

No. 33394

**FINLAND
and
ESTONIA**

Agreement on the repatriation of persons who enter or remain in the country illegally. Signed at Tallinn on 22 September 1995

Authentic texts: Finnish and Estonian.

Registered by Finland on 4 December 1996.

**FINLANDE
et
ESTONIE**

Accord relatif au retour des personnes qui sont entrées au pays ou restent dans le pays illégalement. Signé à Tallinn le 22 septembre 1995

Textes authentiques : finnois et estonien.

Enregistré par la Finlande le 4 décembre 1996.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF FINLAND AND THE GOVERNMENT OF THE REPUBLIC OF ESTONIA ON THE REPATRIATION OF PERSONS WHO ENTER OR REMAIN IN THE COUNTRY ILLEGALLY

The Government of the Republic of Finland and the Government of the Republic of Estonia, hereinafter referred to as “the Parties”,

Desiring, in a spirit of cooperation and guided by the principle of reciprocity, to facilitate the repatriation of persons who enter or remain in the country illegally,

Mindful of the United Nations Universal Declaration of Human Rights of 10 December 1948,² the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950,³ and the Convention relating to the Status of Refugees of 28 July 1951⁴ as well as the amendments contained in the Protocol relating to the Status of Refugees of 31 January 1967,⁵

Have agreed as follows:

Article 1

DEFINITIONS

For the purposes of this Agreement:

1. “Alien” means a person who is not a Finnish or Estonian national.
2. “Visa” means a valid permit issued to an alien by the competent authorities of one Party, which allows said alien to enter the country and remain there for not more than three consecutive months.
3. “Residence permit” means a valid permit issued by the competent authorities of one Party, which entitles a person to multiple entries into the country and to reside there. Residence permit does not mean a visa or the opportunity to be in the territory of a Party while a request for asylum or for a residence permit is being considered or a deportation proceeding is in progress.

Article 2

REPATRIATION OF NATIONALS

1. Each Party shall repatriate, without ceremony, a person who is that Party’s national or who can justifiably be considered that Party’s national. The same arrangement shall apply to a person who, after arriving in the territory of the other

¹ Came into force on 3 October 1996 by notification, in accordance with article 12.

² United Nations, *Official Records of the General Assembly, Third Session, Part I*, p. 71.

³ United Nations, *Treaty Series*, vol. 213, p. 221.

⁴ *Ibid.*, vol. 189, p. 137.

⁵ *Ibid.*, vol. 606, p. 267.

Party, loses the first Party's citizenship but has not obtained any other country's citizenship.

2. If the person who is repatriated proves to be an alien, and if articles 3 and 4 of this Agreement cannot be applied to him or her, the second Party shall repatriate the person immediately.

Article 3

REPATRIATION OF ALIENS ON THE BASIS OF ADVANCE NOTICE

1. Each Party shall repatriate, without ceremony, on the basis of advance notice from the competent authorities of the other Party, an alien who arrives directly from the territory of the first Party in the territory of the other Party, provided that not more than 48 hours have elapsed since the alien's arrival.

2. An alien shall be considered to have arrived directly from the territory of the other Party if this can be proven or can justifiably be considered to be sufficiently probable.

Article 4

REPATRIATION OF ALIENS ON THE BASIS OF A REQUEST

1. Each Party shall repatriate, at the request of the other Party, an alien who arrives directly from the territory of the first Party in the territory of the other Party and whose arrival or presence in the country is not in accordance with the law of the other Party. This provision shall not, however, be applied if the alien, after arriving in the country, has been issued a residence permit by the other Party.

2. Each Party shall repatriate, at the request of the other Party, an alien who is illegally in the territory of the other Party and who possesses a valid residence permit or visa (with the exception of a transit visa) issued by the first Party.

3. Each Party shall repatriate, at the request of the other Party, a Stateless alien who arrives in the territory of the other Party on the basis of a travel document issued by the first Party, which entitles the bearer to return to the territory of the Party which issued the document, or who immediately before arriving in the territory of the second Party has in fact resided in the territory of the first Party in accordance with the law currently in force and who has arrived directly from the territory of the first Party after the entry into force of this Agreement.

Article 5

TIME LIMITS

1. Each Party must respond immediately to a request to repatriate an individual, and in any case no later than 20 days after the request is made. Requests to repatriate an individual may be transmitted by post directly to the competent authorities of the other Party or may be sent by electronic data transfer.

2. The competent authorities of each Party must repatriate persons immediately after acceding to a request, and in any case no later than three months after acceding to the request. Upon notification by the Party making the request, the time