

No. 48012

**Switzerland
and
Finland**

Agreement between the Swiss Confederation and the Republic of Finland on the readmission of persons residing without authorization (with protocol and annexes). Helsinki, 30 March 2009

Entry into force: *2 July 2010 by notification, in accordance with article 18*

Authentic texts: *English, Finnish and German*

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**Suisse
et
Finlande**

Accord entre la Confédération suisse et la République de Finlande relatif à la réadmission des personnes séjournant sans autorisation (avec protocole et annexes). Helsinki, 30 mars 2009

Entrée en vigueur : *2 juillet 2010 par notification, conformément à l'article 18*

Textes authentiques : *anglais, finnois et allemand*

Enregistrement auprès du Secrétariat des Nations Unies : *Suisse, 14 décembre 2010*

AGREEMENT

BETWEEN

THE SWISS CONFEDERATION

AND

THE REPUBLIC OF FINLAND

ON

THE READMISSION OF PERSONS

RESIDING WITHOUT AUTHORISATION

The Swiss Confederation

and

The Republic of Finland

hereinafter referred to as the "Contracting Parties",

with the aim of developing and promoting their cooperation,

within the range of international efforts to combat irregular migration,

in accordance with international treaties and agreements,

on the basis of reciprocity,

considering the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis signed on 26 October 2004,

have agreed as follows:

I – READMISSION OF NATIONALS OF THE CONTRACTING PARTIES

ARTICLE 1

- (1) Each Contracting Party shall upon request of the other Contracting Party readmit to its territory without formality any person who does not fulfil or no longer fulfils the requirements for entry or stay applicable to the territory of the requesting Contracting Party, provided that it is proven or can be validly assumed that this person possesses the nationality of the requested Contracting Party.
- (2) Paragraph 1 is applicable if the nationality is proven or can be validly assumed on the basis of the documents listed hereafter.

The nationality of the person may be proved by means of the following valid documents:

For the Swiss Confederation:

- passport;
- identity card;

- family record book indicating a place of origin in Switzerland.

For the Republic of Finland:

- passport;
- identity card issued by the police authorities.

The nationality of the person may be validly assumed by one of the following documents:

- any document listed in the previous paragraph which validity has expired;
 - a document issued by the authorities of the requested Contracting Party on the basis of which the identity of the person concerned may be established (driving licence, seaman's book, military service book or other document issued by the military forces, etc.);
 - a consular registration certificate or an extract from registrar office records;
 - another document issued by the competent authority of the requested Contracting Party;
 - a photocopy of a document mentioned in this Article;
 - informations of the person concerned duly recorded by the administrative or judicial authorities;
 - statements of bona fide witnesses duly recorded by a competent authority;
 - a linguistic expertise of the language spoken by the person concerned;
 - any other document or information that is acceptable to the requested Contracting Party.
- (3) The requesting Contracting Party shall readmit this person under the same conditions, if subsequent checks reveal that he or she did not in fact possess the nationality of the requested Contracting Party when he or she left the territory of the requesting Contracting Party.

ARTICLE 2

- (1) If the nationality is validly assumed in accordance with paragraph 2 Article 1, the diplomatic mission or consular office of the requested Contracting Party shall issue without delay the travel document required for the return of the person concerned.
- (2) If the documents submitted to validly assume the nationality are contested, or if no documents are available, the diplomatic mission or consular office of the requested Contracting Party shall conduct a hearing of the person concerned as soon as possible, however, at the latest within ten (10) working days after receipt of the request. The hearing shall be organised by the requesting Contracting Party in consultation with the diplomatic mission or the consular office of the requested Contracting Party.
- (3) If, as a result of the hearing conducted, it can be established that the person concerned possesses the nationality of the requested Contracting Party, the diplomatic mission or consular office shall issue, on demand of the requesting Contracting Party within five (5) working days, the travel document required for the return of the person concerned.

ARTICLE 3

- (1) The request for readmission shall be submitted in writing. The information which is to be contained in the request as well as the modalities for transmitting the request shall be agreed upon in accordance with Article 15 paragraph 2.
- (2) The requested Contracting Party shall reply to the readmission request as quickly as possible, at the latest within ten (10) working days from the date of receipt of the request. This time limit may be extended by five (5) working days in the case of Article 2 paragraph 2. The rejection of the submitted readmission request shall be explained in writing.
- (3) The person concerned by the readmission request is not to be handed over until readmission has been approved by the requested Contracting Party and the requesting Contracting Party has been notified thereof.
- (4) If the person concerned is in need of medical care, the requesting Contracting Party shall provide, if this is in the interest of the person concerned, information about the need for special treatment, such as medical or other care, supervision, or transport by ambulance.
- (5) The transport costs related to the person's readmission to the border of the requested Contracting Party shall be borne by the requesting Contracting Party.