

No. 48673

**Switzerland
and
Russian Federation**

Agreement between the Federal Council of the Swiss Confederation and the Government of the Russian Federation on readmission (with annexes and protocol). Bern, 21 September 2009

Entry into force: *1 February 2011, in accordance with article 23*

Authentic texts: *English, German and Russian*

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

**Suisse
et
Fédération de Russie**

Accord de réadmission entre le Conseil fédéral de la Confédération Suisse et le Gouvernement de la Fédération de Russie (avec annexes et protocole). Berne, 21 septembre 2009

Entrée en vigueur : *1^{er} février 2011, conformément à l'article 23*

Textes authentiques : *anglais, allemand et russe*

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

AGREEMENT

between

the Federal Council of the Swiss Confederation

and

the Government of the Russian Federation

on readmission

THE FEDERAL COUNCIL OF THE SWISS CONFEDERATION and THE GOVERNMENT OF THE RUSSIAN FEDERATION, HEREINAFTER REFERRED TO AS «THE PARTIES»

DETERMINED to strengthen their co-operation 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 return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territory of the Swiss Confederation or of the Russian Federation, and to facilitate the transit of such persons in a spirit of co-operation,

EMPHASIZING that this Agreement shall be without prejudice to the rights, obligations and responsibilities of the Swiss Confederation and of the Russian Federation arising from International Law including International Human Rights law rules, as confirmed, in particular, by the Universal Declaration of Human Rights of 10 December 1948, the International Covenant on Civil and Political Rights of 16 December 1966, the Convention relating to the Status of Refugees of 28 July 1951 and the Protocol relating to the Status of Refugees of 31 January 1967, the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 and Protocol N° 4 thereto of 16 September 1963, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984,

CONSIDERING the Agreement between the Swiss Confederation, the European Union and the European Community 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 Russian Federation and the European Community on readmission signed on 25 May 2006,

HAVE AGREED AS FOLLOWS:

Article 1

Definitions

For the purpose of this Agreement:

- a) *"Requesting State"* shall mean the State (Swiss Confederation or Russian Federation) submitting a readmission application pursuant to section III or a transit application pursuant to section IV of this Agreement.
- b) *"Requested State"* shall mean the State (Swiss Confederation or Russian Federation) to which a readmission application pursuant to section III or a transit application pursuant to section IV of this Agreement is addressed.
- c) *"Readmission"* shall mean the transfer by the competent authority of the requesting State and admission by the competent authority of the requested State of persons (own nationals of the requested State, third-country nationals or stateless persons) who have been found illegally entering to, being present in or residing on the territory of the requesting State, in accordance with the provisions of this Agreement.
- d) *"Third-country national"* shall mean any person holding a nationality other than that of the Swiss Confederation or of the Russian Federation.
- e) *"Stateless person"* shall mean any person who does not hold the nationality of the Swiss Confederation or of the Russian Federation, and who has no evidence of holding the nationality of any other State.
- f) *"Residence authorisation"* shall mean an official permit of any type issued by the Swiss Confederation or by the Russian Federation entitling a person to reside on the territory of the Swiss Confederation or of the Russian Federation. This shall not include temporary permissions to remain on the territory of the said States in connection with the processing of an asylum application or an application for a residence authorisation.
- g) *"Visa"* shall mean an authorisation issued or a decision taken by the Swiss Confederation or by the Russian Federation, which is required with a view to entry in, or transit through, the territory of the Swiss Confederation or of the Russian Federation. This shall not include the specific category of airport transit visa.
- h) *"Central Competent Authority"* shall mean the main authority of the Swiss Confederation or of the Russian Federation entrusted with the implementation of this Agreement.
- i) *"Competent Authority"* shall mean a national authority of the Swiss Confederation or of the Russian Federation dealing with the implementation of this Agreement.
- j) *"Border crossing point"* shall mean any crossing-point authorised by the Swiss Confederation or by the Russian Federation for the crossing of their respective border at International airports.

- k) *"Transit"* shall mean the passage of a third-country national or a stateless person through the territory of the requested State while travelling from the requesting State to the country of destination.
- l) *"Direct entry"* shall mean the entry of any person arriving by air on the territory of the requesting State without having entered a third country in-between. Airside transit stays in a third-country shall not be considered as entry.

SECTION I. READMISSION OBLIGATIONS BY THE RUSSIAN FEDERATION

Article 2

Readmission of Russian nationals

- 1) The Russian Federation shall admit, upon application by the Swiss Confederation and in accordance with the procedure provided for in this Agreement, any person who does not, or no longer, fulfil the conditions in force for entry to, presence in, or residence on the territory of the Swiss Confederation provided it is established, in accordance with Article 9 of this Agreement, that such person is a national of the Russian Federation.

The same shall apply to illegally present or residing persons who possessed the nationality of the Russian Federation at the time of entering the territory of the Swiss Confederation but subsequently renounced the nationality of the Russian Federation in accordance with the national laws of the latter, without acquiring the nationality or a residence authorisation of the Swiss Confederation or any other State.

- 2) After the Russian Federation has given a positive reply to the readmission application, the competent diplomatic mission or consular post of the Russian Federation shall irrespective of the will of the person to be readmitted, as necessary and without delay, issue a travel document required for the return of the person to be readmitted with a period of validity of 30 calendar days. If, for any reason, the person concerned cannot be transferred within the period of validity of that travel document, the competent diplomatic mission or consular post of the Russian Federation shall issue a new travel document with a period of validity of the same duration without delay.

Article 3

Readmission of third-country nationals and stateless persons

- 1) The Russian Federation shall admit, upon application by the Swiss Confederation and in accordance with the procedure provided for in this Agreement, any third-country national or stateless person who does not, or no longer, fulfil the conditions in force for entry to, presence in, or residence on the territory of the Swiss Confederation provided that evidence can be furnished, in accordance with Article 10 of this Agreement, that such person: