

**No. 45617 \***

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**Ireland  
and  
Bulgaria**

**Agreement between the Government of Ireland and the Government of the Republic of Bulgaria regarding the readmission of their own citizens and third country citizens illegally residing in the territories of their respective states. Dublin, 31 January 2002**

**Entry into force:** *5 October 2003 by notification, in accordance with article 15*

**Authentic texts:** *Bulgarian and English*

**Registration with the Secretariat of the United Nations:** *Ireland, 5 January 2009*

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**Irlande  
et  
Bulgarie**

**Accord entre le Gouvernement de l'Irlande et le Gouvernement de la République de Bulgarie relatif à la réadmission de leurs propres citoyens et les citoyens de tiers pays résidant illégalement sur le territoire de leurs états respectifs. Dublin, 31 janvier 2002**

**Entrée en vigueur :** *5 octobre 2003 par notification, conformément à l'article 15*

**Textes authentiques :** *bulgare et anglais*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Irlande, 5 janvier 2009*

*\* The text reproduced below is the original text of the agreement as submitted. For ease of reference, it was sequentially paginated. The final UNTS version of it is not yet available.*

*Le texte reproduit ci-dessous est le texte authentique de l'accord tel que soumis pour enregistrement. Pour référence, il a été présenté sous forme de la pagination consécutive. La version finale RTNU n'est pas encore disponible.*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

AGREEMENT BETWEEN THE GOVERNMENT OF IRELAND AND THE  
GOVERNMENT OF THE REPUBLIC OF BULGARIA REGARDING THE  
READMISSION OF THEIR OWN CITIZENS AND THIRD COUNTRY  
CITIZENS ILLEGALLY RESIDING IN THE TERRITORIES OF THEIR  
RESPECTIVE STATES

Done at Dublin on 31 January 2002

Notification of the completion of requirements for entry into force exchanged on 8  
July 2002 and 7 July 2003

Entered into force on 5 October 2003

Presented to Dáil Éireann by the Minister for Foreign Affairs

AGREEMENT BETWEEN THE GOVERNMENT OF IRELAND AND THE  
GOVERNMENT OF THE REPUBLIC OF BULGARIA REGARDING THE  
READMISSION OF THEIR OWN CITIZENS AND THIRD COUNTRY CITIZENS  
ILLEGALLY RESIDING IN THE TERRITORIES OF THEIR RESPECTIVE STATES

The Government of Ireland and the Government of the Republic of Bulgaria hereinafter referred to as “a Contracting Party” or the “Contracting Parties” as appropriate,

Desiring to improve co-operation between the two Contracting Parties with the aim of the better implementation of provisions relating to the circulation of persons and respect for rights and guarantees and in conformity with the legislation in force in both States,

Prompted by a desire to combat illegal immigration on a reciprocal basis and in order to facilitate the readmission of persons who are residing illegally in the territories of their States and the transit of such persons when transferred to a third country,

HAVE AGREED as follows:

*Article 1*

Terms

For the purpose of the present Agreement, the following terms have the following meanings:

1. “Third country citizen” means a person who does not have citizenship of one of the Contracting Parties’ States, including a stateless person;

2. “Visa” including a multiple visa means a valid permit issued by the competent authorities of a Contracting Party which entitles a person to enter the territory of its State without interruption for a specified period of time in conformity with the national legal requirements of the visa issuing Contracting Party;

3. “Residence permit” means a valid permit, issued by the competent authorities of one Contracting Party, which entitles a person to reside on the territory of the State of that Contracting Party. A residence permit does not mean a visa or permission to remain on the territory of the State of a Contracting Party during the consideration of an asylum application or in the course of an expulsion or deportation procedure, as appropriate to each Contracting Party.

## *Article 2* *Readmission of own citizens*

Each Contracting Party shall readmit, at the request of the other Contracting Party, and without any special formality, a person who does not, or who no longer, fulfils the conditions in force for entry or residence on the territory of the State of the requesting Contracting Party, provided that it is proved or may be validly assumed that such person possesses the citizenship of the State of the requested Contracting Party.

Upon request by the requesting Contracting Party, the requested Contracting Party shall without delay issue the person to be returned the travel documents needed for his/her repatriation.

Should subsequent investigation result in proving the readmitted individual was not a citizen of the requested Contracting Party at the time he/she left the territory of the State of the requesting Contracting Party and he/she does not comply with the conditions provided for in paragraph I above or in Article 4, the requesting Contracting Party shall readmit that person.

## *Article 3* *Proof of citizenship*

Proof of citizenship pursuant to Article 2 of this Agreement can be furnished through:

- a) citizenship certificates which can clearly be allocated to a person;
- b) passports of any kind (national passports, collective passports, diplomatic passports, service passports and surrogate passports);
- c) identity cards including temporary and provisional ones;
- d) service books and military identity cards;
- e) official documents indicating the citizenship of the person concerned;
- f) seamen’s registration books and skippers’ service cards;
- g) unequivocal information provided by the competent authorities of the requesting Contracting Party.

Subject to the provisions of Article 2(3), if supporting documents as mentioned in paragraph 1 of this Article are presented, the Contracting Parties shall mutually recognise the citizenship.

Prima fade evidence regarding citizenship can, in particular, be furnished by the following:

- a) photocopies of any of the documents listed in paragraph 1;
  - b) driving licences;
  - c) company identity cards;
  - d) birth certificates;
  - e) photocopies of the mentioned documents;
  - f) statements made by witnesses taken by the competent authorities;
  - g) statement made by the person concerned taken by the competent authorities;
  - h) language spoken by the person concerned
- as well as by any other document which may help to establish the citizenship of the person concerned.

4. Where prima fade evidence of citizenship is furnished, the Contracting Parties shall mutually deem the citizenship to be established unless the requested Contracting Party has disproved it.

5. The documents listed in paragraphs 1 and 3 of this Article shall suffice as proof or prima fade evidence of citizenship even if their period of validity has lapsed.

6. Where the evidence or prima fade evidence referred to in paragraphs 1 and 3 do not suffice for citizenship to be proved or validly assumed, the competent diplomatic representation of the requested Contracting Party shall hear the person concerned without undue delay in order to establish his or her citizenship.

#### *Article 4*

##### *Readmission of third country citizens*

1. Each Contracting Party shall, at the request of the other Contracting Party, readmit a third country citizen who has arrived on the territory of the State of the requesting Contracting Party directly from the territory of the State of the requested Contracting Party and who does not fulfil the conditions in force for entry or residence.

2. Each Contracting Party shall, at the other Contracting Party's request, readmit a third country citizen who is residing without authorisation on the territory of the State of the requesting Contracting Party and who has a valid residence permit or visa issued by the competent authorities of the requested Contracting Party.

*Article 5*  
*Duty to readmit*

1. Each Contracting Party shall readmit, at the request of the other Contracting Party any person who departed or was removed from its territory in conformity with the provisions of Article 4(1) when subsequent checks reveal that the readmitted person, at the time of departure from the territory of the requesting Contracting Party, had not in fact entered or resided on the territory of the requested Contracting Party.

2. Each Contracting Party shall readmit at the request of the other Contracting Party any person who departed or was removed from its territory in conformity with the provisions or Article 4(2) of this Agreement when subsequent checks reveal that the readmitted person, at the time of departure from the territory of the requesting Contracting Party, was not in possession of a valid visa or valid residence permit and entitled to enter into and reside in the requested Contracting Party in accordance with its legislation.

3. In cases in which provisions of paragraphs (1) and (2) of this Article are applied, the Contracting Party which has initially readmitted such persons, shall inform the other Contracting Party of the reasons for their refusal and return all documents received in connection with the initial readmission procedure.

*Article 6*  
*Exceptions to the readmission obligation in respect of third  
country citizens*

The obligation of readmission as stipulated in Article 4, shall not apply in the case of:

a) third country citizens from a State that has a common state border with the State of the requesting Contracting Party;

b) third country citizens who obtained, after they left the territory of the State of the requested Contracting Party or after they entered the territory of the State of the requesting Contracting Party, a visa or a residence permit from the latter,

c) third country citizens who have legally resided in the territory of the State of the requesting Contracting Party for at least three months;

d) third country citizens who were recognised by the requesting Contracting Party either with the status of refugee on the basis of the provisions of the Convention relating to the Status of Refugees done at Geneva on the 28th day of July, 1951, and includes the Protocol relating to the Status of Refugees done at New York on the 31st day of January, 1967, or with the status of stateless person on the basis of the Convention relating to the Status of Stateless Persons done at New York on September 28, 1954;

e) third country citizens who applied for asylum, pending definitive decisions by competent authorities.