



*REPUBLIKA E KOSOVES - ZYRA E PRESIDENTIT*  
*REPUBLIC OF KOSOVO - OFFICE OF THE PRESIDENT*  
*REPUBLIKA KOSOVA - URED PREDSEDNIKA*

**DECREE FOR RATIFICATION ON THE INTERNATIONAL AGREEMENT**

Pursuant to Article 18, section 2 of the Constitution of the Republic of Kosovo and the article 4, section 3 of the Law on Ministry of Foreign Affairs and Diplomatic Service,

**DECREE**

Ratification of the "Agreement between the Government of the Republic of Kosovo and the Government of the Republic of Albania, for re-admission of persons" signed on 6 October 2009.

The notice on ratification of this agreement is sent to the Assembly of Republic of Kosovo, in accordance with the article 18, section 3 of the Constitution of the Republic of Kosovo.

The ratified agreement enters into force on a date of publication in the Official Gazette.

Decree no.: DMN-010-2009

Pristina, 17 November 2009

---

Dr.Fatmir Sejdiu

President of the Republic of Kosovo

**AGREEMENT**

**BETWEEN**

**THE GOVERNMENT OF THE REPUBLIC OF KOSOVO**

**AND**

**AND THE COUNCIL OF MINISTERS OF THE REPUBLIC OF  
ALBANIA**

**THE**

**ON READMISSION OF PERSONS RESIDING WITHOUT  
AUTHORISATION**

The Government of the Republic of Kosovo and The Council of Ministers of the Republic of Albania (Hereinafter referred to as "Contracting Parties)

Willing to develop friendly relations between both States,

Guided by intention to cooperate on the basis of reciprocity in addressing the issues of readmission of persons staying illegally in the territory of the State of the other Contracting Party,

Desirous of thus contributing to preventing illegal movement of persons, and in accordance with the principles of European cooperation and in compliance with mutual interests,

Have agreed as follows:

## **I READMISSION OF THE CITIZENS OF THE STATES OF THE CONTRACTING PARTIES**

### **Article 1**

1. Each Contracting party shall admit in his territory, at the request of the other Contracting Party and without any formalities, a person staying illegally in the territory of the State of the requesting Contracting Party if it is proved or validly assumed that this person possesses the citizenship of the State of the requested Contracting Party.
2. The requesting Contracting Party shall readmit the person referred to in paragraph 1 under the same conditions if subsequently, on the basis of further investigations, is established that at the time of his/her transfer from the territory of the State of the requesting Contracting Party he/she was not in possession of the citizenship of the State of the requested Contracting Party.
3. In the case of intention of transferring the person referred to in paragraph 1, who needs special care because of his/her age, bad health condition or for any other important reason, each Contracting Party shall inform of it the other Contracting Party. The answer of the latter Contracting Party concerning place and time of admission of that person shall be sent without any delay, not later than (14) working days from delivery of the notice.

### **Article 2**

1. If the citizenship has been proved or validly assumed, the diplomatic mission or consular authority of the requested Contracting Party shall, at the request of the requesting Contracting Party, issue without any delay a substitute travel document necessary for the return of the person to be transferred to pursuant to Article 1 paragraph 1.
2. In case of doubts on the validity of assumed citizenship, the diplomatic mission or consular authority of the requested Contracting Party shall hear the person within seven (7) days from the submission of application for the readmission of the person. Upon approval by the diplomatic mission or consular authority, the requesting Contracting Party shall arrange this hearing in the shortest possible time. If the hearing shows that the person possesses the citizenship of the State of the requested Contracting Party, the diplomatic mission or consular authority shall immediately issue a substitute travel document.

## **II**

## **READMISSION OF THE THIRD COUNTRIES CITIZENS AND THE STATELESS PERSONS**

### **Article 3**

1. If the person who has entered the territory of the requesting Contracting Party fails to comply with the prerequisites in force for the entry or residence, and if such person is in possession of valid visa or a valid residence permit issued by the requested Contracting Party, the latter Contracting Party shall

readmit him/her at the request of the requesting Contracting Party without any formalities except for those foresaid in this Agreement and its implementing protocol.

2. If both Contracting Parties issued a visa or residence permit, the obligation to readmit shall lie with that Contracting Party whose validity of visa or residence permit expires later.

#### **Article 4**

1. The requested Contracting Party shall admit a third-country national or a stateless person at the request of the requesting Contracting Party if the latter proves or validly assumes that the person, who fails to comply with effective requirements for entry or residence, crossed the state border of the State of the requesting Contracting Party after having stayed in the territory of the State of the requested Contracting Party.

2. An obligation to readmit under paragraph 1 shall not apply to a person, who at the time of his/her entry in the territory of the State of the requesting Contracting Party was a holder of a valid residence permit issued by that Contracting Party, or who was granted residence permit by that Contracting Party following his/her entry.

3. The Contracting Parties shall preferentially make efforts to transfer a third country national to his/her State of origin.

4. The requesting Contracting Party shall readmit a third country citizen or a stateless person under the same conditions if subsequently is established that at the time of his/her transfer from the territory of the requesting Contracting Party the conditions under Article 3, paragraph 1 and Article 4, paragraph 1 had not been met.

#### **Article 5**

An obligation to admit pursuant to articles 3 and 4 shall not apply to a third country citizen and a stateless person:

a) who was granted refugee status by the requesting Contracting Party on the basis of the Convention relating to the Status of Refugees (Geneva, 28 July 1951) and Protocol relating to the Status of Refugees (New York, 31 January 1967),

b) who had been transferred beforehand by the requested Contracting Party to the State of origin or any other State,

c) whose State has a common border with the State of the requesting Contracting Party,

d) who has been staying in the territory of the State of the requesting Contracting Party for more than a hundred and eighty (180) days.

### **III**

#### **ADMISSION IN TRANSIT OF THIRD COUNTRY CITIZENS AND STATELESS PERSONS**

#### **Article 6**

1. Each Contracting Party shall allow a third country citizen transit through the territory of its State if so requested in writing by the other Contracting Party, and shall ensure take-over in the State of destination or in another transit State.

2. The requesting Contracting Party shall guarantee the requested Contracting Party that the person, whose transit is allowed, is in possession of a travel ticket and a valid travel document to the State of destination. The requesting Contracting Party shall take full responsibility for transit of the third country national along the whole route as far as the State of destination.

3. In the case of transit by air accompanied by police escort, the requesting Contracting Party shall provide this as far as the requested Contracting Party under the condition that the police escort does not leave beyond the international area of the airport. If the transit with police escort continues

through the territory of the requested Contracting Party, that Contracting Party shall provide police escort.

#### **Article 7**

1. Transit may be refused if a third country citizen is at risk of:

persecution in the State of destination on the grounds of race, religion, nationality, membership in a certain social group or his/her political opinions,  
criminal prosecution in the State of destination, or execution of a sentence imposed for a criminal offence committed before the transit took place,  
criminal prosecution in the State of destination, or execution of a sentence imposed for a criminal offence committed before the transit took place, except for the cases of illegal crossing of the State borders.

2. A person admitted for transit may be returned to the requesting Contracting Party if the facts referred to in paragraph 1 are ascertained afterwards.

#### **IV**

#### **THE COSTS**

#### **Article 8**

1. Cost related to the readmission of persons pursuant to Article 1, paragraph 1, and Article 4 paragraph 1 as far as the moment of taking over the person by the competent authority of the requested Contracting Party shall be borne by the requesting Contracting Party. Costs related to the possible return of the person to be readmitted shall be also borne by the requesting Contracting Party.

2. Costs of transfer of a third country national up to the border of the State of destination, including costs related to the transit through the territory of the requested Contracting Party, as well as costs related to his/her possible return, shall be borne by the requesting Contracting Party.

#### **V**

#### **PERSONAL DATA PROTECTION**

#### **Article 9**

1. The personal data communicated, which are necessary for the purpose of implementing this Agreement, shall be protected in compliance with national legal regulations of the Contracting Parties.

2. If the implementation of this Agreement requires an exchange of personal data between the Contracting Parties on the person, these may concern only the following:

personal data of the person to be transferred or readmitted, his/her next of kin (name, surname, previous names, nicknames, assumed names, date and place of birth, sex, nationality),  
passport, identity card, other identity papers or travel documents and laissez-passers (number, date of expiry, date of issue, issuing authority, place of issue),  
other data necessary to identify the person to be transferred or readmitted,  
place of sojourn and the route,  
residence permits or visas issued by one of the Contracting Parties.

## VI

### GENERAL AND FINAL PROVISIONS

#### Article 10

The Ministry of Interior of the Republic of Albania and the Ministry of Interior of the Government of the Republic of Kosovo shall conclude an implementing Protocol in which they shall specify:

- a) the documents proving or validly assuming the nationality of the Contracting Parties,
- b) content of the requests for readmission and transit, the method of submitting and processing them,
- c) means of proving or validly assuming entry or stay in the territory of the State of the Contracting Party,
- d) the competent authorities authorized to implement this Agreement,
- e) border crossing points used for the implementation of this Agreement.

#### Article 11

1. The competent authorities of the Contracting Parties authorized to implement this Agreement shall co-operate and consult directly.
2. In case of difficulties in connection with the implementation of the present Agreement, a request for consultation shall be submitted through diplomatic channels.
3. Each Contracting Party shall designate at least two experts to assess the fulfillment of the Agreement and, if necessary, to present proposals on the solution of the issues related to its implementation. Other experts from interested matters may also be invited to such deliberations.

#### Article 12

1. Provisions of this Agreement shall be without prejudice to the obligations regarding readmission or transfer of third country nationals, which arise for the Contracting Parties from other international agreements.
2. Provisions of this Agreement shall not impede the implementation of the provisions of the Convention relating to the Status of Refugees (Geneva, 28 July 1951) and Protocol relating to the Status of Refugees (New York, 31 January 1967).
3. Provision of this Agreement shall not impede the implementation of the agreements signed by the Contracting Parties regarding human rights protection.

#### Article 13

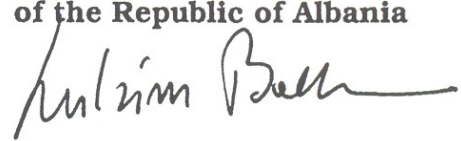
1. This Agreement is concluded for an indefinite period of time. The Agreement shall enter into force on the thirtieth (30) day following the day of the exchange of notes by which the Contracting Parties notify each other of the fulfillment of the national requirements necessary for entry into force of the present Agreement.
2. Each Contracting Party may suspend the implementation of this Agreement, fully or partially, except for Article 1, on the grounds of the protection of national security, public order or public health. The Contracting Parties shall, without any delay, notify each other of taking or canceling such measure through diplomatic channels. Suspension of the implementation of the Agreement shall enter into force upon delivery of the notice to the other Contracting Party.
3. Each Contracting Party may denounce the Agreements in writing through diplomatic channels. In such case the Agreement shall expire on the ninetieth (90) day following the day of delivery of the notice of termination to the other Contracting Party.

Done at Prishtina, on 6.10.2009, in two originals, each in the Albanian, Serbian and English language, each of these texts being equally authentic. In case of contradictory interpretation, the English text shall prevail.

**For the Government  
of the Republic of Kosovo**



**For the Council of Minister  
of the Republic of Albania**



**PROTOCOL  
IMPLEMENTING AGREEMENT  
BETWEEN  
THE GOVERNMENT OF THE REPUBLIC OF KOSOVO AND  
THE COUNCIL OF MINISTERS OF THE REPUBLIC OF ALBANIA  
ON READMISSION OF PERSONS**

Ministry of Internal Affairs of the Republic of Kosovo and Ministry of Interior of the Republic of Albania (hereinafter referred to as "Contracting Parties),

Pursuant to Article 10 of the Agreement between the Government of the Republic of Kosovo the and Council of Ministers of the Republic of Albania on Readmission of Persons concluded at \_\_\_\_\_ on \_\_\_\_\_ (hereinafter referred to as the "Agreement"), with a view to making effective and facilitating the implementation of the Agreement;

Have agreed as follows:

**ARTICLE 1**

**MEANS OF EVIDENCE AND VALIDLY ASSUMING OF CITIZENSHIP**

1. The citizenship of the person to be transferred according to the Article 1 of this Agreement will be established on the basis of the following valid documents:

For Kosovo citizenship:

- a) identity card
- b) Passport of the Republic of Kosovo
- c) Valid birth certificate
- d) Citizenship certificate

For Albanian citizenship:

- a) identity card
- b) Birth certificate with photograph
- c) passports of all types/Laisser-Passer
- d) Military service record book
- e) Driving license

2. The citizenship is proved without necessity of further investigation when valid evidence referred to paragraph 1 of this article is submitted.
3. The citizenship of the person to be transferred in accordance with Article 1 of the Agreement is validly assumed by means of the following documents:
  - a) A photocopy of each of the documents referred to in paragraph 1, point 1, of this Protocol,
  - b) Driving licenses or photocopies thereof;
  - c) Birth certificates or photocopies thereof
  - d) Statements by witnesses
  - e) Statements made by the person concerned and language spoken by him/ her, including means of an official test result;
  - f) Any other document which may help to establish the nationality of the person concerned
4. The citizenship should be deemed validly assumed by the Contracting Parties, unless otherwise stated by the requested Contracting Parties.



5. If the requesting Contracting Party readmits the person, because subsequently is established that he/she was not in possession of the nationality of the State of the requested Contracting Party shall return all the documents in its possession of that readmitted person to the requesting Contracting Parties.

## **ARTICLE 2**

### **THE REQUEST FOR THE READMISSION OF THE CITIZENS OF THE CONTRACTING PARTY**

1. The request for the readmission of the citizen of the Contracting party submitted pursuant to Article 1 of the Agreement must contain, in particular, the following information:
  - a) Identity data on person to be readmitted,
  - b) Particulars concerning the documents referred to in Article 1 of this Protocol allowing to prove or validly assume the citizenship of the person to be readmitted,
  - c) Information on the need to provide the person to be readmitted with special health care or other type of care.
2. The request for readmission will be written in the same form the standard exemplar which the annex attached to this Protocol.
3. The request for readmission shall be forwarded directly to the authorities specified in Article 7 of this Protocol, by e-mail, fax or by every official way of communication.
4. Transfer of the person to be readmitted shall take place only upon receipt of the Requested State Party's consent on admission.

## **ARTICLE 3**

### **THE REQUEST FOR READMISSION OF A THIRD COUNTRY CITIZENS AND STATELESS PERSON**

1. The request for readmission of third country citizen or stateless persons submitted pursuant to the provisions of Article 3 and 4 of the Agreement must contain, in particular, the following information:
  - a) identity data on the person to be readmitted;
  - b) particulars concerning the documents referred to in Article 3 and 4 of this Agreement allowing to prove or validly assume the entry or stay or transit of the person to be readmitted in the territory of the State of the requested Contracting Party,
  - c) information regarding need to provide the person to be readmitted with special health care or other type of care.
2. The request for readmission will be written in the same form the standard exemplar which the annex attached to this Protocol.
3. The request for readmission shall be forwarded directly to the authorities specified in Article 7 of this Protocol, in particular: by e-mail, fax or regular mail.
4. Transfer of the person to be readmitted shall take place only upon expired time limit defined in Agreement.

## **ARTICLE 4**

### **MEANS ESTABLISHING AND VALIDLY ASSUMING OF THE ENTRY OR THE RESIDENCE OF THIRD-COUNTRY CITIZENS AND STATELESS PERSONS IN THE TERRITORY OF THE STATE OF REQUESTED CONTRACTING PARTY**

1. Entry of a third country citizen or stateless person in the territory of the requested Contracting Party or his/her residence therein territory will be established on the basis of the following means of evidence:
  - a. Entry/departure stamps or similar endorsement in the travel document of the person concerned or other evidence of entry/departure (e.g. photographic);
  - b. documents, certificates and bills of any kind (e.g. hotel bills, appointments for medical or hospital treatment, entry cards for public/private institutions, car rental agreements, credit card receipts etc.) which clearly show that the person concerned stayed on the territory of the requested State;
  - c. tickets and/or passenger lists of air, train, coach or boat passages which show the presence and the itinerary of the person concerned on the territory of the requested State;
  - d. information showing that the person concerned has used the services of a courier or travel agency;
  - e. official statements made, in particular, by border authority staff and other witnesses who can testify to the person concerned crossing the border;
  - f. official statement by the person concerned in judicial or administrative proceedings.
  
2. Entry of a third country citizen or stateless person in the territory of the requested Contracting Party or his/her residence therein territory will be validly assumed on the basis of prima facie evidence:
  - a. Description of place and circumstances under which the person concerned has been intercepted after entering the territory of the requesting State, issued by the relevant authorities of that State;
  - b. Information related to the identity and/or stay of a person which has been provided by an international organization;
  - c. Reports/confirmation of information by family members, traveling companions, etc.;
  - d. Statement by the person concerned.

## **ARTICLE 5**

### **THE REQUEST FOR TRANSIT OF THIRD COUNTRY CITIZENS OR STATELESS PERSONS**

1. The request for transit submitted in accordance with Article 6 of the Agreement shall contain in particular the following information:
  - a. data concerning identity and citizenship of the person to be transited,
  - b. justification of the application submission
  - c. data related to the valid travel document in possession of the transited person,
  - d. data regarding travel, means of transport, time and place of arrival in the territory of the State of the requested Contracting Party, country and place of destination,
  - e. data concerning the members of a police escort (identity, travel document they possess).
2. The request for readmission will be written in the same form the standard exemplar which the annex attached to this Protocol.
3. The request for transfer shall be forwarded directly to the authorities specified in Article 7 of this Protocol, at least seventy two (72) hours prior to the transit by e-mail or fax or regular mail.
4. The requested Contracting Party shall respond to the application within the shortest possible time, however, not later than forty eight (48) hours from the receipt of the application.

## ARTICLE 6

### **BORDER CROSSINGS POINTS DESIGNATED FOR THE READMISSION OF THE CITIZENS OF CONTRACTING PARTIES, THIRD-COUNTRY CITIZENS , AND FOR THE TRANSIT OF THIRD-COUNTRY NATIONALS AND STATELESS PERSONS**

The following border crossings shall be used for the readmission of the citizens of contracting parties, third-country nationals, and the transit of third-country nationals and stateless persons

In the Republic of Kosovo:

- a. Border Crossing Point Vërnice Prizren  
E-mail: bazavermice. Tel.6186
- b. Border Crossing Point Qafë Prush Gjakovë  
E-mail: bazaqafaprush. Tel.0390324781
- c. Border Crossing Point Qafe Morine Gjakove  
E-mail: bazaqafmorine.Tel.0390370600
- d. International Airport of Prishtina, Prishtinë  
E-mail: bazaaeroportindërkombëtarprishtine.

Tel. 4900

In the Republic of Albania:

- a) Border Crossing Point "Morine" Kukes;  
E-mail: [morine@mrp.gov.al](mailto:morine@mrp.gov.al)
- b) Border Crossing Point "Qaf Morine", Tropojw  
E-mail: [gafemorine@mrp.gov.al](mailto:gafemorine@mrp.gov.al)
- c) Border Crossing Point "Qaf Prush", Has  
E-mail: [gafeprush@mrp.gov.al](mailto:gafeprush@mrp.gov.al)
- d) Border Police Commissariat "Rinas- International Airport"  
Tel/Fax: 00355 42 36 40 28  
E-mail: [rinas@mrp.gov.al](mailto:rinas@mrp.gov.al)

## ARTICLE 7

### **COMPETENT AUTHORITIES HANDLING REQUESTS FOR READMISSION AND FOR TRANSIT**

The competent authorities' responsible handling requests for readmission, transit and for the treatment of legal issues related to them are:

For the Republic of Kosovo:

Ministry of Internal Affairs  
Border, Asylum and Migration Department  
Readmission Sector  
Mail address: Rruga e Tiranës, Ish - Objekti i Kosovares  
Tel: 00381 38 213 715 / 00381 38 213 481 / 00381 38 213 482

e-mail: [mpb.riatdhesimi@ks-gov.net](mailto:mpb.riatdhesimi@ks-gov.net)

[mpb.riatdhesimi1@ks-gov.net](mailto:mpb.riatdhesimi1@ks-gov.net)  
[mpb.riatdhesimi2@ks-gov.net](mailto:mpb.riatdhesimi2@ks-gov.net)

For the Republic of Albania:

Ministry of Interior  
General Directorate of the State Police  
Border and Migration Department  
Mail address: Boulevard "Bajram Curri", Tirana, Albania  
Tel/Fax: 00355 4 22 69 32;  
Tel.: 00355 4 279 251/ 00355 4 279 253  
Fax.: 00355 4 279 263  
e-mail: [policiaakufitare.migracioni@mrp.gov.al](mailto:policiaakufitare.migracioni@mrp.gov.al)

## ARTICLE 8

### IMPLEMENTATION LANGUAGE

While implementing this Protocol, the Contracting Parties shall communicate in the Albanian language.

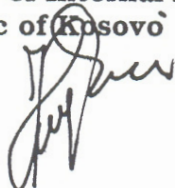
## ARTICLE 9

### FINAL PROVISIONS

1. This Protocol shall come into force simultaneously with the Agreement.
2. The Protocol shall not be implemented during the period of suspension of the Agreement.
3. The Protocol shall expire simultaneously with the expiration of the Agreement.

Done at ..... on .....in two originals, each in the Albanian language, Serbian Language and in English language, each of these texts being equally authentic.

**For the Ministry of Internal Affairs  
of the Republic of Kosovo**



**For the Ministry of Interior  
of the Republic of Albania**

