute anything towards the cost of their treatment in hospital, are granted orders by the Provincial Secretary for free treatment in terms of Section 55 of the Hospitals Ordinance No.13 of 1935 (O.F.S.) and travelling facilities are afforded such patients.

(ii) Aged and chronic sick patients are, where possible, admitted to chronic Sick Homes established in the neighbouring Provinces - there being no such institutions in this Province - or are maintained by relatives or friends in considerations of varying grants allowed by the Administration, and in addition receive such treatment as their cases require at the hands of the District Surgeon.

VI. Travelling Facilities

are granted to indigent persons who are regarded as entitled to poor relief in terms of paragraph I above to enable them to join relatives or friends who are in a position and willing to receive and to maintain them.

VII. Grants for the Supply of Clothing

to indigent school-children are made to School Boards on the £ for £ principle (the funds for this purpose are administered
by the Provincial Education Department).

Monetary Grants are given in preference to rations where assistance has to be furnished for a period exceeding one month.

Primary education of children between the ages 7 - 16 and up to and including Standard VI is compulsory and consequently free. Secondary education is also afforded free in certain Secondary public Schools.

The expenditure incurred on burials of paupers is borne by the Provincial Administration only in areas where the Magistrate is the local authority, as provided for in Section 9, Act 36 of 1919, and Section 5 of Act 15 of 1928.

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**Question V.**

Could your Government communicate other information likely to be of interest to the Committee of Experts on Assistance to Indigent Foreigners, more particularly:

(a) Suggestions for the improvement of the procedures at present followed;

(b) Experience gained in the application of existing regional Conventions and Treaties such as:

The Convention of October 25th, 1928, concerning assistance to indigent foreigners, concluded between Denmark, Finland, Norway and Sweden;

The Franco-Swiss Convention of October 9th, 1931, and

The administrative Arrangements concluded between the United States of America and Canada regarding assistance to and repatriation of their respective nationals.

The Government of the Union of South Africa has no comments to offer.

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LEAGUE OF NATIONS

ASSISTANCE TO INDIGENT FOREIGNERS

REPLIES OF GOVERNMENTS TO THE QUESTIONNAIRE CONCERNING
METHODS AT PRESENT APPLIED IN DIFFERENT COUNTRIES IN
THE MATTER OF ASSISTANCE TO INDIGENT FOREIGNERS.

UNION OF SOUTH AFRICA

Add on page 4, after the penultimate paragraph of this report, the following text:

"With regard to the granting of assistance under the indemnity scheme to non-Union nationals, the policy has now been adopted, in addition to the qualifications required by Union nationals, that non-Union nationals must have been resident in the Union for ten out of the fifteen years immediately preceding the date of application for a grant."

(Communication from the Department of External Affairs, Union of South Africa, dated December 24th, 1937, received after addendum (1) had been circulated.)