

**No. 49664**

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**Switzerland  
and  
Montenegro**

**Agreement between the Swiss Confederation and Montenegro on the readmission of persons residing without authorisation (with implementing protocol and annexes). Podgorica, 4 March 2011**

**Entry into force:** *1 December 2011, in accordance with article 20*

**Authentic texts:** *English, German and Montenegrin*

**Registration with the Secretariat of the United Nations:** *Switzerland, 22 June 2012*

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**Suisse  
et  
Monténégro**

**Accord entre la Confédération suisse et le Monténégro concernant la réadmission des personnes en séjour irrégulier (avec protocole d'application et annexes). Podgorica, 4 mars 2011**

**Entrée en vigueur :** *1<sup>er</sup> décembre 2011, conformément à l'article 20*

**Textes authentiques :** *anglais, allemand et monténégrin*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Suisse, 22 juin 2012*

**Agreement between  
the Swiss Confederation  
and Montenegro  
on the readmission of persons residing  
without authorisation**

THE SWISS CONFEDERATION AND

MONTENEGRO

(hereinafter referred to as Switzerland and Montenegro);

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 Switzerland or Montenegro, 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 Switzerland and Montenegro 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,

CONSIDERING the Agreement between the European Union, the European Community and Switzerland on Switzerland'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 Montenegro 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 Switzerland and Montenegro;
- (b) "*Citizen of Montenegro*" shall mean any person who holds the citizenship of Montenegro in accordance with its legislation;
- (c) "*Citizen of Switzerland*" shall mean any person who holds the citizenship of Switzerland in accordance with its legislation;
- (d) "*Third-country citizen*" shall mean any person who holds a citizenship other than that of Switzerland or Montenegro;
- (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 Switzerland or by Montenegro 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) "*Visa*" shall mean an authorisation issued or a decision taken by Switzerland or by Montenegro which is required with a view to entry in, or transit through, its territory. This shall not include airport transit visa;
- (h) "*Requesting State*" shall mean the State (Switzerland or Montenegro) submitting a readmission application pursuant to Article 7 or a transit application pursuant to Article 14 of this Agreement;
- (i) "*Requested State*" shall mean the State (Switzerland or Montenegro) to which a readmission application pursuant to Article 7 or a transit application pursuant to Article 14 of this Agreement is addressed;
- (j) "*Competent Authority*" shall mean any national authority of Switzerland or Montenegro entrusted with the implementation of this Agreement in accordance with Article 19 (1) lit. a) thereof;
- (k) "*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;
- (l) "*Readmission*" shall mean the transfer by the Requesting State and admission by the Requested State of persons (own nationals of the Requested State, third country nationals or stateless persons) who have been found illegally entering, being present in or residing in the Requesting State, in accordance with the provisions of this Agreement.

**SECTION I**  
**READMISSION OBLIGATIONS BY**  
**MONTENEGRO**

**Article 2**

**Readmission of own citizens**

1. Montenegro shall readmit, upon application by Switzerland and without further formalities other than those provided for in this Agreement, all persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on the territory of Switzerland 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 Montenegro.
2. Montenegro shall also readmit:
  - (a) 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 Switzerland,
  - (b) 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 Montenegro, unless they have an independent right of residence in Switzerland.
3. Montenegro shall also readmit persons who have been deprived of, or who have renounced, the citizenship of Montenegro since entering the territory of Switzerland, unless such persons have at least been promised naturalisation by Switzerland.
4. After Montenegro has given a positive reply to the readmission application, the competent Diplomatic Mission or Consular Office of Montenegro 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 two 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 Montenegro shall, within 14 calendar days, issue a new travel document with a period of validity of the same duration. If Montenegro 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 *Laissez-Passer*) issued by the competent Swiss authority.
5. In case the person to be readmitted possesses the citizenship of a third State in addition to Montenegrin citizenship, Switzerland shall take into consideration the will of the person to be readmitted to the State of his/her choice.