

AGREEMENT

between the Government of the Republic of Armenia and the Benelux countries (the Kingdom of Belgium, the Great Dukedom of Luxembourg, the Kingdom of the Netherlands) on the readmission of persons illegally residing without authorization

The Republic of Armenia and the Benelux countries (the Kingdom of Belgium, the Great Dukedom of Luxembourg, the Kingdom of the Netherlands), which act jointly based on the provisions of Benelux Convention of 11 April 1960, (hereinafter referred to as the "Contracting parties"),

in a co-operative spirit and on the basis of reciprocity willing to facilitate the return of the persons illegally residing without authorization in the territory of the other Contracting party, i.e. the persons not fulfilling or no longer fulfilling the effective conditions for entry or residence, as well as the transit of persons subject to return have agreed on the following:

Article 1

Definitions and scope

1) For the objectives of this Agreement by saying " the territory" it shall mean:

1. For the Republic of Armenia - the territory of the Republic of Armenia;
2. For the Benelux countries - aggregation of the territories of the Kingdom of Belgium, the Great Dukedom of Luxembourg, the Kingdom of the Netherlands in the Europe.

2) For the objectives of this Agreement:

1. by saying "person illegally residing without authorization" it shall mean any person who, staying in the territory of the requesting Contracting party, does not fulfil or no longer fulfils the effective conditions for entry or residence;
2. by saying "third country (state)" it shall mean any other country (state) except for the Republic of Armenia and the Benelux countries;
3. by saying "third-country national" it shall mean any person who is a citizen of the Republic of Armenia and the Benelux countries;
4. by saying "apatride" it shall mean a person whose status is defined by the Convention relative au statut des apatrides (Convention relating to the Status of Stateless Persons) of 28 September 1954;
5. "borders":

- the first crossed border which is not common to the Contracting parties;
- any airport or seaport which is located in the territory of the Republic of Armenia or in the territory of the Benelux countries through which movement of the persons arriving from third countries or departing for third countries is performed.

Article 2

Return of citizens

- 1) Any Contracting party upon the application of the other Contracting party, without formalities, shall return to its territory any person illegally staying without authorization when it can be proved out or lawfully assumed that the named person is a citizen of the requested Contracting party.
- 2) At the request of the requesting Contracting party and in accordance with the provisions of Article 4 the requested Contracting party within three working days shall issue travel documents necessary for the return of persons to be returned.
- 3) The requesting Contracting party on the same conditions shall readmit the named person if, as a result of further verifications, it proves out that the latter did not hold the citizenship of the requested Contracting party at the time of exiting from the territory of the requesting Contracting party.

Article 3

Return of third-country nationals or apatrides (stateless persons)

- 1) Any Contracting party upon the application of the other Contracting party and without formalities shall return to its territory third-country nationals or apatrides (stateless persons) who do not fulfil or no longer fulfil the conditions for entry or residence in the territory of the requesting Contracting party when it can be proved out or lawfully assumed that the named persons had the right for permanent residence in the territory of the requested Contracting party at the time when their illegal stay in the territory of the requesting Contracting party was recorded.
- 2) At the request of the requesting Contracting party and in accordance with the provisions of Article 4 the requested Contracting party within three working days shall issue travel documents necessary for the return of the persons subject to return.

Article 4

Identity and citizenship

- 1) Identity and citizenship of the person to be returned as provided for by paragraph 1 of Article 2 and paragraph 1 of Article 3 can be proved out by the

following documents:

- national valid document confirming identity of the person,
- valid passport or travel document (laissez-passer) with a photograph,
- valid military ID card or other document of the military personnel with a photograph confirming identity,
- any of the above-mentioned documents which period of validity has expired on the day of receipt of the application for return.

2) Identity and citizenship can be lawfully assumed pursuant to the following documents:

- besides what is specified in the previous paragraph, other official document enabling to confirm the identity of the person (driving license and etc.);
- document certifying consular registration, certificate of naturalization or certificate of civil residence.

3) Assumption on identity and citizenship can become more entrenched on the basis of one of the following elements:

- protocol of the explanatory statement by any conscientious witness drafted by the competent authorities of the requesting Contracting party;
- other documents enabling to confirm the identity of the given person;
- photocopies of the above-mentioned documents,
- protocol of conversation with the given person duly drafted by the competent authorities of the requesting Contracting party;
- language which the named person speaks in,

Article 5

Submission of the application for return

1. Any application for return shall be submitted in writing and shall contain:

1. personal data (name, surname, if applicable - previous surnames, surnames taken from others, pseudonyms and aliases, date and place of birth, gender and last place of residence) of the said person;

2. description of passport or existing travel document (particularly, number, series, place and date of issue, period of validity, issuing competent body) and/or other documentary evidence enabling to confirm or prove the citizenship of the given person.

3. two (2) photographs confirming the identity.

2) The requesting Contracting party can provide the requested Contracting party

with other useful informative elements needed for the return procedure.

3) Application for return shall be submitted to the competent diplomatic representation or consular agency of the requested Contracting party and shall be accompanied by the documents specified in the application for return. A protocol of the submission/acceptance of the application and the attached documents shall be drawn up.

Article 6

Time-frames

- 1) The requested Contracting party shall immediately - within maximum 30 days - provide response to the applications for return it is addressed to.
- 2) The requested Contracting party shall immediately - within maximum one-month time period - return to its territory the person whose return-related issue was given positive solution to. At the request of the requesting Contracting party the said time period might be extended as much as it is required for dealing with legal and practical obstacles.

Article 7

Time-frames for drafting the application for return

- 1) Application for return of the citizen of one of the Contracting parties can be drawn up at any time.
- 2) Application for return of third-country national or apatride (stateless person) shall be drawn up within maximum one year since the day when the Contracting party has registered the entry and the presence of the said person in its territory.

Article 8

Transit

- 1) Not contradicting Article 12 the Contracting parties shall allow transit of third-country nationals or apatrides (stateless persons) through their territories if the other Contracting party makes relevant appeal and in case their transiting through possible third countries and their admittance to the State of destination is secured.
- 2) Issuance of transit visa by the requested Contracting party is not required.
- 3) The Contracting parties can reject transit in case when third-country national or apatride (stateless person) might be subjected to torture, inhuman or degrading treatment, sentenced to death, subjected to persecution due to race, religion, origin or nationality, affiliation to certain social group or political commitments in the State of destination.

4) Despite of the issued permit, persons admitted for transiting purpose can be returned to the other Contracting party if the conditions specified in paragraph 3 of this Article or in Article 12 are of such nature that impede the transit or have appeared unexpectedly, or if the course of their travel or admittance to the State of destination is no more secured.

5) The Contracting parties endeavour their best efforts to perform transiting actions specified in the above-mentioned paragraph 1 only with respect to third-country nationals and apatrides (stateless persons) who can not be directly transported to their State of destination.

Article 9

Data protection

Communication of personal data shall be implemented only in case when it is necessary for the performance of this Agreement by the competent authorities of the Contracting parties. Use of personal data in each particular case shall be implemented in accordance with the legislation of the Republic of Armenia and, when the control is exercised by the competent authority of any of the Benelux countries, in accordance with the Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data as well as in accordance with the provisions of the national legislation of these countries adopted for the purpose of implementation of the said Directive. Alongside that the following principles shall be applied:

1. personal data of the persons to be returned shall dealt with in law and in equity;
2. personal data shall be collected for definite and concise purpose, and be justified by the circumstance of facilitating implementation of this Agreement - neither the authorities transferring nor the authorities accepting these data shall use them in a way which is inconsistent with their purpose;
3. personal data shall be equivalent, relevant and not excessive compared to the purpose which they have been collected and/or used for - particularly, communicated personal data shall relate exclusively to the following:
 - certain data about the person subject to return (for example: name, surname, previous name, pseudonym or alias, date and place of birth, gender, current and previous citizenship),
 - passport or certificate of identity (number and series, period of validity, issuance term, issuing body, place of issue);
 - transit location and transportation route;
 - any other information required for the establishment of identity of the person subject to return or processing of the application for return in accordance with this

Agreement;

4. personal data shall be concise and updated, when appropriate;
5. personal data that were provided in such a way that enables to establish the identity of the relevant persons, shall not be kept for longer time period than it is required for the realization of purpose which they had been collected and used for;
6. either the authorities transferring data or the authorities accepting them shall take all reasonable measures so as, when needed, to ensure correction, destruction (removal) or safekeeping (storage) of personal data when their usage is not consistent with the provisions of this Article, particularly, when the data are not equivalent, relevant and concise, or when they are excessive compared to the purpose of their use. By this is also meant that any correction, destruction (removal) or safekeeping (storage) shall be reported to the other Contracting party;
7. the authority accepting data shall inform the authority transferring data about the outcomes obtained as a result of the said data usage, if it is requested by the latter;
8. personal data shall be communicated to the competent authorities only. Any other communication to other authorities must be agreed beforehand with the authority transferring data;
9. either the authorities transferring data or the authorities accepting them must register in written the communication and acceptance of the personal data.

Article 10

Expenses

- 1) In accordance with Articles 2 and 3 the requesting Contracting party shall incur travel expenses for the persons to be returned all the way to the border of the requested Contracting party as well as the expenses specified in paragraph 3 of Article 2.
- 2) In accordance with Article 8 the requesting Contracting party shall incur the expenses for transit all the way to the border of the State of destination as well as, when appropriate, the expenses for return trip.

Article 11

Experts committee

- 1) The Contracting parties provide mutual assistance in the matter of execution and interpretation of this Agreement. For this purpose they establish experts committee which shall:
 1. perform the follow-up of the execution of this Agreement;
 2. submit proposals on the solution of issues relating to the execution of this

Agreement;

3. elaborate proposals for amendment or supplement to this Agreement;
 4. develop and submit relevant measures aimed at the fight against illegal migration.
- 2) The Contracting parties reserve the right to approve or not approve the measures suggested by the committee.
 - 3) Committee is comprised of one representative of the Republic of Armenia and three representatives of the Benelux. The Contracting parties elect Chairman and Vice-Chairmen among them. Besides that they either assign deputy members. Other experts can participate in the meetings as well.
 - 4) The committee shall convene whenever necessary - at the suggestion of any of the Contracting parties.

Article 12

Relation with other agreements

This Agreement shall not affect the liabilities arising from:

1. Convention Relating to the Status of Refugees of 28 July 1951, amended by the Protocol Relating to the Status of Refugees of 31 January 1967, and Convention relative au statut des apatrides (Convention relating to the Status of Stateless Persons) of 28 September 1954;
2. agreements on extradition and transit;
3. Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950;
4. European Community Law with respect to the Kingdom of Belgium, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands;
5. Schengen Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders of 14 June 1985 and Convention implementing that Schengen Agreement of 19 June 1990;
6. international conventions for asylum and Council Regulation (CE) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national;
7. international conventions and agreements for the return of foreign citizens.

Article 13

APPLICATION PROTOCOL

Other operative provisions necessary for the application of this Agreement are enshrined in the Application protocol.

Article 14

Scope of application

With respect to the Kingdom of the Netherlands it can extend the application of this Agreement to cover Dutch Antilles and Aruba through notifying on the matter the depositary (the Government of the Kingdom of Belgium) of this Agreement which shall inform the other Contracting parties on the matter.

Article 15

Entry into force

- 1) This Agreement shall enter into force on the first day of the second month following the day of notification by the last of the Contracting parties to the Government of the Kingdom of Belgium on the execution of domestic procedures necessary for the entry of this Agreement into force.
- 2) The Government of the Kingdom of Belgium shall inform each of the Contracting parties about the notifications specified in paragraph 1 and the date of entry of this Agreement into force.

Article 16

Suspension and termination

- 1) This Agreement is concluded for an indefinite period.
- 2) The Republic of Armenia and the Kingdom of Belgium, the Great Dukedom of Luxembourg and the Kingdom of the Netherlands can jointly suspend this Agreement for significant reasons, particularly, relating to national security, public tranquillity or protection of public health, after notifying on the matter the Government of the Kingdom of Belgium which shall inform the other Contracting parties. The Contracting parties shall immediately inform each other about the cancellation of such suspension through diplomatic channels.
- 3) The Republic of Armenia and the Kingdom of Belgium, the Great Dukedom of Luxembourg and the Kingdom of the Netherlands can jointly terminate this Agreement in accordance with the provisions and principles of international law after notifying on the matter the Government of the Kingdom of Belgium which shall inform the other Contracting parties.

4) Suspension or termination of this Agreement shall enter into force on the first day of the second month following the day of receipt by the Government of the Kingdom of Belgium of notifications specified in Articles 2 and 3 respectively.

Article 17

Depositary

The depositary of this Agreement is the Government of the Kingdom of Belgium.

In witness thereof the duly authorized representatives of the Contracting parties have signed this Agreement.

Done in Brussels on 3 June 2009 in Armenian, French and Dutch, at that all the three texts are equally valid. In case of divergent interpretation the text in French shall prevail.

The original shall be transferred for keeping to the depositary of this Agreement - the Government of the Kingdom of Belgium, which shall send the certified copy of the Agreement to the other Contracting parties to this Agreement.

On behalf of the Republic of Armenia:	On behalf of the Kingdom of Belgium:	On behalf of the Kingdom of the Netherlands:	On behalf of the Great Dukedom of Luxembourg:
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APPLICATION PROTOCOL

to the Agreement between the Government of the Republic of Armenia and the Benelux countries (the Kingdom of Belgium, the Great Dukedom of Luxembourg, the Kingdom of the Netherlands) on the readmission of persons illegally residing without authorization

The Republic of Armenia and the Benelux countries for the purpose of application of the Agreement signed on 3 June 2009 between the Government of the Republic of Armenia and the Benelux countries (the Kingdom of Belgium, the Great Dukedom of Luxembourg, the Kingdom of the Netherlands) on the readmission of persons illegally residing without authorization

have agreed on the following:

Article 1

Application

(1) Applications for return are submitted when according to Article 4 of the Agreement the identity and the citizenship of the person subject to return are proved out or are lawfully assumed. The applications are submitted according to Article 5 of the Agreement.

(2) The requesting Contracting party forwards an application to the competent authority of the requested Contracting party.

(3) An application shall contain:

- name and address of the competent authority of the requesting Contracting party, number of the case and date of the application;
- name and address of the competent authority of the requested Contracting party;
- a text preceded by the foreword:

We petition for the person, in respect of who there are grounds for believing that relating thereto there is a commitment for return within the meaning of Articles 2 or 3 of this Agreement, to be returned to territory of the Kingdom of Belgium (the Kingdom of the Netherlands/the Great Dukedom of Luxembourg) from the territory of the Republic of Armenia;

- personal data of the person subject to return;
- upon necessity, notes on the existence of children of minority age,
- signature and official seal of the competent authority of the requesting Contracting party.

(4) For the person subject to return the following data are required to submit:

1. Personal data:

- name and surname,
- date of birth,
- place and state of birth,
- gender,
- last place of residence in the territory of the requested Contracting party,
- upon necessity, previous surname, pseudonym or alias.

2. Description of the passport or travel document substituting the passport (particularly, series and number, place of issue, date of issue, period of validity, issuing body)

3. Two (2) identity photographs:

(5) Notes on children of minority age;

- name and surname,
- kinship with the traveller;
- day, month and year of birth;
- place of birth.

Attached are as follows:

- extract from birth certificate for the child born in the territory of the requesting Contracting party;
- if applicable, extract from birth certificate for the child born in the territory of other state;
- one photograph for each child above five (5) years of age.

Article 2

Response to application

(1) The competent authority of the requested Contracting party is liable for providing response to the competent authority of the requesting Contracting party within the time periods specified in Article 6 of this Agreement.

(2) The response to application shall contain:

- name and address of the competent authority of the requested Contracting party, number of the case and date of the response to the application;
- name and address of the competent authority of the requesting Contracting party;
- name and surname, place and date of birth of the given person;

- statement certifying the commitment for return in accordance with the provisions of Articles 2 or 3 of this Agreement;

or

- in case of negative response - an explanatory letter where it is noted that the performed verifications did not allow to ascertain identity of the given person and/or the return commitment relating thereto is not applicable within the meaning of Articles 2 or 3 of this Agreement.

Article 3

Travel certificate

(1) The competent authority of the requesting Contracting party shall deliver over affirmative response to the application for the issuance of travel certificate to the diplomatic representation or consular agency of the requested Contracting party.

(2) Diplomatic representation or consular agency of the requested Contracting party in case of affirmative response to the application shall issue a travel certificate to the person whose return was permitted.

(3) Travel certificate is issued for at least one (1) month validity period.

(4) If it is not possible to return the person until the expiry of validity period of the travel document then the competent authority of the requesting Contracting party shall inform the competent authority of the requested Contracting party on the matter. When the return of the given person becomes possible then the competent authority of the requested Contracting party shall issue new travel certificate again for one (1) month validity period within five (5) working days following the application filed by the requesting Contracting party for the mentioned purpose.

Article 4

Procedure for return

(1) The competent authority of the requesting Contracting party shall inform the competent authority of the requested Contracting party about the return of the relevant person three (3) working days prior to the time period specified for the return.

(2) The said information shall be communicated in writing and contain the following:

- name and address of the competent authority of the requesting Contracting party, number of the case and date of the notice about return;

- name and address of the competent authority of the requested Contracting party:

1. in case of air transportation - a text preceded by the foreword:

We are honoured to inform You that the person falling under the below-mentioned notes shall be returned to the Kingdom of Belgium (the Great Dukedom of Luxembourg / the Kingdom of the Netherlands / the Republic of Armenia)..... (day, month, year), departure from airport, flight No.,time, arrival to airport,time.

2. if for medical reasons the transportation is performed by land the foreword for the notice about the return of the said person is drafted the following way:

We are honoured to inform You that the person falling under the below-mentioned notes shall be returned to the Kingdom of Belgium (the Great Dukedom of Luxembourg / the Kingdom of the Netherlands / the Republic of Armenia)..... (day, months, year), passing through International border-crossing station,

- surname, name, date and place of birth of the person,
- number of the case and the date of response to the application,
- upon necessity, notes that the person is in need for treatment or specific care due to his/her health condition or age,
- upon necessity, notes that the person might lead up to incidents so that to ensure necessary escort.

(3) In case if it is not possible to comply with the time-frames for the return of the relevant person specified in paragraph 2 of Article 6 of this Agreement, then the competent authority of the requesting Contracting party shall immediately inform the competent authority of the requested Contracting party on the matter. When the return of the given person becomes possible then the competent authority of the requesting Contracting party shall inform the competent authority of the requested Contracting party within time-frames provided for by paragraph 1 of this Article.

Article 5

Border-crossing stations

Based on the Agreement the surrender and the readmission of person shall be performed in the following locations:

1. For the Republic of Armenia:

In case of air transportation - "Zvartnots" airport, Yerevan;

In case of land transportation -

1. For the Kingdom of Belgium:

In case of air transportation - Brussels National Airport;

In case of land transportation - border-crossing stations designated by the Aliens Office.

1. For the Great Dukedom of Luxembourg:

In case of air transportation - Luxembourg Airport;

In case of land transportation -

1. For the Kingdom of the Netherlands:

In case of air transportation - "Schiphol" airport, Amsterdam;

In case of land transportation -

Article 6

Competent bodies

1) For the Armenian party the competent authority is as follows:

Ministry of Foreign Affairs,

Republic Square, Government House 2, 0010, Yerevan, Republic of Armenia

Telephone: + 37410 54 40 41 (301) Consular department

Fax: + 37410 54 39 25

2) For the Belgian party the competent authorities are as follows:

1. For the submission of applications to the competent authorities of the Republic of Armenia and the receipt of responses to the applications, for the receipt of necessary travel certificates from the Embassy of the Republic of Armenia as well as for sending messages about the return of relevant persons:

- Federal Ministry of Interior of the Kingdom of Belgium, General Directorate of Aliens Police Service

WTC II

Chaussee d'Anvers 59 b – 1000 Bruxelles

Telephone: + 32 2 206 15 84 identification department

+ 32 2 206 15 46 identification department

Fax: + 32 2 274 66 17

2. For the acceptance of applications from the competent authorities of the Republic

of Armenia, the response to applications as well as for the acceptance of messages about the return of relevant persons:

- Federal Ministry of Interior of the Kingdom of Belgium, General Directorate of Aliens Police Service

WTC II

Chaussee d'Anvers 59 b – 1000 Bruxelles

Telephone: + 32 2 206 15 91 Office C

+ 32 2 206 15 92 Office C

+ 32 2 206 15 94 Office C

+ 32 2 206 15 51 Office C

Fax: + 32 2 274 66 11 Office C

3) For the Luxembourg party the competent authority is as follows:

Ministry of Foreign Affairs and Immigration,

Immigration Directorate

Postbox 752

L- 2017 Luxembourg

Telephone: + 352 478 45 74

+ 352 478 45 46

Fax: + 352 478 22 16 08

4) The competent authority for the Netherlands party is as follows:

Ministry of Justice,

Immigration and Naturalization Service - IND

Dublin Office

Postbox 449

NL - 6900 AK Zevenaar

Telephone: + 31 31 636 87 24

Fax: + 31 31 636 86 49

Article 7

Experts committee

The competent authorities of the Contracting parties shall inform each other about the composition of their delegation in the Experts committee provided for by Article 11 of this Agreement within thirty (30) days after this Agreement enters into force.

Article 8

Language

The Contracting parties shall communicate with each other in French.

Article 9

Final provision

This Protocol shall be applied since the day the Agreement between the Government of the Republic of Armenia and the Benelux countries (the Kingdom of Belgium, the Great Dukedom of Luxembourg, the Kingdom of the Netherlands) on the readmission of persons illegally residing without authorization enters into force.

Done in Brussels on 3 June 2009 in Armenian, French and Dutch, at that all the three texts are equally valid. In case of divergent interpretation the text in French shall prevail.

On behalf of the
Republic of Armenia:

On behalf of the
Kingdom of Belgium:

On behalf of the
Kingdom of the
Netherlands:

On behalf of the
Great Dukedom of
Luxembourg: