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**Turkey
and
Belarus**

Readmission Agreement between the Government of the Republic of Turkey and the Government of the Republic of Belarus (with annexes). Minsk, 29 March 2013

Entry into force: *1 June 2014, in accordance with article 21*

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**Turquie
et
Bélarus**

Accord de réadmission de personnes entre le Gouvernement de la République turque et le Gouvernement de la République du Bélarus (avec annexes). Minsk, 29 mars 2013

Entrée en vigueur : *1^{er} juin 2014, conformément à l'article 21*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**READMISSION AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF TURKEY AND
THE GOVERNMENT OF THE REPUBLIC OF BELARUS**

Preamble

The Government of the Republic of Turkey and the Government of the Republic of Belarus, (hereinafter referred to as the Parties),

Confirming their willingness to develop the existing good cooperation and to strengthen their partnership in the field of migration management,

Seeking to develop partnership between the two States, as well as cooperation in combating illegal migration and transnational organized crime,

Believing that agreement on the principles and norms setting the procedure for the safe and orderly return, admission and transfer of persons who do not fulfill the conditions for entry to, presence in, or residence on the territories of the Parties' States, and also the facilitation of the transit of such persons in a spirit of cooperation, is an integral part of migration management processes and a contribution to fight against migrant smuggling and related organized crime,

Noting the Cooperation Agreement between the Government of the Republic of Turkey and the Government of the Republic of Belarus on Fighting against International Organised Crime, International Illicit Trafficking in Narcotic Drugs and International Terrorism, of July 24, 1996.

Emphasizing that this Agreement shall be without prejudice to the rights, obligations and responsibilities of the Parties arising from the norms of international law and, in particular, the United Nations Convention of the Status of Refugees of July 28, 1951, the United Nations Protocol Relating to the Status of Refugees of January 31, 1967, as well as the United Nations Convention against Transnational Organized Crime and Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, of November 15, 2000,

And also taking into account the correlated nature of conclusion of this Agreement and the Agreement between the Government of the Republic of Turkey and the Government of the Republic of Belarus on the Mutual Abolition of Visas,

have agreed as follows:

Article 1
Definitions

For the purposes of this Agreement, the terms given below shall have the following meaning:

- a) Citizen of the Republic of Turkey – any person who holds the citizenship of the Republic of Turkey in accordance with its legislation;
- b) Citizen of the Republic of Belarus – any person who holds the citizenship of the Republic of Belarus in accordance with its legislation;
- c) Requesting State – the Party whose competent authority submits a readmission or transit application;
- d) Requested State – the Party to whose competent authority a readmission or transit application is addressed to;
- e) Third-Country National – any person who is not national of the Republic of Turkey or the Republic of Belarus and who holds the nationality of another State;
- f) Stateless Person – any person who is not national of the Republic of Turkey or the Republic of Belarus and who has no evidence of holding the nationality of a third country;
- g) Competent Authorities – the national authorities of the Republic of Turkey or the Republic of Belarus, dealing with the implementation of this Agreement and indicated in paragraph 1 of Article 12;
- h) Readmission – transfer by the competent authority of the requesting State and admission by the competent authority of the requested State, in accordance with the conditions and procedure set forth in this Agreement, of persons who have entered or are staying in the territory of the requesting State in violation of its legislation governing entry, exit and stay of foreign nationals and stateless persons.

SECTION I
READMISSION OBLIGATIONS OF THE PARTIES

Article 2
Readmission of Citizens of the States of the Parties

1. The competent authority of the requested State shall readmit, upon application of the competent authority of the requesting State, persons who have entered or are staying in the territory of the requesting State in violation of its legislation governing entry, exit and stay of foreign citizens and stateless persons, if it is established that they are citizens of the

requested State or have lost their nationality after entry into the territory of the requesting State without obtaining the nationality of another State.

2. If required, the diplomatic mission or the consular post of the requested State shall issue for the person to be readmitted, documents necessary for his/her entry into the territory of that State.

3. The documents that shall be used to determine whether or not a person has the nationality of one of the Parties' States are listed in the Annex I to this Agreement. The Parties shall exchange through diplomatic channels, specimens of documents, enumerated in Annex I of this Agreement no later than 60 (sixty) days from the date of signing of this Agreement. Each Party shall notify the other Party through diplomatic channels of any changes in drawing up of these documents or implementation of new ones and shall deliver the specimens of these documents no later than 60 (sixty) days prior to their coming into force.

4. The competent authority of the requesting State shall readmit the person back within 30 (thirty) days from the date of his/her transfer (return) if the competent authority of the requested State determines the absence of the conditions for readmission of the person, as provided for in paragraph 1 of this Article. In this case the competent authority of the requested State shall hand over to the competent authority of the requesting State all the documents (or their attested copies) and also materials at its disposal regarding the person in question. For returning the person to the competent authority of the requesting State the competent authority of the requested State issues the person the document for the entry (return), in accordance with Annex II to this Agreement.

5. The competent authorities of the Parties' States carry out the readmission of the persons mentioned in paragraph 1 of this Article by air.

Article 3

Readmission of Third-Country Citizens and Stateless Persons

1. Upon application by the competent authority of the requesting State, the competent authority of the requested State shall readmit third-country citizens and stateless persons who have entered the territory of the requesting State directly from the territory of the requested State in violation of the legislation of the requesting State governing entry, exit and stay of foreign citizens and stateless persons, if evidence listed in the Annex III of this Agreement was presented proving that such person:

at the time of the readmission application submission has legal grounds for staying or living in the territory of the requested State;

entered the territory of the requesting State directly from the territory of the requested State.

2. After the competent authority of the requested State granted the readmission application of the person indicated in paragraph 1 of this Article, and in case the person

does not possess any document allowing him/her to return to the country of his/her nationality or permanent residence, the competent authority of the requesting State issues the person with a document for his/her entry (return), which shall be recognized by the requested State as valid for the entry into its territory. The period of validity of this document shall not exceed 90 (ninety) days.

3. The competent authority of the requesting State shall readmit the transferred person back within 45 (forty five) days from the date of his/her transfer if the competent authority of the requested State determines the absence of the necessary conditions for his/her readmission, as provided for in paragraph 1 of this Article. In this case competent authority of the requested state shall submit to the competent authority of the requesting State an application for the return of such person in accordance with the Annex IV of this Agreement and shall hand over to the competent authority of the requesting State all the documents (or their attested copies) and also materials at its disposal regarding the person in question. In this case the available document for the entry (return) of the person shall be used to return the person to the competent authority of the requesting State. Request for re-entry shall be examined within 15 (fifteen) days by the competent authority of the requesting State.

4. Provisions of this Article shall not apply to persons, who at the moment of their entry into the territory of the requesting State had a valid visa, a temporary or permanent residence permit issued by the requesting State in accordance with its legislation or who have received a registration, a temporary or permanent residence permit in accordance with legislation of the requesting State after their entry into the territory of that State, except the persons, who have received a registration or a temporary residence permit during the period of consideration of their petitions for the granting of the status of refugee or secondary protection or asylum.

5. The competent authorities of the Parties' States carry out the readmission of third-country citizens and stateless persons by air.

6. The competent authorities of the Parties' States shall use all their available possibilities with a view to return a person referred to in this Article to the country of citizenship or permanent residence, particularly to those countries which have a common border with the territory of the requesting State.

SECTION II

READMISSION PROCEDURE AND TRANSIT OPERATIONS

Article 4

Readmission Application

1. The competent authority of the requesting State shall submit a readmission application to the competent authority of the requested State within 30 (thirty) days from the date when the fact of the person's unauthorized entry into or stay in the territory of the requesting State was established and (or) he/she was identified.