

AGREEMENT

between the Government of the Republic of Armenia and the Government of the Kingdom of Sweden on the Readmission of Persons Staying without Authorization

THE GOVERNMENT OF THE REPUBLIC OF ARMENIA and THE GOVERNMENT OF THE KINGDOM OF SWEDEN (hereinafter referred to as the “Contracting Parties”),

desirous of facilitating the readmission or transit of persons staying without authorization on the territory of the State of the other Contracting Party,

taking into account the Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms and its Additional Protocols, the Convention of 28 July 1951 on the Status of Refugees, as amended by the Protocol of 31 January 1967, the Convention on the Reduction of Statelessness of 30 August 1961,

in a spirit of cooperation and on the basis of reciprocity,

respecting international obligations, in particular the obligation according to international law to readmit their own citizens,

HAVE AGREED AS FOLLOWS:

Article 1 Definitions

(1) ALIEN is a person who is neither a citizen of the Kingdom of Sweden nor a citizen of the Republic of Armenia;

(2) PERSON STAYING WITHOUT AUTHORIZATION is a person who does not fulfil or no longer fulfils the legal requirements for entry to, presence in, or residence in the territory of the State of one of the Contracting Parties;

(3) REQUESTING CONTRACTING PARTY is the Party, which applies to the other Party with a request to readmit or admit in transit a person staying without authorization in the territory of its State under the provisions of this Agreement;

(4) REQUESTED CONTRACTING PARTY is the Party, which receives a request from the Requesting Contracting Party for readmission or admission in transit of a person staying without authorization in the territory of the State of the Requesting Contracting Party under the provisions of this Agreement;

(5) COMPETENT AUTHORITIES are the authorities of the Contracting Parties through which the procedure of readmission or transit is effected;

(6) ENTRY PERMIT is a valid multiple entry visa, residence permit or other kind of document under which a person is authorized to enter the territory of the State of a Contracting Party.

Article 2

Readmission of own citizens

(1) Each Contracting Party shall readmit, without formality, a person staying without authorization in the territory of the State of the other Contracting Party provided that it is proved that he or she is a citizen of the first mentioned Contracting Party. The readmitting Contracting Party shall be notified about the return as soon as possible.

(2) The Requested Contracting Party shall readmit, on the request of the Requesting Contracting Party and without any formalities other than those specified in this Agreement, a person staying without authorization in the territory of the Requesting Contracting Party provided that it may be validly assumed that he or she is a citizen of the State of the Requested Contracting Party.

(3) The Requesting Contracting Party shall readmit such person again if subsequent investigations prove that he or she was not in fact a citizen of the State of the Requested Contracting Party when he or she left the territory of the State of the Requesting Contracting Party, provided that Article 3 does not apply.

(4) If citizenship and identity cannot be fully established for a person, the Requesting Contracting Party may require the assistance of the Requested Contracting Party to verify the citizenship and identity. This assistance shall include an interview by the Requested Contracting Party with the person at the earliest possible occasion after the request of assistance.

Article 3

Readmission of aliens

(1) The Requested Contracting Party shall readmit, on the request of the Requesting Contracting Party and without any formalities other than those specified in this Agreement, all aliens staying without authorization in the territory of the State of the Requesting Contracting Party provided that it is proved or may be validly assumed that such persons, at the time when they are discovered by the authorities of the State

of the Requesting Contracting Party, held an entry permit issued by the Requested Contracting Party.

(2) The Requesting Contracting Party shall readmit such alien again if subsequent investigations prove that he or she did not in fact hold an entry permit issued by the Requested Contracting Party when he or she was discovered by the authorities of the State of the Requesting Contracting Party.

(3) A Contracting Party shall also readmit, without formality, an alien who

(a) has arrived at the border of the State of the other Contracting Party without entry permit, or

(b) has entered illicitly into the territory of the State of the other Contracting Party less than six months ago,

provided that it is proved or may be validly assumed that the alien has arrived directly from the territory of the first mentioned Contracting Party. The alien shall be returned without delay by the earliest available transportation facility.

Article 4

Issuing of travel documents

After an affirmative reply to a readmission request, the Requested Contracting Party shall, at the request of the Requesting Contracting Party, if necessary and as soon as possible and in any event within a maximum of 7 days, issue to the person to be readmitted a travel document required for his or her return that is of a period of validity of at least 60 days. 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 Requested Contracting Party shall issue a new travel document with the same period of validity, as soon as possible and in any event within a maximum of 7 days.

Article 5

Time limits

(1) The Requested Contracting Party shall respond to a readmission request without delay and in any case within a maximum of 60 days.

(2) The Requested Contracting Party shall accept a person whose readmission has been agreed to without delay and in any case within a maximum of one month. Upon request by the Requesting Contracting Party this time limit may be extended, should any legal or practical problems occur.

(3) The readmission request must be submitted to the competent authority of the Requested Contracting Party within a maximum of 6 months after the requesting

authority has gained knowledge that an alien is staying without authorization. Should any legal or practical problems occur the time limit shall, upon request, be extended but only until the problems have ceased to exist.

Article 6

Transit principles

(1) A Contracting Party shall allow an alien to pass through its territory in connection with the enforcement of an order of refusal of entry or expulsion issued by a competent authority of the other Contracting Party provided that onward travel to the destination state is assured.

(2) The Contracting Parties shall endeavour to restrict the transit of aliens to cases where such persons cannot be returned to the destination state directly.

(3) Transit can be refused by the Requested Contracting Party on grounds of public health, national security or public order.

(4) The Contracting Parties may revoke any transit authorization 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 travel to the state of destination is no longer assured.

Article 7

Transport and transit costs

(1) The costs of transporting a person, referred to in Articles 2 and 3, to the border of the State of the Requested Contracting Party, shall be borne by the Requesting Contracting Party unless the costs are borne by a transporting company. The Requesting Contracting Party shall also bear the costs of return transport when necessary.

(2) The costs of transit, in accordance with Article 6, to the border of the destination state and, when necessary, of return transport, shall be borne by the Requesting Contracting Party.

Article 8_

Data protection

Insofar as personal data have to be communicated in order to implement this Agreement, such information may concern only the following:

(a) Particulars of the person to be transferred and, when necessary, of his family members, such as surname, given name, father's name (if available), any previous name, nickname or pseudonym, alias, date and place of birth, sex, current and any previous citizenship;

(b) Passport, travel document, laissez-passer or any other identity document issued by one of the Contracting Parties or a third party;

(c) Other details needed to identify the person to be transferred;

(d) Itineraries; and

(e) Description of any entry permit issued by one of the Contracting Parties or a third state.

Article 9 Implementation

(1) The Contracting Parties shall notify each other, through diplomatic channels, about competent authorities and contact persons. The Contracting Parties shall also notify each other about changes relating to such authorities or contact persons.

(2) Each Contracting Party will in good faith consider the evidence furnished by the other Contracting Party and decide on readmission in accordance with this Agreement.

(3) The competent authorities shall meet when necessary and decide on the practical arrangements for the implementation of this Agreement. To this end, the Contracting Parties may set up a Committee of Experts.

Article 10 Non-affection clauses

(1) Nothing in this Agreement shall affect the rights and obligations of the Contracting Parties arising from provisions in other international agreements to which they are parties.

(2) Nothing in this Agreement shall prevent the return of a person according to other formal or informal arrangements, especially in cases of voluntary return.

Article 11 Final clauses

(1) This Agreement shall enter into force 30 days after the Contracting Parties have notified each other through diplomatic channels that the internal requirements for the entry into force of this Agreement have been fulfilled.

(2) This Agreement is concluded for an unlimited period.

(3) Each Contracting Party may temporarily suspend the implementation, in whole or in part, with exception of Article 2, of this Agreement for reasons of public health, national security or public order, through written communication to the other Contracting Party. The suspension may enter into force immediately.

(4) This Agreement may be terminated by each Contracting Party by notification in writing, the termination taking effect 3 months after the date of notification.

Done at Stockholm on November 7, 2008 in two originals, each in Armenian, Swedish and English, all texts being equally authentic. In case of difference of interpretation the English version shall prevail.

**For the Government of the
Republic of Armenia**

**For the Government of the
Kingdom of Sweden**

**Minister of Foreign Affairs
E. NALBANDYAN**

**Minister for Foreign Affairs
C. BILDT**