

**AGREEMENT BETWEEN THE REPUBLIC OF THE PHILIPPINES AND
THE SWISS CONFEDERATION ON THE RE-ADMISSION OF
PERSONS WITH UNAUTHORIZED STAY**

The Republic of the Philippines and the Swiss Confederation (hereinafter named the "Contracting Parties")

Wishing to maintain and strengthen the spirit of solidarity and cooperation between them,

Determined to take measures against illegal migration,

Desirous of facilitating the re-admission of persons whose stay has not been authorized,

Have agreed as follows:

**ARTICLE 1
PRINCIPLE OF RE-ADMISSION**

(1) Each Contracting Party shall re-admit, at the request of the other Contracting Party, any person who does not meet, or who no longer fulfills, the requirements for entry or residence in the territory of the requesting Contracting Party, provided that it is proved or can be reasonably presumed that he or she possesses the citizenship of the requested Contracting Party.

(2) Upon application by the requesting Contracting Party, the requested Contracting Party shall, without delay, issue the person to be re-admitted the travel document required for his or her repatriation.

(3) The requesting Contracting Party shall re-admit such person again to its own territory under the same conditions, if it is later determined that he or she did not in fact possess the citizenship of the requested Contracting Party when he or she left the territory of the requesting Contracting Party.

**ARTICLE 2
PROOF OF CITIZENSHIP**

Citizenship shall be proved by presenting a valid passport or a valid national identity card. If either of these documents is presented, the authorities of the requested Contracting Party shall recognize the person's citizenship and no further examination shall be required.

**ARTICLE 3
PRESUMPTION OF CITIZENSHIP**

(1) Citizenship may be presumed by the presentation of any of the following:

- (a) either of the documents mentioned in Article 2 the validity of which has expired as of the date of receipt of the application for re-admission;
- (b) identity card proving membership in the Swiss Army or the Philippine Armed Forces;
- (c) driving licence;
- (d) birth certificate; or
- (e) seaman's registration book.

In this case, citizenship is presumed provided the requested Contracting Party has not contested it.

(2) The presumption of citizenship may also be corroborated by:

- (a) photocopies of any of the above-mentioned documents;
- (b) the protocol of the hearing held according to Article 4 with the person concerned, duly recorded by the authorities concerned of the requesting Contracting Party;
- (c) statements of witnesses;
- (d) particulars supplied by the person concerned; or
- (e) the language of the person concerned.

ARTICLE 4

HEARINGS AND OTHER MEANS OF PROVING OR PRESUMING CITIZENSHIP

1) If the person's citizenship cannot be proved or reasonably presumed on the basis of the documents presented, the diplomatic representation or consular mission of the requested Contracting Party shall, upon the request of the requesting Contracting Party, conduct a hearing on the person concerned without delay.

(2) If the citizenship of the person concerned is established or reasonably presumed during the hearings conducted by the diplomatic representation or consular mission of the requested Contracting Party, the diplomatic representation or consular mission shall immediately issue a travel document.

(3) If the Central Authority of the requested Contracting Party considers it necessary and the requesting Contracting Party so desires, experts may be appointed to conduct hearings with the aim of establishing the person's citizenship. If the citizenship can be reasonably presumed as a result, the requested Contracting Party's diplomatic representation or consular mission shall immediately issue a travel document.

ARTICLE 5

SUBMISSION OF A RE-ADMISSION APPLICATION

(1) A re-admission application shall be in writing and shall include the following information about the person concerned:

- (a) first and family names, maiden name if appropriate;
- (b) sex;
- (c) date and place of birth;
- (d) citizenship;
- (e) last known address in the requested Contracting Party;
and
- (f) type, serial number, duration of validity of the passport or other travel document as well as particulars of the issuing authority, if available. A photocopy of the said document shall also be provided, if available.

(2) If the person concerned needs medical assistance, a description of his or her state of health and of the required medical treatment shall be provided.

ARTICLE 6 TIME-LIMITS

(1) The requested Contracting Party shall reply to a re-admission application within thirty (30) calendar days from receipt thereof.

(2) The requested Contracting Party shall within thirty (30) calendar days re-admit to its territory anyone whose re-admission has been approved. Upon request, this time-limit may be extended as necessary to deal with legal requirements or practical difficulties.

ARTICLE 7 DATA PROTECTION

1) Personal data communicated in relation to the re-admission of persons shall concern only the following:

- (a) the particulars of the person to be transferred and, where necessary, of members of the person's family (name, first name, any previous names, nicknames or pseudonyms, aliases, date and place of birth, sex, current and any previous citizenship);
- (b) passport, national identity card, other identity card and travel document (number, period of validity, date and place of issue, issuing authority);
- (c) other details such as fingerprints and photographs which are needed to identify the person to be transferred, or to determine whether the conditions for re-admission under this Agreement have been met; and
- (d) transit points and itineraries.