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**United Kingdom of Great Britain and Northern Ireland
and
Switzerland**

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Swiss Federal Council on the readmission of persons present without authorization (with protocol). Bern, 16 December 2005

Entry into force: *16 October 2006, in accordance with article 25*

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**Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
et
Suisse**

Accord entre le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et le Conseil fédéral suisse relatif à la réadmission de personnes présentes sans autorisation (avec protocole). Berne, 16 décembre 2005

Entrée en vigueur : *16 octobre 2006, conformément à l'article 25*

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**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
SWISS FEDERAL COUNCIL ON THE READMISSION OF PERSONS
PRESENT WITHOUT AUTHORISATION**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Swiss Federal Council, hereinafter referred to as "a Contracting Party" or "the Contracting Parties" as appropriate,

Desiring to improve co-operation between the two Contracting Parties in order to contribute to the prevention and combating of illegal cross border migration,

Wishing to facilitate readmission of persons whose entry or residence on the territories of their States is illegal, and transiting of such persons to Third Party States,

Having regard to the need to abide by basic human rights and freedoms, guaranteed by their national legislation and by international agreements in force for the Contracting Parties,

Have agreed as follows:

ARTICLE 1

Definitions

For the purpose of this Agreement and the Protocol to this Agreement, the following terms shall have the following meanings:

- (1) "Residence Permit" means an authorisation of any type issued by one Contracting Party, entitling the person to stay on the territory of the State of that Contracting Party, with the exception of Visas and temporary authorisations for stay issued during examination of an application for a Residence Permit or for asylum.
- (2) "Citizen" and "Citizenship", in respect of the United Kingdom of Great Britain and Northern Ireland, refer only to British Citizens and British Citizenship, and in respect of the Swiss Confederation refer to Swiss Citizens and Swiss Citizenship, and to Citizens of Liechtenstein and Liechtenstein Citizenship.
- (3) "Right of Abode", applies only in respect of the United Kingdom of Great Britain and Northern Ireland, and has the meaning contained in the relevant national legislation.
- (4) "Visa" means an authorisation or decision by a country or territory, including any Contracting Party, to enable a person to enter and remain on the territory of its

State, subject to the conditions according to which the Visa was issued being fulfilled.

(5) “Permission to Transit” means an authorisation or decision of, or a Visa required by, a Contracting Party to enable a Third Party Citizen to transit through the territory of its State or pass through the transit zone of a port or airport, subject to the other transit conditions being fulfilled.

(6) “Third Party Citizen” means a person who does not have Citizenship of, or the Right of Abode in, the United Kingdom of Great Britain and Northern Ireland, the Swiss Confederation or the Principality of Liechtenstein, and “Third Party State” means any country or territory other than the United Kingdom of Great Britain and Northern Ireland, the Swiss Confederation or the Principality of Liechtenstein.

(7) “Working Day” means a day which is not a Saturday, Sunday or public holiday in the State of either of the Contracting Parties.

(8) (a) Subject to paragraph (8)(c) of this Article, the “Competent Authorities” in relation to the United Kingdom of Great Britain and Northern Ireland means:

(i) for the delivery of an application to the Competent Authorities in the Swiss Confederation, the acceptance of a reply to a request, for the procedure to obtain a travel document from the Embassy or consular offices of the Swiss Confederation in the United Kingdom of Great Britain and Northern Ireland, and for all notifications for persons to be returned to the Swiss Confederation:

- the Immigration and Nationality Directorate of the Home Office;

(ii) for the acceptance of an application by the Competent Authorities for the Swiss Confederation, for the delivery of a reply to a request and for the delivery of all notifications of persons to be returned to the United Kingdom of Great Britain and Northern Ireland:

- the Immigration and Nationality Directorate of the Home Office;

(iii) for the issue of passports and other travel documents following a positive reply to the request:

- the Embassy or consular offices of the United Kingdom of Great Britain and Northern Ireland in the Swiss Confederation.

- (b) Subject to paragraph (8) (c) of this Article, the “Competent Authorities” in relation to the Swiss Confederation means:
- (i) for the delivery of an application to the Competent Authorities in the United Kingdom of Great Britain and Northern Ireland, the acceptance of a reply to a request, for the procedure to obtain a travel document from the Embassy or consular offices of the United Kingdom of Great Britain and Northern Ireland in the Swiss Confederation, and for all notifications for persons to be returned to the United Kingdom of Great Britain and Northern Ireland;
 - the Federal Department of Justice and Police;
 - (ii) for the acceptance of an application by the Competent Authorities of the United Kingdom of Great Britain and Northern Ireland, for the delivery of a reply to a request and for the delivery of all notifications of persons to be returned to the Swiss Confederation;
 - the Federal Department of Justice and Police;
 - (iii) for the issue of passports and other travel documents following a positive reply to the request:
 - the Embassy or consular offices of the Swiss Confederation in the United Kingdom of Great Britain and Northern Ireland.
- (c) Any changes to the definition of “Competent Authorities” of one Contracting Party shall be notified to the other Contracting Party through diplomatic channels. Any such change shall take effect on the Working Day following receipt of such notification by the other Contracting Party.
- (9) “Requesting Contracting Party” means a Contracting Party which makes a request to the Requested Contracting Party to readmit a person or permit transiting pursuant to the terms of this Agreement; and “Requested Contracting Party” means the Contracting Party to which such a request is made.
- (10) “Child” or “Children” shall mean persons not having attained the age of 18 years on the date the request for readmission is made.
- (11) “In Writing” shall mean in writing in the English language.

PART 1

READMISSION OF CITIZENS AND PERSONS WITH RIGHT OF ABODE

ARTICLE 2

Duty to readmit

(1) The Requested Contracting Party shall readmit, at the request of the Requesting Contracting Party and without formalities other than those provided for in this Agreement, any person who does not meet, or who no longer meets the requirements for entry or residence on the territory of the State of the Requesting Contracting Party, provided that person is properly identified and it is proven in accordance with paragraph (1) of Article 3 of this Agreement or may be reasonably presumed in accordance with paragraph (2) of Article 3 of this Agreement that either the person is a Citizen of, or other person with a Right of Abode in, the State of the Requested Contracting Party, or the person was (on his or her last entry to the territory of the State of the Requesting Contracting Party) a Citizen of the Requested Contracting Party but has subsequently relinquished his or her Citizenship and not acquired some other Citizenship.

(2) A Requesting Contracting Party shall readmit, at the request of the Requested Contracting Party and without formalities other than those provided for in this Agreement, any person who formerly departed from the territory of its State in accordance with paragraph (1) of this Article if subsequent checks reveal that at the time of departure that person was not a Citizen of, or other person with a Right of Abode in, the Requested Contracting Party. In such a case the Contracting Party which had admitted that person shall return all documents received from the other Contracting Party in connection with the initial readmission. The obligation to readmit under this paragraph shall not apply where the Requested Contracting Party has deprived the person in question of his or her Citizenship or Right of Abode, or the person had relinquished or allowed to lapse his or her Citizenship or Right of Abode, after that person had entered the territory of the State of the Requesting Contracting Party without that person at least having been promised naturalisation by the Requesting Contracting Party.

ARTICLE 3

Means of determining identity and Citizenship or Right of Abode of persons to be readmitted

(1) The identity and Citizenship or Right of Abode of any person to be readmitted pursuant to paragraph (1) of Article 2 of this Agreement, shall be proven through any one of the following valid documents: