

No. 55396*

**Poland
and
Viet Nam**

Agreement between the Government of the Republic of Poland and the Government of the Socialist Republic of Viet Nam on transferring and readmitting citizens of both States (with protocol and annexes). Hanoi, 22 April 2004

Entry into force: *14 May 2005, in accordance with article 15*

Authentic texts: *English, Polish and Vietnamese*

Registration with the Secretariat of the United Nations: *Poland, 12 October 2018*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Pologne
et
Viet Nam**

Accord entre le Gouvernement de la République de Pologne et le Gouvernement de la République socialiste du Viêt Nam relatif au transfert et à la réadmission de citoyens des deux États (avec protocole et annexes). Hanoï, 22 avril 2004

Entrée en vigueur : *14 mai 2005, conformément à l'article 15*

Textes authentiques : *anglais, polonais et vietnamien*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Pologne, 12 octobre 2018*

**Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

AGREEMENT

**between
the Government of the Republic of Poland
and
the Government of the Socialist Republic of Vietnam
on transferring and readmitting citizens of both States**

The Government of the Republic of Poland and the Government of the Socialist Republic of Vietnam, hereinafter referred to as “the Contracting Parties”.

- *desiring to develop mutual cooperation and ensure travelling of the citizens of the States of the Contracting Parties,*
- *respecting the provisions of the international agreements and counteracting illegal migration,*
- *aiming to set forth for the competent authorities of the States of the Contracting Parties the uniform terms and conditions of transferring and readmitting the citizens of the State of a Contracting Party who are out of compliance with the terms and conditions of entry and stay on the territory of the State of the other Contracting Party.*

have agreed as follows:

Article 1

1. Pursuant to the provisions of this Agreement, upon the request of the Polish Party, the Vietnamese Party shall readmit the citizens of the Socialist Republic of Vietnam, who are out of compliance with the terms and conditions of entry and stay on the territory of the Republic of Poland, hereinafter referred to as “transferred persons”.

2. The Polish Party shall immediately readmit, without unnecessary formalities, any transferred persons, provided that upon the arrival into the Socialist Republic of Vietnam and verification by the competent authorities of the Vietnamese Party, it turns out that these persons do not hold the Vietnamese citizenship or are out of compliance with other terms and conditions of this Agreement.

Article 2

1. The transfer and readmission shall be subject to the national laws of the States of both Contracting Parties and the international law, and shall also guarantee the observance of order and safety rules, respect for dignity, including the humanitarian aspects and integrity of the transferred persons' family.
2. If the transferred persons presents the evidence that it is necessary for this person to settle particular personal or property matters, the Polish Party, for a definite period of time, shall allow this person, prior to transferring, on case-by-case basis justified by the specific situation, to settle these matters.
3. The transferred persons have the right, in accordance with the provisions of the national laws of the Republic of Poland, to take or transfer to the Socialist Republic of Vietnam any property, including any means of payment, legally acquired during the stay in the Republic of Poland.

Article 3

The Vietnamese Party, upon carrying out the verification procedure, shall readmit the transferred person pursuant to paragraph 1 of Article 1 provided that the person concerned meets the following terms and conditions:

- 1) holds the Vietnamese citizenship and does not hold any other citizenship,
- 2) had, at any time, prior to arrival on the territory of the Republic of Poland, a permanent residence on the territory of the Socialist Republic of Vietnam and does not have a permanent residence in a third country,
- 3) has received an expel decision to be implemented in accordance with the provisions of the national laws of the Republic of Poland.

Article 4

1. Upon the request of the Vietnamese Party, the Polish Party shall once more reconsider the transfer, provided that the person concerned has not already been transferred, following the receipt from the Vietnamese Party of any additional findings resulting from the verification procedure referred to in Article 3.
2. In the event the transferred person holds a valid permit for entry and stay in a third country, the Polish Party shall enable the transferred person to leave to this country and shall refrain from transferring this person to the Vietnamese Party.

Article 5

1. The Vietnamese Party shall answer to the readmission request concerning the transferred person issued by the Polish Party within 45 days from the date of receipt of such a request. The Vietnamese Party shall put its best efforts to shorten the response time when the Polish Party notifies the Vietnamese Party that the transferred person has been put in a guarded facility or under detention in order to be expelled.
2. The Polish Party shall notify the Vietnamese Party of the scheduled transfer date of a transferred person at least 15 days prior to this date.
3. The readmission request subject to paragraph 2 of Article 1 shall be filed by the Vietnamese Party to the Polish Party within 90 days from the transfer date of the person concerned to the Vietnamese Party, except when this person, on the transfer date, did not hold a Vietnamese citizenship.

Article 6

Any costs associated with the transfer of the person referred to in paragraphs 1 and 2 of Article 1, shall be borne by the Polish Party.

Article 7

In order to ensure effective implementation of the provisions of this Agreement, the Contracting Parties shall cooperate in the field of exchange of experts and experience, and delivery of training and also organisationally, technically and technologically support each other.

Article 8

1. Personal data required for the implementation of this Agreement may include:
 - a) personal information on the transferred person and, if necessary, the members of his/her family, i.e. surname, first name, previous names (if applicable), nicknames or pseudonyms, other names, date and place of birth, sex, present and possible previous citizenship(s),
 - b) passport, identity card and documents for identity confirmation, documents for identity verification, border passes or other border-crossing authorisations (number, validity, date of issue, issuing authority, place of issue, etc.),
 - c) other information used to identify the transferred persons,

d) places of stay and description of the travel routes,

e) issued stay permits or a visa,

f) other materials serving persons identification, if applicable, which could be used to check the terms and conditions of readmission of the transferred persons, subject to this Agreement.

2. The transfer of personal data shall be performed in accordance with the national laws of the States of each of the Contracting Parties, subject to the following principles:

a) personal data may only be used for the purpose and subject to conditions specified by the transferring authority,

b) upon request of the transferring authority the receiving authority shall notify the transferring authority of the method of using the provided data and achieved results,

c) personal data may be provided only to competent authorities and services. The data may be provided to other authorities or services only upon a prior consent of the transferring authority,

d) the transferring authority shall pay attention to the exactness of the transferred data as well as the need and commensurability of their transferring for the intended purpose. The prohibitions of transferring data as permitted by the existing national laws of the State of the transferring authority must be observed. In the event of transferring the incorrect or prohibited data, the receiving authority should be immediately notified and is obliged to correct or destroy such data,

e) the transferring authority and the receiving authority shall document the fact of transfer and receipt of the personal data,

f) the transferring authority and the receiving authority shall effectively protect the provided personal data against access by unauthorised persons, change and disclosure.

Article 9

Methods and procedure of implementation of this Agreement as well as competent authorities responsible for its enforcement are specified in the Protocol. The Protocol constitutes an integral part of this Agreement.