

Hyvät vastaanottajat!

Pyydämme Teitä nimeämään edustajanne oheiseen perustettavaan hankkeeseen (mm. sopimusneuvotteluihin.) sähköpostitse osoitteisiin anniina.hakala@intermin.fi ja mmo.muuttoliike@intermin.fi.

Määräaika nimeämisille on ensi maanantaina 28.2. klo 12 mennessä, kiitos!

Eero Koskenniemen puolesta,

Ystävällisin terveisin
Anniina Hakala



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xx.3.2011

**SUOMEN JA KOSOVON VÄLINEN TAKAISINOTTOSOPIMUS JA -TÄYTÄNTÖÖN-
PANOPÖYTÄKIRJA; SOPIMUKSEN JA TÄYTÄNTÖNPANOPÖYTÄKIRJAN
NEUVOTTELEMINEN JA VOIMAANSAATTAMINEN**

Asettaminen

Sisäasiainministeriö on tänään asettanut hankkeen takaisinottosopimuksen ja täytäntöönpanopöytäkirjan aikaansaamiseksi Suomen ja Kosovon välillä.

Toimikausi

Toistaiseksi mutta kuitenkin enintään siihen saakka, kun sopimuksen ja täytäntöönpanokirjan voimaansaattamiseksi vaadittavat toimenpiteet on saatettu loppuun.

Hallituksen esitys on tarkoitus antaa syyskaudella 2012.

Tausta

Vuoden 2009 lopulla ulkoasiainministeriön kautta saatiin tietoon se, että Kosovon tarkoituksena on solmia takaisinottosopimus mm. Suomen kanssa.

Ulkoministeriöstä välitettiin kesäkuussa 2010 se, että Euroopan komissio on kehottanut EU:n jäsenmaita solmimaan kahdenvälisesti takaisinottosopimukset Kosovon kanssa. Komission omia toimia sitoo viisi ei-tunnustanutta EU-maata. Takaisinottosopimukset ovat osa Kosovon toimia kohti toivottua viisumivapautta. Kesällä 2010 neuvottelut olivat edenneet kahdeksan jäsenmaan kanssa pitkälle ml. Ruotsi, Norja ja Tanska. Ainakin Belgia ja Sveitsi ovat Schengen – maista jo sopineet takaisinotosta.

Sisäasiainministeriö sai kesäkuussa 2010 Kosovon ehdotukset takaisinottosopimukseksi ja -pöytäkirjaksi. Kesäkuun lopulla Kosovolle välitettiin tieto, ettei resurssis- ja aikataulusyistä johtuen neuvotteluja voitaisi kuitenkaan aloittaa välittömästi.

Tehtävä

Hankkeen tehtävänä on valmistella ja koordinoida Suomen ja Kosovon välistä takaisinottoa koskevat neuvottelut ja muut kysymykset sekä vastata järjestelyn aiheuttamista voimaansaattamistoimenpiteistä

Organisointi

Hankkeen vastuuhenkilönä on hallitusneuvos Eero Koskenniemi. Muina henkilöinä ovat hallitusneuvos Annikki Vanamo-Alho, ylitarkastaja Arja Saarto, ylitarkastaja Päivi Pietarinen (KVY) ja myöhemmin nimitettävät edustajat johdon tuki-yksiköstä, poliisiosastolta, rajavartio-osastolta, Migristä ja ulkoasiainministeriöstä.

Kustannukset ja rahoitus

Työ tehdään virkatyönä.

Kansliapäällikkö

Ritva Viljanen

Hallitusneuvos

Eero Koskenniemi

LIITTEET:

Kosovon ehdotukset takaisinottosopimukseksi ja takaisinotto-pöytäkirjaksi.

TIEDOKSI

Ministeri Thors
Valtiosihteeri Pelttari
Erityisavustaja Bergman
Erityisavustaja Grönqvist
MMO
Poliisiosasto
Rajavartio-osasto
UM '
Migri

AGREEMENT

Between

The Government of the Republic of Kosovo

and

...

**On the readmission of persons residing without
authorisation**

The Government of the Republic of Kosovo
and

hereinafter referred to as "the Contracting Parties",

DETERMINED to strengthen their cooperation in order to combat illegal immigration more effectively,

DESIRING to establish, by means of this Agreement and on the basis of reciprocity, rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer, fulfil the conditions to enter, or legally stay in the territories of... or Kosovo, and to facilitate the transit of third country citizens or stateless persons in a spirit of cooperation,

CONFIRMING their willingness to promote voluntary returns and facilitate the reintegration of the persons concerned, within the limits of their national legislation,

HAVE AGREED AS FOLLOWS:

Article 1
Definitions

For the purpose of this Agreement:

- (a) 'Citizen of Kosovo' shall mean any person who holds the citizenship of the Republic of Kosovo in accordance with its national legislation;
- (b) 'Citizen of ...' shall mean any person who holds the citizenship of the ..., in accordance with its national legislation;
- (c) 'Third-country citizen' shall mean any person who holds a citizenship other than that of ... or Kosovo;
- (d) 'Stateless person' shall mean any person who does not hold the citizenship of any country;
- (e) 'Residence permit' shall mean a permit of any type issued by Kosovo or ... entitling a person to reside on its territory. This shall not include temporary permissions to remain on its territory in connection with the processing of an asylum application or an application for a residence permit;
- (f) 'Visa' shall mean an authorisation issued or a decision taken by Kosovo or ... which is required with a view to entry in, or transit through its territory. This shall not include airport transit visa;

- (g) 'Requesting State' shall mean the State (... or Kosovo) submitting a readmission application pursuant to Article 7 or a transit application pursuant to Article 14 of this Agreement;
- (h) 'Requested State' shall mean the State (... or Kosovo) to which a readmission application pursuant to Article 7 or a transit application pursuant to Article 14 of this Agreement is addressed;
- (i) 'Competent Authority' shall mean any national authority of ... or Kosovo entrusted with the implementation of this Agreement in accordance with Article 19(1) lit. a) thereof;
- (j) 'Transit' shall mean the passage of a third-country citizen or a stateless person through the territory of the Requested State while travelling from the Requesting State to the country of destination.

SECTION I READMISSION OBLIGATIONS BY KOSOVO

Article 2 Readmission of its own citizens

1. Kosovo shall readmit, upon application by ... and without further formalities other than those provided for in this Agreement, all persons who do not or who no longer fulfil the legal conditions in force for enter to, or legally stay, in the territory of ... provided that is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that they are citizens of Kosovo.
2. Kosovo shall readmit at the same time spouses and minor unmarried children of the persons mentioned in paragraph 1 of this Article holding the citizenship of Kosovo, unless they have an independent right of residence on the territory of
3. Kosovo shall readmit, upon application by ..., every person who is considered as a citizen of the Republic of Kosovo pursuant to Article 28.1 of the Law on Citizenship of Kosovo (Law No. 03/L-034) and is being registered as such in the register of citizens.
4. Kosovo shall also readmit persons who have been deprived, or have renounced the citizenship of Kosovo after entering the territory of ..., unless such persons have at least been guaranteed promised naturalisation by the competent authorities of
5. After Kosovo has given a positive reply in writing to the readmission application, the competent authorities of ... shall issue the travel document required (Emergency Travel Document / ETD) for the return of the person to be readmitted.

6. In case the person to be readmitted possesses the citizenship of a third state in addition to the citizenship of Kosovo, ... shall take into consideration the will of the person to be readmitted to the state of his/her choice.
Possible additional costs for the return to the third state are to be borne by the person readmitted.

Article 3

Readmission of third-country citizens and stateless persons

1. Kosovo shall readmit, upon application by ... and without further formalities other than those provided for in this Agreement, all third-country citizens or stateless persons who do not, or who no longer, fulfil the conditions in force to enter to, or legally stay, in the territory of ..., provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that such persons:
- (a) hold, or at the time of entry held, a valid visa or residence permit issued by Kosovo; or
 - (b) illegally entered the territory of ... directly by air, or by land via a third country after having stayed in the territory of Kosovo; or
 - (c) are spouses of the persons mentioned in Article 2, paragraph 1, holding another citizenship, provided they have the right to enter and stay or receive the right to enter and stay by the competent authority of Kosovo, in the territory of Kosovo; or
 - (d) are minor unmarried children of the persons mentioned in Article 2, paragraph 1, holding another citizenship.
2. The readmission obligation in paragraph 1 of this article shall not apply if:
- (a) the third-country citizen or stateless person has only been in airside transit via an International Airport of Kosovo; or
 - (b) ... has issued to the third country citizen or stateless person a visa or residence permit before or after entering its territory unless:
 - that person is in possession of a visa or residence permit, issued by Kosovo, which expires later; or
 - the visa or residence permit issued by ... has been obtained by using forged or falsified documents, or by making false statements; or
 - that person fails to observe any condition attached to the visa.
3. Kosovo shall also readmit, upon application by ..., former citizens of the former Federal Republic of Yugoslavia who have acquired no other citizenship and whose place of birth and place of permanent residence on 1st January 1998, was in the

territory of Kosovo, provided that the latter can be confirmed by the Kosovo authorities at the date of the submission of the readmission application.

4. After Kosovo has given a positive reply to the readmission application, ... (where necessary) issues the person whose readmission has been accepted the travel document required for his or her return (Emergency Travel Document / ETD).

SECTION II READMISSION OBLIGATIONS BY ...

Article 4 Readmission of its own citizens

1. ... shall readmit, upon application by Kosovo and without further formalities other than those provided for in this Agreement, all persons who do not, or who no longer, fulfil the conditions in force to enter to, or legally stay, in the territory of Kosovo provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that they are citizens of
2. ... shall also readmit spouses and minor unmarried children of the persons mentioned in paragraph 1 of this Article, holding ... citizenship, unless they have an independent right of residence in Kosovo.
3. ... shall also readmit persons who have been deprived of, or who have renounced, the citizenship of ... since entering the territory of Kosovo, unless such persons have at least been promised naturalisation by the competent authorities of Kosovo.
4. After ... has given a positive reply in writing to the readmission application, the competent Diplomatic Mission or Consular Office of ... shall immediately and not later than within three (3) working days, issue the travel document required for the return of the person to be readmitted, with a validity of at least of six (6) months. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent Diplomatic Mission or Consular Office of ... shall, within fourteen (14) calendar days, issue a new travel document with a period of validity of the same duration.
5. In case the person to be readmitted possesses the citizenship of a third state in addition to that of ..., Kosovo shall take into consideration the will of the person to be readmitted to the state of his/her choice.

Possible additional costs for the return to the third state are to be borne by the person readmitted.

Article 5

Readmission of third-country citizens and stateless persons

1. ... shall readmit, upon application by Kosovo and without further formalities other than those provided for in this Agreement, all third-country citizens or stateless persons who do not, or who no longer, fulfil the conditions in force to enter to, or legally stay, in the territory of Kosovo provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that such persons:
 - (a) hold, or at the time of entry held, a valid visa or residence permit issued by ...; or
 - (b) illegally entered the territory of Kosovo directly by air, or by land via a third country after having stayed in the territory of ...; or
 - (c) are spouses of the persons mentioned in Article 4, paragraph 1, holding another citizenship, provided they have the right to enter and stay or receive the right to enter and stay by the competent authority of ... in the territory of ...; or
 - (d) are minor unmarried children of the persons mentioned in Article 4, paragraph 1, holding another citizenship.
2. The readmission obligation in paragraph 1 of this Article shall not apply if :
 - (a) the third-country citizens or stateless person has only been in airside transit via an International Airport of ...; or
 - (b) Kosovo has issued to the third-country citizen or stateless person a visa or residence permit before or after entering its territory unless:
 - that person is in possession of a visa or residence permit, issued by ..., which has a longer period of validity than the one issued by Kosovo, or
 - the visa or residence permit issued by Kosovo has been obtained by using falsified documents, or by making false statements, or
 - that person fails to observe any condition attached to the visa.
3. After ... has given a positive reply to the readmission application, Kosovo (where necessary) issues the person whose readmission has been accepted the travel document required for his or her return.

SECTION III READMISSION PROCEDURE

Article 6 Principles

1. Except for the cases covered by paragraph 2 of this article, any transfer of a person to be readmitted on the basis of one of the obligations contained in Articles 2 to 5 shall require the submission of a readmission application to the competent authority of the Requested State.
2. No readmission application shall be needed where the person to be readmitted is in possession of a valid travel document or identity card and, where applicable, a valid visa or residence permit of the Requested State.

Article 7 Readmission application

1. Any readmission application is to contain the following information:
 - (a) to the extent possible, the particulars of the person to be readmitted (e.g. given names, surnames, father's name, date and place of birth, and the last place of residence);
 - (b) indication of the means with which proof or prima facie evidence of the conditions for the readmission will be provided;
 - (c) photograph of the person to be readmitted;
 - (d) to the extent possible, person's biometric such as fingerprints, eye retinas and irises, voice patterns, facial patterns and hand measurements data.
2. A common form to be used for readmission applications is attached as Annex 6 to the Implementing Protocol.

Article 8 Means of evidence regarding citizenship

1. Proof of citizenship pursuant to Article 2(1) and Article 4(1) can be particularly furnished through any valid document listed in Annex 1 to the Implementing Protocol. If such documents are presented, ... and Kosovo shall mutually recognise the citizenship without further investigation being required. Proof of citizenship cannot be furnished through false documents.

2. *Prima facie* evidence of citizenship pursuant to Article 2(1) and Article 4(1) can be particularly furnished through the documents listed in Annex 2 to the Implementing Protocol, even if their period of validity has expired. If such documents are presented, ... and Kosovo shall deem the citizenship to be established, unless they can prove otherwise. *Prima facie* evidence of citizenship cannot be furnished through false documents.
3. If none of the documents listed in Annexes 1 or 2 of the Implementing Protocol can be presented, the competent diplomatic and consular representations of the Requested State shall, upon request by the competent authorities of the Requesting State, make arrangements to interview the person to be readmitted without undue delay, at the latest within five (5) working days from the requesting day, in order to obtain information on his or her citizenship.
4. When necessary, experts may be appointed to obtain information on the citizenship of persons to be readmitted.

Article 9

Means of evidence regarding third-country citizens and stateless persons

1. Proof of the conditions for the readmission of third-country citizens and stateless persons laid down in Article 3(1) and Article 5(1) shall be particularly furnished through the means of evidence listed in Annex 3 to the Implementing Protocol; it cannot be furnished through false documents. Any such proof shall be mutually recognised by the Contracting Parties without any further investigation being required.
2. *Prima facie* evidence of the conditions for the readmission of third-country citizens and stateless persons laid down in Article 3(1) and Article 5(1) shall be particularly furnished through the means of evidence listed in Annex 4 to the Implementing Protocol; it cannot be furnished through false documents. Where such *prima facie* evidence is presented, ... and Kosovo shall deem the conditions to be established, unless they can prove otherwise.
3. The unlawfulness of the entry or of the stay shall be established by means of the travel documents of the person concerned in which the necessary visa or other residence permit for the territory of the Requesting State are missing. A statement by the Requesting State that the person concerned has been found not having the necessary travel documents, visa or residence permit shall likewise provide *prima facie* evidence of the unlawful entry or stay.
4. Proof of the conditions for the readmission of former citizens of the Federal Republic of Yugoslavia laid down in Article 3(3) shall be particularly furnished through the means of evidence listed in Annex 5a to the Implementing Protocol; it cannot be furnished through false documents. Any such proof shall be mutually recognised by Kosovo without any further investigation being required.

5. *Prima facie* evidence of the conditions for the readmission of former citizens of the Federal Republic of Yugoslavia laid down in Article 3(3) shall be particularly furnished through the means of evidence listed in Annex 5b to the Implementing Protocol; it cannot be furnished through false documents. Where such *prima facie* evidence is presented, Kosovo shall deem the conditions to be established, unless they can prove otherwise.

Article 10

Time limits

1. The application for readmission must be submitted to the competent authority of the Requested State within a maximum of one (1) year after the Requesting State's competent authority has gained knowledge that a third country national or a stateless person does not, or does no longer, fulfil the conditions in force for entry or legal stay. Where there are legal or factual obstacles to the application being submitted in time, the time limit shall, upon request by the Requesting State, be extended but only until the obstacles have ceased to exist.
2. A readmission application must be replied to in writing within thirty (30) calendar days in all cases. This time limit begins to run with the date of receipt of the readmission request. The reasons for an eventual rejection must be given in writing.
3. Where there are legal or factual obstacles to the application being replied to within thirty (30) calendar days, this time limit may, upon duly motivated request, be extended up to a maximum of forty (40) calendar days.
4. After agreement has been given or, where appropriate, after expiry of the time limit laid down in paragraph 2 or 3 of this Article, the person concerned shall be transferred within six (6) months. On request of the Requesting State, this time limit may be extended by the time taken to deal with legal or practical obstacles.

Article 11

Transfer modalities and modes of transportation

1. Before returning a person, the competent authorities of the Contracting Parties concerned shall agree in advance and in writing on the transfer date, the point of entry, possible escorts and other information relevant to the transfer.
2. To the extent possible and if necessary, the written arrangements mentioned in paragraph 1 of this Article shall also contain the following information:
 - a) a statement indicating that the person to be returned may need help or care, if this is in the interest of the person concerned;

b) any other protection or security measure, which may be necessary in the individual return case or information concerning the health of the person, if it is in the interest of the person concerned.

3. Transportation may take place by air or land. Return by air shall not be restricted to the use of the national carriers of the Contracting Parties and may take place by using scheduled or charter flights.

Article 12

Readmission in error

1. The Requesting State shall take back any person readmitted by the Requested State if it is established, within a period of six (6) months after the transfer of the person concerned, that the requirements laid down in Articles 2 to 5 of this Agreement were not met at the time of the transfer.
2. In such cases the procedural provisions of this Agreement shall apply *mutatis mutandis* and all available information relating to the actual identity and citizenship of the person to be taken back shall be provided.

SECTION IV

TRANSIT OPERATIONS

Article 13

Principles

1. The Contracting Parties should restrict the transit of third-country citizens or stateless persons to cases where such persons cannot be returned to the country of destination directly.
2. Kosovo shall allow the transit of third-country citizens or stateless persons if ... so requests, and ... shall authorise the transit of third-country citizens or stateless persons if Kosovo so requests, if the onward journey in possible other states of transit and the readmission by the state of destination is assured.
3. Transit can be refused by the Contracting Parties:
 - (a) if the third-country citizen or the stateless person runs a real risk of being subjected to torture or to inhuman or degrading treatment or punishment or the death penalty or of persecution because of his race, religion, citizenship, membership of a particular social group or political conviction in the state of destination or another state of transit; or
 - (b) if the third-country citizen or the stateless person shall be subject to criminal sanctions in the Requested State or in another state of transit; or

(c) on grounds of public health, domestic security, public order or other national interests of the Requested State.

4. The Contracting Parties may revoke any authorisation issued if circumstances referred to in paragraph 3 subsequently arise or come to light which stand in the way of the transit operation, or if the onward journey in possible countries of transit or the readmission by the country of destination is no longer assured. In this case, the Requesting State shall take back the third-country citizen or the stateless person, as necessary and without delay.

Article 14 **Transit procedure**

1. An application for transit operations must be submitted to the competent authority of the Requested State in writing and is to contain the following information:

(a) type of transit (by air or land), possible other countries of transit and intended final destination;

(b) to the extent possible, the particulars of the person concerned (e.g. given name, surname, maiden name, other names used/by which known or aliases, date of birth, sex and — where possible — place of birth, citizenship, language, type and number of travel document);

(c) envisaged point of entry, time of transfer and the details of the escorts, if any;

(d) a declaration that in the view of the Requesting State the conditions pursuant to Article 13(2) are met, and that no reasons for a refusal pursuant to Article 13(3) are known of.

A common form to be used for transit applications is attached as Annex 7 to the Implementing Protocol.

2. The Requested State shall, within three (3) calendar days and in writing, inform the Requesting State of the admission, confirming the point of entry and the envisaged time of admission, or inform it of the admission refusal and of the reasons for such refusal.
3. If the transit operation takes place by air, the person to be readmitted and possible escorts are, within the limits of the international obligations of the Requested State, exempted from an airport transit visa.
4. The competent authorities of the Requested State shall, subject to mutual consultations, assist in the transit operations, in particular through the surveillance of the persons in question and the provision of suitable amenities for that purpose.

SECTION V COSTS

Article 15 Transport and transit costs

Without prejudice to the right of the competent authorities to recover the costs associated with the readmission from the person to be readmitted or third parties, transport and travel documents costs incurred in connection with readmission, readmission in error and transit operations pursuant to this Agreement as far as the border of the State of final destination shall be borne by the Requesting State.

SECTION VI DATA PROTECTION AND NON-AFFECTION CLAUSE

Article 16 Data protection

The communication of personal data shall only take place if such communication is necessary for the implementation of this Agreement by the competent authorities of the Contracting Parties as the case may be. The processing and treatment of personal data in a particular case shall be subject to the domestic laws of Kosovo and

In particular, the following principles shall apply:

- (a) personal data must be processed fairly and lawfully;
- (b) personal data must be collected for the specified, explicit and legitimate purpose of implementing this Agreement and not further processed by the communicating authority nor by the receiving authority in a way incompatible with that purpose;
- (c) personal data must be adequate, relevant and not excessive in relation to the purpose for which they are collected and/or further processed; in particular, personal data communicated may concern only the following:
 - the particulars of the person to be transferred (e.g. given names, surnames, any previous names, other names used/by which known or aliases, sex, civil status, date and place of birth, current and any previous citizenship),
 - passport, identity card or driving licence (number, period of validity, date of issue, issuing authority, place of issue),
 - stop-overs and itineraries,

- other information needed to identify the person to be transferred or to examine the readmission requirements pursuant to this Agreement.

(d) personal data must be accurate and, where necessary, kept up to date;

(e) personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purpose for which the data were collected or for which they are further processed;

(f) both the communicating authority and the receiving authority shall take every reasonable step to ensure as appropriate the rectification, erasure or blocking of personal data where the processing does not comply with the provisions of this article, in particular because those data are not adequate, relevant, accurate, or they are excessive in relation to the purpose of processing. This includes the notification of any rectification, erasure or blocking to the other Party;

(g) upon request, the receiving authority shall inform the communicating authority of the use of the communicated data and of the results obtained therefrom;

(h) personal data may only be communicated to the competent authorities. Further communication to other bodies requires the prior consent of the communicating authority;

(i) the communicating and the receiving authorities are under an obligation to make a written record of the communication and receipt of personal data.

Article 17

Non-affection clause

1. This Agreement shall be without prejudice to the rights, obligations and responsibilities of each Contracting Party arising from International Law or Conventions, directly or indirectly, and, in particular, from:

- the Convention of 28 July 1951 on the Status of Refugees as amended by the Protocol of 31 January 1967 on the Status of Refugees;
- the international conventions determining the State responsible for examining applications for asylum lodged;
- the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms;
- the Convention of 10 December 1984 against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
- international conventions on extradition and transit;

- multilateral international conventions and agreements on the readmission of foreign citizens.
- (2) Nothing in this Agreement shall prevent the return of a person under other formal or informal arrangements.

SECTION VII IMPLEMENTATION

Article 18 Cooperation and Experts meetings

1. The competent authorities of the Contracting Parties shall provide each other with mutual assistance in the application and interpretation of this Agreement.
2. Each Contracting Party may request the convocation of a meeting of experts of both Contracting Parties for the clarification of any questions arising in the implementation of this Agreement.
3. The Contracting Parties shall settle the difficulties related to the implementation of this Agreement via diplomatic channels.

Article 19 Implementing Protocol

1. The Federal Department of Justice and Police of ... and the Ministry of Internal Affairs of Kosovo shall draw up an implementing Protocol which shall cover rules on:
 - (a) designation of the competent authorities and border crossing points;
 - (b) conditions for escorted returns, including the transit of third-country citizens and stateless persons under escort;
2. The implementing Protocol shall form an integral part of this Agreement.

SECTION VIII FINAL PROVISIONS

Article 20

Entry into force, duration, amendment, suspension and termination

1. This Agreement shall be approved and / or ratified by the Contracting Parties in accordance with their respective procedures.
2. This Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other that the procedures referred to in the first paragraph have been completed.
3. This Agreement shall be in force for an unlimited period.
4. Each Contracting Party may propose amendments to this Agreement. Such amendments to this Agreement shall be approved and / or ratified and enter into force pursuant to paragraphs 1 and 2.
5. Each Contracting Party may, by officially notifying the other Contracting Party, completely or partly, temporarily suspend the implementation of this Agreement, for reasons of security, protection of public order or public health. The suspension shall enter into force on the second day following the day of such notification.
6. Each Contracting Party may denounce this Agreement by officially notifying the other Contracting Party. This Agreement shall cease to apply six (6) months after the date of such notification.
7. The message for the registration of this agreement shall be passed at the United Nations Secretariat according to article 102 of the United Nations Charter, immediately after it has entered into force by the The other contracting party shall be notified about the UN registration number, when this number has been confirmed by the United Nations Secretariat.

Done at ... on ...in duplicate each in the English, and in the official languages of Kosovo (Albanian and Serbian). In case of divergence in the interpretation of this Agreement, the English version shall be used.

For the
Government of the Republic of Kosovo

IMPLEMENTING PROTOCOL
to the Agreement
between the Government of Kosovo and ...the on the readmission of persons
residing without authorisation

The Ministry of Internal Affairs of the Republic of Kosovo
and

hereinafter referred to as "THE CONTRACTING PARTIES",

According to the article 19 of the Agreement between ... and Kosovo on the
readmission of persons residing without authorisation (hereinafter referred to as the
"Agreement")

have agreed as follows:

Article 1
Competent authorities

(1) The competent authorities for the implementation of the Agreement are:

a) for Kosovo:

For Readmission Operations:

Ministry of Internal Affairs (MoIA)

Department for Citizenship, Asylum and Migration

Str.: "Luan Haradinaj"

Objekti – New building of MoIA

10000 Prishtinë - Kosovë

For Transit Operations

Ministry of Internal Affairs (MoIA)

Kosovo Police

Directorate for Foreigners and Migration

Rruga "Luan Haradinaj"

10000 Prishtinë – Kosovë

b) ...

(2) The details of the competent authorities shall be exchanged upon signing of the Agreement. Any later changes concerning the competent authorities or their details shall be communicated directly between the competent authorities mentioned under paragraph 1.

Article 2

Readmission application

1. The readmission application shall be submitted in writing by the competent authority of the Requesting State directly to the competent authority of the Requested State via secured communication channels.
2. The reply to the readmission application shall be submitted in writing to the competent authority of the Requesting State directly by the competent authority of the Requested State via secured communication channels.

Article 3

Other documents

1. If the Requesting State considers that other documents not listed in Annexes 1 to 5 to this Implementing Protocol may be essential for establishing the citizenship of the person to be readmitted, such documents may be submitted to the Requested State together with the readmission application.
2. The decision as to whether the documents mentioned in paragraph 1 of this Article may be taken into account in processing the readmission application shall be made by the Requested State.

Article 4

Interview

In cases where, in accordance with Article 8 (3) of the Agreement, the citizenship of the person to be readmitted can not be established by means of any of the documents listed in the Annexes 1 or 2 to this Implementing Protocol, one or both of the following procedures shall apply:

- a) The competent authorities of the requesting State may request an interview at a Diplomatic Mission or Consular Office of the Requested Party in order to obtain information on his or her citizenship. In cases where the citizenship of the person to be readmitted is proved or validly assumed, a travel document shall be issued immediately.
- b) The competent authorities of the Requesting State may request interviews by experts of the Requested State to be held on its territory. The costs for the travel and the stay of the experts shall be borne by the Requesting State. In cases where, after an interview by the experts, the citizenship of the person to be readmitted is confirmed or validly assumed by the competent authorities, a travel document shall be issued immediately.

Article 5

Readmission and transit procedures

1. For readmission and transit, the Contracting Parties identify the following border crossing points:
 - a) ...
 - b) for Kosovo: Pristina International Airport and border crossing points) Hani i Elezit, Vermica, Kulla, Merdare
2. The Contracting Parties shall immediately inform each other through diplomatic channels of any change in the list of the border crossing points provided in paragraph 1 of this Article.

Article 6

Transit application

1. The transit application shall be sent by the competent authority of the Requesting State directly to the competent authority of the Requested State via secured communication channels.
2. The reply to the transit application shall be provided to the competent authority of the Requesting State directly by the competent authority of the Requested State via secured communication channels.

Article 7

Escorting of a person to be readmitted or in transit

1. This article concerns all kind of escorts (e.g. police, medical or social escorts);
2. If a person in the process of readmission or transit is to be accompanied by escorts, the Requesting State shall give the following information: first names, family names, ranks, positions of escorting persons, type, number and date of issue of passports and service identification cards, contents of their mission order.
3. Escorts shall be obliged to comply with the legislation of the Requested State.
4. Escorts shall not bear weapons and other restricted objects on the territory of the Requested State.
5. Escorts shall be in plain clothes, carry valid passports and service identification cards, as well as mission orders issued by the competent authority of the Requesting State.
6. The number of escorts shall be agreed upon in advance by the competent authorities on a case-by-case basis.

7. The competent authorities shall cooperate with one another on all issues related to the stay of escorts in the territory of the Requested State. If necessary, the competent authorities of the Requested State shall provide the escorts with possible assistance.

Article 8 Costs

Costs incurred by the Requested State in connection with readmission and transit which are to be borne by the Requesting State in accordance with Article 15 of the Agreement shall be reimbursed by this State within thirty (30) days upon submission of the evidence of costs.

Article 9 Language

Unless the Contracting Parties decide otherwise, the competent authorities of the Contracting Parties shall, when implementing this Agreement, communicate orally and in writing in English.

Article 10 Entry into force, duration, amendment, suspension and termination

1. This implementing Protocol shall enter into force on the same day as the Agreement.
2. Each Contracting Party may propose amendments to this Implementing Protocol. Such amendments shall be approved and / or ratified by the Contracting Parties in accordance with their respective procedures.
3. This implementing Protocol shall be terminated at the same time as the Agreement.
4. This Implementing Protocol shall not be applied during the period of suspension of the Agreement.

Article 11
Annexes

Annexes 1 to 7 shall form an integral part of this Implementing Protocol.

Done at .. on ... in duplicate each in the English, French and in the official languages of Kosovo (Albanian and Serbian). In case of divergence in the interpretation of this Implementing Protocol, the English version shall be used.

For the Ministry of Internal Affairs of ...
Kosovo

**LIST OF DOCUMENTS
THE PRESENTATION OF WHICH IS CONSIDERED TO BE
PROOF OF CITIZENSHIP**
(Articles 2 (1), 4 (1) and 8 (1) of the Agreement)

- For Kosovo:
 - Valid birth certificate;
 - Citizenship certificate;
 - Valid identity card;
 - Valid passport.

**LIST OF DOCUMENTS
THE PRESENTATION OF WHICH IS CONSIDERED TO BE
PRIMA FACIE EVIDENCE OF CITIZENSHIP
(Articles 2 (1), 4 (1) and 8 (2) of the Agreement)**

- **For Kosovo:**
 - Expired documents listed in Annex 1 or photocopies thereof;
 - Driving licenses or photocopies thereof;
 - Birth certificates issued by UNMIK or photocopies thereof;
 - Travel documents and identity cards issued by UNMIK or photocopies thereof;
 - Kosovo Security Force booklets;
 - Statements by witnesses;
 - Written statements made by the person concerned;
 - Language spoken by him or her, including by means of an official test result (lingua);
 - Personal's biometric data such as fingerprints, eye retinas and irises, voice patterns, facial patterns and hand measurements data;
 - Result of a DNA test;
 - Any other document which may help to establish the citizenship citizenship of the person concerned.

...

**LIST OF DOCUMENTS
WHICH ARE CONSIDERED AS PROOF OF THE CONDITIONS FOR THE
READMISSION OF THIRD-COUNTRY CITIZENS AND STATELESS PERSONS**
(Articles 3 (1), 5 (1) and 9 (1) of the Agreement)

- Entry/departure stamps or similar endorsements in the travel document of the person concerned or other evidence of entry/departure (e.g. photographic video recordings);
- Documents, certificates and bills of any kind (e.g. hotel bills, appointment cards for doctors/dentists, entry cards for public/private institutions, car rental agreements, credit card receipts etc.) which clearly show that the person concerned stayed on the territory of the Requested State;
- Named tickets and/or passenger lists of air, train, coach or boat passages which show the presence and the itinerary of the person concerned on the territory of the Requested State;
- Information showing that the person concerned has used the services of a courier or travel agency;
- Official statements made, in particular, by border authority staff and other witnesses who can testify that the person concerned has crossed a national border;
- Official statements by the person concerned in judicial or administrative proceedings.

**COMMON LIST OF DOCUMENTS
WHICH ARE CONSIDERED TO BE *PRIMA FACIE* EVIDENCE
OF THE CONDITIONS FOR THE READMISSION
OF THIRD-COUNTRY CITIZENS AND STATELESS PERSONS
(Articles 3 (1), 5 (1) and 9 (2) of the Agreement)**

- Description issued by the relevant authorities of the Requesting State, of place and circumstances under which the person concerned has been intercepted after entering the territory of that State;
- Information related to the identity and/or stay of a person which has been provided by an international authorities or non-governmental organisation;
- Reports/confirmation of information by family members, travelling companions, etc.;
- Statement by the person concerned.

**LIST OF DOCUMENTS
WHICH ARE CONSIDERED AS PROOF OR AS PRIMA FACIE EVIDENCE OF THE
CONDITIONS FOR THE READMISSION
OF FORMER CITIZENS
OF THE FORMER FEDERAL REPUBLIC OF YUGOSLAVIA
(Articles 3 (3), 9 (4) and 9 (5) of the Agreement)**

Annex 5a (Documents considered as proof if issued before 10 June 1999:

- Birth certificates or photocopies thereof issued by the former Federal Republic of Yugoslavia;
- Public documents or photocopies thereof issued by Kosovo or the former Federal Republic of Yugoslavia stating place of birth and/or place of permanent residence as required by Article 3 (3).

Annex 5b (Documents considered as prima facie evidence if issued before 10 June 1999):

- Other documents or certificates or photocopies thereof which point to the place of birth in the territory of Kosovo;
- Official statement by the person concerned in judicial or administrative proceedings.

Annex 6

**READMISSION APPLICATION pursuant to Article 7 of the Agreement between
...and Kosovo on the readmission of persons residing without authorization**

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Annex 7

REQUEST FOR TRANSIT AUTHORIZATION



Transit
application_blank.xls