

No. 48660

**Switzerland
and
Republic of Moldova**

Agreement between the Swiss Federal Council and the Government of the Republic of Moldova on the readmission of persons residing without authorisation (with protocol and annexes). Chisinau, 19 May 2010

Entry into force: *1 February 2011 by notification, in accordance with article 21*

Authentic texts: *English, German and Moldovan*

Registration with the Secretariat of the United Nations: *Switzerland, 28 June 2011*

**Suisse
et
République de Moldova**

Accord entre le Conseil fédéral suisse et le Gouvernement de la République de Moldova concernant la réadmission des personnes en séjour irrégulier (avec protocole et annexes). Chisinau, 19 mai 2010

Entrée en vigueur : *1^{er} février 2011 par notification, conformément à l'article 21*

Textes authentiques : *anglais, allemand et moldave*

Enregistrement auprès du Secrétariat des Nations Unies : *Suisse, 28 juin 2011*

Agreement

between

the Swiss Federal Council

and

the Government of the Republic of Moldova

on the readmission of persons

residing without authorisation

THE SWISS FEDERAL COUNCIL

and

THE GOVERNMENT OF THE REPUBLIC OF MOLDOVA

(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 for entry to, presence in, or residence on the territories of the Swiss Confederation or of the Republic of Moldova, and to facilitate the transit of such persons in a spirit of cooperation,

CONFIRMING their willingness to develop the existing good cooperation,

EMPHASISING that this Agreement shall be without prejudice to the rights, obligations and responsibilities of the Swiss Confederation and of the Republic of Moldova arising from International Law and, in particular, from the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms and the Convention of 28 July 1951 on the Status of Refugees and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984,

CONSIDERING the Agreement between the Swiss Federal Council and the Government of the Republic of Moldova of 6 November 2003 on the Readmission of Persons with unauthorised stays,

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,

CONSIDERING the Agreement between the European Community and the Republic of Moldova on the readmission of persons residing without authorisation signed on 18 September 2007,

HAVE AGREED AS FOLLOWS:

Article 1
Definitions

For the purpose of this Agreement:

- a) "Contracting Parties" shall mean the Swiss Federal Council and the Government of the Republic of Moldova;
- b) "Citizen of the Republic of Moldova" shall mean any person who holds the citizenship of the Republic of Moldova;
- c) "Citizen of Swiss Confederation" shall mean any person who holds the citizenship of the Swiss Confederation;
- d) "Third-country citizen" shall mean any person who holds a citizenship other than that of the Swiss Confederation or the Republic of Moldova;
- e) "Stateless person" shall mean any person who does not hold a citizenship;
- f) "Residence permit" shall mean a permit of any type issued by the Swiss Confederation or the Republic of Moldova 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;
- g) "Border crossing point" shall mean any crossing point authorised by the competent authorities of the Swiss Confederation or the Republic of Moldova for the purpose of crossing their respective borders, including at International airports;
- h) "Visa" shall mean an authorisation issued or a decision taken by the Swiss Confederation or the Republic of Moldova which is required with a view to entry in, or transit through, its territory. This shall not include airport transit visa;
- i) "Requesting State" shall mean the State (the Swiss Confederation or the Republic of Moldova) submitting a readmission application pursuant to Article 7 or a transit application pursuant to Article 14 of this Agreement;
- j) "Requested State" shall mean the State (the Swiss Confederation or the Republic of Moldova) to which a readmission application pursuant to Article 7 or a transit application pursuant to Article 14 of this Agreement is addressed;
- k) "Competent Authority" shall mean any national authority the Swiss Confederation or the Republic of Moldova entrusted with the implementation of this Agreement in accordance with Article 19 (1) lit. (a) thereof;
- l) "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.
- m) "personal data" shall mean any information relating to an identified or identifiable natural person ('data subject'); an identifiable person is one who can be identified directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity.

SECTION I
READMISSION OBLIGATIONS BY THE REPUBLIC OF MOLDOVA

Article 2
Readmission of own citizens

1. The Republic of Moldova shall readmit, upon application by the Swiss Confederation and without further formalities other than those provided for in this Agreement, any person who does not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on the territory of the Swiss Confederation provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that such a person is a citizen of the Republic of Moldova.
2. The Republic of Moldova shall also readmit:
 - minor unmarried children of the persons mentioned in paragraph 1, regardless of their place of birth or their citizenship, unless they have an independent right of residence in the Swiss Confederation,
 - spouses, holding another citizenship, of the persons mentioned in paragraph 1, provided they have the right to enter and stay or receive the right to enter and stay in the territory of the Republic of Moldova, unless they have an independent right of residence in the Swiss Confederation.
3. The Republic of Moldova shall also readmit persons who have been deprived of, or who have renounced, the citizenship of the Republic of Moldova since entering the territory of the Swiss Confederation, unless such persons have at least been promised naturalisation by the Swiss Confederation.
4. After the Republic of Moldova has given a positive reply in writing to the readmission application, the competent Diplomatic Mission or Consular Office of the Republic of Moldova shall immediately, and not later than within three working days, issue the travel document required for the return of the person to be readmitted, with a validity of at least three 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 the Republic of Moldova shall upon the request of the Swiss Confederation, within 14 calendar days, issue a new travel document with a period of validity of the same duration. If the Republic of Moldova has not, within 14 calendar days, issued the new travel document, it shall be deemed to accept the use of the travel document required for his or her return (FDJP *Laisser-Passer*).
5. In case the person to be readmitted possesses the citizenship of a third-country in addition to Moldavian citizenship, the Swiss Confederation shall take into consideration the will of the person to be readmitted to the state of his/her choice.