

No. 47912

**Turkey
and
Romania**

Agreement between the Government of the Republic of Turkey and the Government of Romania on the readmission of citizens of their States and aliens with illegal status on the territories of their respective States (with annexes). Bucharest, 19 January 2004

Entry into force: *8 November 2004 by notification, in accordance with article XVII*

Authentic texts: *English, Romanian and Turkish*

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**Turquie
et
Roumanie**

Accord entre le Gouvernement de la République turque et le Gouvernement de la Roumanie relatif à la réadmission de leurs ressortissants et des étrangers en situation irrégulière sur le territoire de leurs états respectifs (avec annexes). Bucarest, 19 janvier 2004

Entrée en vigueur : *8 novembre 2004 par notification, conformément à l'article XVII*

Textes authentiques : *anglais, roumain et turc*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF TURKEY
AND
THE GOVERNMENT OF ROMANIA
ON THE READMISSION OF CITIZENS OF THEIR STATES AND ALIENS
WITH ILLEGAL STATUS ON THE TERRITORIES OF THEIR
RESPECTIVE
STATES**

The Government of the Republic of Turkey and the Government of Romania hereinafter referred to as "Contracting Parties"

Recalling their historical bonds,

Bearing in mind the affinity between their people,

Noting with satisfaction the existing close relations, mutual trust and respect between themselves,

Reaffirming the need to prevent illegal migration, smuggling of migrants and trafficking in human beings, while respecting the inviolable rights of persons regardless of ethnicity, nationality, religion, colour, sex, disability,

Taking into account the international treaties, conventions and agreements by which they or their States are bound,

With the intention of regulating, according to the principles of humanity and equity and in a spirit of friendship, the mutual readmission of the citizens of their States and aliens with illegal status on the territories of their respective States,

Have agreed as follows:

ARTICLE I

DEFINITIONS

For the purposes of this Agreement:

- a) "Alien" means a person who is not a citizen of the State of either Contracting Party;
- b) "Visa" means a valid permit issued by the competent authorities of either of the Contracting Party, entitling a person to enter and stay in the territory of the State of that Contracting Party for a determined period of time or to transit such territory;
- c) "Residence permit" means a valid document issued by the competent authorities of a Contracting Party entitling the person holding it to reside on and re-enter the territory of the State of that Contracting Party. A visa or a temporary residence permit granted to a person in connection with the processing of an asylum application or pending an expulsion procedure, would not be considered as a residence permit.

ARTICLE II

READMISSION OF THE CITIZENS OF STATES OF THE CONTRACTING PARTIES

- 1) Each Contracting Party shall readmit, at the request of other Contracting Party, without special formalities, the persons who do not or who no longer fulfill the conditions in force for entry to or residence on the territory of the State of the Requesting Contracting Party, provided that it is proved or it may be validly assumed that such persons have the citizenship of the State of the Requested Contracting Party.
- 2) The same shall apply to the persons who lost the citizenship of the State of the Requested Contracting Party after their entry on the territory of State of the Requesting Contracting Party, without at least having been guaranteed naturalisation by the competent authorities of the Requesting Contracting Party.
- 3) The Requested Contracting Party shall, as necessary and without delay, issue to the persons to be readmitted the travel document required for their return.
- 4) Should checks conducted subsequent to a readmission carried out under this Article reveal that the persons were not in possession of the citizenship of the State of the Requested Contracting Party at the time of their departure from the territory of the State of the Requesting Contracting Party, the Requesting Contracting Party shall immediately readmit such persons. This shall not apply to a case where the persons had in any case entered to the territory of the Requesting Contracting Party illegally directly from the territory of the Requested Contracting Party and the readmission request was conveyed within the time limit as envisaged for Aliens within the conditions set forth in Art V.

ARTICLE III

PROOF OF CITIZENSHIP

- 1) The citizenship of the persons to be readmitted shall be deemed proven by the following valid documents which can be obviously ascribed to the bearer:
 - a) National identity cards or other national identity documents;
 - b) Any type of passport and seaman's book;
 - c) Documents with photograph of the holder issued by the competent consular representations or other authorities, duly mandated by national law, in replacement of the passport;

- d) Certification of identity/citizenship issued by the competent consular representation;
 - e) Certified photocopies of one of the above mentioned documents;
 - f) Other documents mutually recognized by the competent authorities of the Contracting Parties.
- 2) The evidence referred to under paragraph 1) of this Article are sufficient reason for approving a readmission request under Article II, unless the Requested Contracting Party proves the opposite.

ARTICLE IV

PRESUMPTION OF CITIZENSHIP

- 1) The citizenship of the persons to be readmitted may be presumed in particular on the basis of:
- a) Possession of one of the documents, set forth in Article III, the validity of which has expired,
 - b) Official personnel identity cards and passes of Government institutions,
 - c) Written statements of the persons in question, legally taken by the Requesting Contracting Party,
 - d) Written statements of the witnesses, legally taken by the Requesting Contracting Party,
 - e) Other documents mutually recognized by the competent authorities of the Contracting Parties.
- 2) The evidence referred to in paragraph 1) of this Article are sufficient reason to determine citizenship, unless these are contested by the Requested Contracting Party.
- 3) In case of doubt regarding the citizenship of the person to be readmitted, the Requesting Contracting Party may request the consular representation of the State of the Requested Contracting Party to interview the person concerned. The interview shall be organized at a location proposed by the Requesting Contracting Party, in agreement with the consular officers. The Contracting Parties shall endeavour to organize the interview of the person concerned, as soon as possible.
- 4) When, after the interview or during the period of verification of the evidence obtained during the investigation process, it is proven that the person to be readmitted is a citizen of the State of the Requested Contracting Party, the consular representation of the State of the Requested Contracting Party shall grant him/her the document mentioned in the paragraph 3 of Article II.