



***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 France, for "Readmission of Persons Residing without an Authorization", signed on 2 December 2009, and received in the Office of the President of the Republic of Kosovo on 14 January 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-004-2010

Pristina, 21 January 2010

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Dr.Fatmir Sejdiu  
President of the Republic of Kosovo

**AGREEMENT**

**BETWEEN**

**THE GOVERNMENT OF THE REPUBLIC OF KOSOVO**

**AND**

**THE GOVERNMENT OF THE FRENCH REPUBLIC**

**ON THE READMISSION  
OF PERSONS RESIDING WITHOUT AUTHORISATION**

Considering the common desire to develop cultural, economic and human relations between the Republic of Kosovo and the French Republic;

Desirous to develop cooperation between the two Contracting Parties in order to ensure improved implementation of the provisions concerning the movement of persons, with due regard for the rights and guarantees contained in laws and regulations now in force;

In compliance with international treaties and conventions and seeking to combat illegal immigration;

The Government of the Republic of Kosovo and the Government of the French Republic, on the basis of reciprocity, have agreed as follows:

## **Article 1 Definitions**

For the purposes of this Agreement:

(b) "Kosovo national" shall mean any person who holds the nationality of the Republic of Kosovo in accordance with its legislation;

(b) "French national" shall mean any person who holds the nationality of the French Republic in accordance with its legislation;

c) "Third-country national" shall mean any person who holds a nationality other than Kosovo or French nationality;

(f) "Stateless person" shall mean any person who does not hold a nationality;

e) "Residence permit" shall mean a permit of any type issued by the Republic of Kosovo or the French Republic entitling a person to reside in its territory. This shall not include temporary permissions to remain in its territory in connection with the processing of an asylum application or an application for a residence permit;

f) "Visa" shall mean an authorisation issued or a decision taken by the Republic of Kosovo or the French Republic which is required with a view to entry in, or transit through, its territory. This shall not include airport transit visa;

g) "Requesting State" shall mean the State (the Republic of Kosovo or the French Republic) submitting a readmission application pursuant to Article 4 or a transit application pursuant to Article 12 of this Agreement;

g) "Requested State" shall mean the State (the Republic of Kosovo or the French Republic) to which a readmission application pursuant to Article 4 or a transit application pursuant to Article 12 of this Agreement is addressed;

i) "Competent Authorities" shall mean any state authority of the Republic of Kosovo or the French Republic entrusted with the implementation of this Agreement in accordance with Article 15;

j) "Transit" shall mean the passage of a third country national or a stateless person through the territory of the Requested State while travelling from the territory of the Requesting State to the country of destination.

**SECTION I**  
**Readmission Conditions**

**Article 2**  
**Readmission of nationals**

2.1. Each Contracting Party shall readmit in its territory, upon application of the other Contracting Party and without further formalities other than those provided for in this Agreement, any person who does not, or who no longer, fulfils the conditions in force for entry or residence in the territory of the other Party provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that such a person is a national of one of the two Parties.

The means used in the proof and in the presumption of the nationality of the persons concerned shall be determined pursuant to Article 5 of the Implementing Protocol for this Agreement.

2.2. The Requested Party shall also readmit:

- a) minor unmarried children of the persons mentioned in Article 2.1, regardless of their place of birth or their nationality, unless they have an independent right of residence in the Requesting Party's territory,
- b) spouses, holding another nationality, of the persons mentioned in Article 2.1, provided they have the right to enter and stay or receive the right to enter and stay in the Requested Party's territory, unless they have an independent right of residence in the Requesting Party's territory

2.3. In case the person to be readmitted possesses the nationality of a third country in addition to the Requested Party's nationality, the Requesting Party shall take into consideration the will of the persons to be readmitted to the country of their choice.

2.4. Reasons shall be given by the Requested Party for the refusal of a readmission application.

**Article 3**  
**Readmission of third-country nationals and stateless persons**

3.1. The Contracting Party also undertakes to readmit in its territory third-country nationals or stateless persons who do not, or who no longer, fulfil the conditions for entry or residence in the territory of either of the Parties for which it is proved that they have resided in the territory of the other Party. The means used in the proof and in the presumption of conditions for the readmission of third-country nationals or stateless persons are determined by Article 6 of the Implementing Protocol for this Agreement.

3.2. The readmission obligation referred to in Article 3.1 shall not apply for:

- a) Third-country nationals or stateless persons who have only been in airside transit via an international airport of either of the Parties;
- b) Third-country nationals that have a common border with the Requesting Party;
- c) Third-country nationals who, following their departure from the Requested Party's territory or following their entry into the Requesting Party's territory, have held a visa or a residence permit issued by this Party;
- d) Third-country nationals who have lived more than six months in the Requesting Party's territory, this period being assessed on the date the readmission application was communicated;
- e) Third-country nationals to which the Requesting Party granted refugee status under the Convention relating to the Status of Refugees done at Geneva on 28 July 1951, as amended by the Protocol done at New York on 31 January 1967, or in the status of stateless persons through the implementation of the Convention relating to the Status of Stateless Persons done at New York on 28 September 1954;

- f) Third-country nationals who have been effectively deported by the Requested Party to their countries of origin or to a third country.

3.3. For purposes of implementing the provisions of Article 3.1, the Contracting Parties shall seek to return persons concerned to the country of their choice.

3.4. Reasons shall be given by the Requested Party for the refusal of a readmission application.

## **SECTION II Readmission Procedure**

### **Article 4 Readmission Application**

4.1. The readmission application for nationals, third-country national or stateless persons shall be sent by the Competent Authority of the Requesting Party to the Competent Authority of the Requested Party using the form in Annex I of this Agreement. The application shall be expressed in the Requesting Party's official language [or if need be in English: **to be negotiated**] The Parties shall complete readmission application forms.

4.2. Readmission applications must include the following information:

- a) the particulars of the person to be readmitted and, where appropriate, the particulars of minor unmarried children and/or spouses;
- b) documents on the basis of which the nationality shall be proven and the indication of the means with which prima facie evidence of nationality, transit, the conditions for the readmission of third-country nationals and stateless persons and unlawful entry and residence will be provided;
- c) a photograph of the person to be readmitted.

4.3. To the extent possible, the readmission application shall also contain the following information:

- a) a statement indicating that the person to be transferred may need help or care, provided the person concerned has explicitly consented to the statement;
- b) any other protection, security measure or information concerning the health of the person, which may be necessary in the individual transfer case.

### **Article 5 Establishment of Nationality**

5.1. Where the person concerned has a passport or a national identity card which is valid or expired or where the Requesting Party has a positive response dating from less than a year ago to a readmission application, the Requesting Party shall implement the deportation measure without a readmission application.

5.2. Where the person concerned has one of the means used in proof and in the presumption of nationality referred to in Article 5 of the Implementing Protocol for this Agreement, except for the evidence referred to in the previous paragraph, the competent authorities of the Requesting Party shall transmit a readmission application to the Competent Authorities of the Requested Party, in accordance with the procedure set forth in Article 3 of the Implementing Protocol for this Agreement .

5.3. In cases of doubt concerning the evidence used in the presumption of nationality or where such evidence is lacking, the diplomatic and consular authorities of the Requested Party shall within forty-eight (48) hours hear the person concerned, in accordance with the procedure set forth in Article 3 of the Implementing Protocol for this Agreement .

### **Article 6**

#### **Proof of the conditions for the readmission of the third-party nationals and stateless persons**

6.1. Where the proof of conditions for the readmission of third-party nationals or stateless persons is established upon the presentation of the evidence referred to in Article 6 of the Implementing Protocol for this Agreement, the Competent Authorities of the Requesting Party shall transmit a readmission application to the Competent Authorities of the Requested Party in accordance to the procedure set forth in Article 4 of the Implementing Protocol for this Agreement.

6.2. Where the presumption of conditions for the readmission of third-country nationals or stateless persons is furnished upon presentation of the evidence referred to in Article 6 of the Implementing Protocol for this Agreement, the two Parties shall deem the readmission conditions to be established, unless they can prove otherwise. In this case, the Competent Authorities of the Requesting Party shall transmit a readmission application to the Competent Authorities of the Requested Party in accordance with the procedure set forth in Article 4 of the Implementing Protocol for this Agreement.

### **Article 7**

#### **Transmission of readmission agreements**

The readmission application shall be transmitted by email. Where impossible, the two Parties agree to use the quickest communication channel such as a fax machine.

### **Article 8**

#### **Accelerated Readmission**

If a person has been apprehended in an international airport of the Requesting State after illegally crossing the border coming directly from the territory of the Requested State, the Requesting State may submit a readmission application within two working days following this person's apprehension (accelerated procedure).

### **Article 9**

#### **Time limits**

9.1. A readmission application must be replied to within eight (8) calendar days after the date of receipt of the application.

9.2. A readmission application submitted under the accelerated procedure must be replied to within two (2) working days after the date of receipt of the application.

### **Article 10**

#### **Transfer modalities and modes of transportation**

10.1. Before returning a person, the Competent Authorities of the two Parties shall make arrangements in writing in advance regarding the transfer date, the point of entry, possible escorts and other information relevant to the transfer.

10.2. Transportation shall take place by air. Return by air shall not be restricted to the use of the national carriers of the Contracting Parties and may take place by using scheduled or charter flights. In the event of escorted returns, such escorts shall not be restricted to authorised persons of the Requesting Party.

### **Article 11**

#### **Readmission in error**

11.1. The Requesting Party shall take back any person readmitted by the Requested Party if it is established, within three months after checks by the Requested Party subsequent to his or her readmission, that the conditions set forth in Articles 2 to 3 of this Agreement are not met.

11.2. In such cases, all available information relating to the actual identity and the nationality of the person to be taken back shall be provided.

### **SECTION III Transit procedure**

#### **Article 12 Transit Conditions**

12.1. Each of the Contracting Parties, at the request of the other, shall authorise the transit through its territory of third-country nationals who are subject to a deportation measure taken by the Requesting Party.

Transit shall take place by air.

12.2. Transit by air cannot be requested if the deportation measure requires leaving the international area.

12.3. Transit of a third-country national or stateless person by air cannot be requested if the deportation measure requires changing airports in the Requesting Party's territory.

12.4. The Requesting Party shall assume complete responsibility for the continuation of the journey of such foreign nationals to the country of destination and shall take charge of them once again if for any reason the deportation measure cannot be carried out.

12.5. If transit must be carried out under police escort, it shall be provided by the Requesting Party by air until the Requested Party's airports are reached.

12.6. The Requesting Party shall assure the Requested Party that the foreign national for whom transit is authorised has a transportation ticket and a travel document for the country of destination. To this end, the Contracting Parties shall seek to transport the person concerned to his or her country of origin.

12.7. Requests for transit for deportation purposes, using the model in Annex II of this Agreement, shall be transmitted directly between the authorities concerned.

12.8. Such requests shall include information on the identity and nationality of the foreign national, the date of the journey, the time of arrival in the country of transit, the country and place of destination, the travel documents, the nature of the deportation measure and, where applicable, relevant information on the escorting officers.

12.9. The Requesting Party undertakes to readmit third-party nationals if:

- a) the transit authorisation by air is refused or withdrawn;
- b) third-party nationals entered without authorization into the Requested Party's territory during transit;
- c) the deportation of third-country nationals to another country of transit in the country of destination, or the boarding on a connecting flight failed or
- d) transit by air is impossible for any other reason.

12.10. The Requested Party shall assist in readmitting third-country nationals into the Requesting Party's territory in the cases referred to in Article 12.9. The costs related to the return of third-country nationals shall be borne by the Requesting Party.

12.11. Transit for deportation can be refused if:

- The foreign nationals runs the risk of being persecuted because of his race, religion, nationality, membership of a particular social group or political conviction in the country of destination;
- The foreign national runs the risk of accusation or conviction in the criminal courts of the country of

destination for offences or crimes committed prior to the transit.

## **SECTION IV**

### **Costs**

#### **Article 13**

#### **Transit and Readmission Costs**

13.1. All the readmission and transit costs incurred by Requested Party, borne by the Requesting Party pursuant to Article 7 of this Agreement, shall be reimbursed, within 30 days, by the Competent Authority of the Requesting Party upon submission of an invoice with the details of such costs.

13.2. The Competent Authorities of the two Contracting Parties to cover such costs shall be determined in Article 1 of the Implementing Protocol for this Agreement .

## **SECTION V**

### **Personal Data Protection**

#### **Article 14**

#### **Principles**

14.1. The personal data needed for implementing this Agreement and communicated by the Contracting Parties must be processed and protected in compliance with the laws concerning the protection of personal data in force in each State.

14.2. In accordance with Article 14.1:

- i) the requested Contracting Party shall not use the data communicated except for the purposes provided for under this Agreement;
- ii) Each of the two Contracting Parties shall inform the other Contracting Party, at its request, of the use to which the data communicated are put;
- c) The data communicated may be processed only by the authorities invested with competence to implement this Agreement. The data may not be transmitted to other persons without the prior written consent of the Contracting Party which has communicated the data.

## **SECTION VI**

### **Implementation of the Agreement**

#### **Article 15**

#### **Implementing Protocol**

The two Contracting Parties agree to draw up an Implementing Protocol which shall define the following rules:

- a) designation of the Competent Authorities, border crossing points and exchange of contact points;
- b) the modalities for returns of nationals, third-country nationals and stateless persons;
- c) the means used in the proof and in the presumption of nationality;
- d) the means used in the proof and in the presumption of conditions for the readmission of third-country nationals and stateless persons.
- e) conditions for escorted returns, including the transit of third-country nationals and stateless persons under escort.



**SECTION VII****Final Provisions****Article 16****General terms**

16.1. The provisions of this Agreement shall not prejudice the Contracting Parties' obligations to admit or readmit foreign nationals arising from other international agreements, including, with respect to France, the Schengen Agreement of 19 June 1990 and relevant Community provisions.

16.2. The provisions of this Agreement shall not prevent implementation of the provisions of the Convention relating to the Status of Refugees done at Geneva on 28 July 1951, and nor those of the Protocol relating to the Status of Refugees done at New York on 31 January 1967.

16.3. The provisions of this Agreement shall not prevent implementation of the provisions of agreements entered into by the Contracting Parties in the area of the protection of human rights.

**Article 17****Entry into force, duration and termination**

17.1. This Agreement shall enter into force on the first day of the second month following the date of receipt of the second notification concerning the completion of appropriate internal procedures. The date of receipt of the notification shall prevail.

17.2. This Agreement shall remain in force for three years and where there is no objection by one of the Contracting Parties, communicated in writing to the other at least six months beforehand, shall be tacitly renewed for periods of the same duration.

17.3. This Agreement may be amended by mutual consent by way of an exchange of letters between the Contracting Parties.

17.4. Each of the Contracting Parties may suspend or terminate this Agreement subject to three months' prior notice served through diplomatic channels.

17.5. Such suspension or termination shall take effect on the first day of the second month following the date of receipt of the notification to the other Contracting Party concerning the suspension or the termination.

In witness whereof the representatives of the Contracting Parties, duly authorized thereto, have appended their signatures to this Agreement.

DONE at ....., on .....2009, in duplicate, in the Albanian and French languages, both texts being equally authentic.

For the Government of the Republic of Kosovo

For the Government of  
the French Republic

**ANNEX**

**READMISSION APPLICATION**

**Submitted under the Agreement between the Government of the Republic of Kosovo and the Government of the French Republic on the Readmission of Persons Residing without Authorisation**

**Accelerated Procedure**

**A. PERSONAL DETAILS**

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

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.....

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

.....

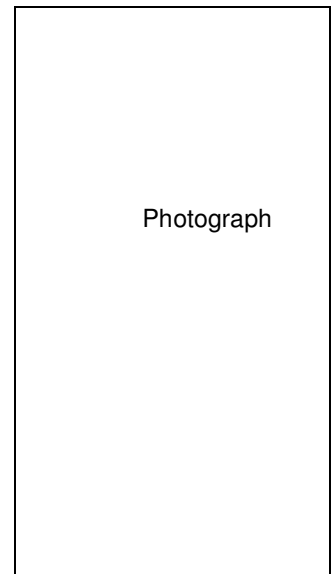
6. Nationality and language:

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7. Marital status (if possible):  married  single  divorced  widowed

If married: spouse's name



Names and age of children (if any):

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.....

8. Last address in the Requesting State:

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9. Last place of residence in the Requested State:

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.....

**B. PERSONAL DETAILS OF SPOUSE (WHERE APPLICABLE)**

1. Full name (underline surname):

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2. Maiden name:

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.....

3. Date and place of birth:

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....  
.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....  
.....

6. Nationality and language:

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.....

7. Last address of residence in the Requested State

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.....

**B. PERSONAL DETAILS OF CHILDREN (WHERE APPLICABLE)**

1. Full name (underline surname):

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.....

2. Date and place of birth:

3. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....  
.....

4. Nationality and language:

.....  
.....

5. Data on parents (date and place of birth), if different from the data supplied under A and B:

.....  
.....

**D. SPECIAL CIRCUMSTANCES RELATING TO THE TRANSFEREE**

1. State of health

(e.g. possible reference to special medical care; Latin name of contagious disease):

.....  
.....

2. Indication of particularly dangerous person

(e.g. suspected of serious offence; aggressive behaviour):

.....  
.....

**E. MEANS OF EVIDENCE ATTACHED**

1.....	.....
(Passport No)	(date and place of issue)
.....	.....
(issuing authority)	(expiry date)
2.....	.....
(Identity card No)	(date and place of issue)
.....	.....
(issuing authority)	(expiry date)
3.....	.....
(Driving licence No)	(date and place of issue)
.....	.....
(issuing authority)	(expiry date)
4.....	.....
(Other official document No)	(date and place of issue)
.....	.....
(issuing authority)	(expiry date)

F. COMMENTS

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(Signature of the Competent Authority of the Requesting State) (stamp/seal)

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**ANNEX II**

**TRANSIT APPLICATION**

**Submitted under the Agreement between the Government of the Republic of Kosovo and the Government of the French Republic on the Readmission of Persons Residing without Authorisation**

**A. PERSONAL DETAILS**

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

.....

.....

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

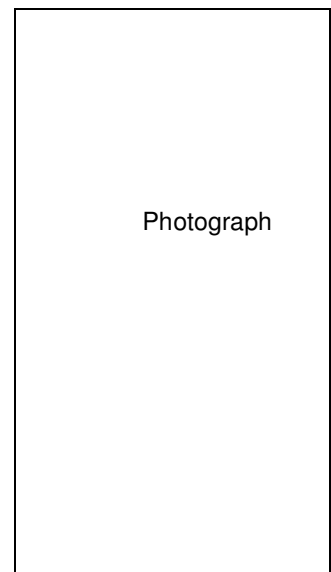
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5. Also known as (earlier names, other names used/by which known or aliases):

.....

.....



6. Nationality and language:

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.....

7. Type and number of travel document:

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**D. SPECIAL CIRCUMSTANCES RELATING TO THE TRANSFEREE**

1. State of health

(e.g. possible reference to special medical care; Latin name of contagious disease):

.....  
.....

2. Indication of particularly dangerous person

(e.g. suspected of serious offence; aggressive behaviour):

.....  
.....

**B. TRANSIT OPERATION**

1. Type of transit

By air

By land



2. State of final destination:

.....  
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3. Possible other States of transit:

.....  
.....

4. Proposed border crossing point, date, time of transfer and possible escorts:

.....  
.....  
.....  
.....

5. Admission guaranteed in any other transit State and in the State of final destination:

yes

no

reason for a refusal of transit

:

6. Knowledge of any

yes

no

**D. COMMENTS**

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(Signature of the Competent Authority of the Requesting State) (stamp/seal)

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