

**No. 48148**

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**Ireland  
and  
Romania**

**Agreement between the Government of Ireland and the Government of Romania regarding the readmission of their own citizens and third country citizens illegally residing in the territories of their respective States. Bucharest, 12 May 2000**

**Entry into force:** *23 July 2001 by notification, in accordance with article 14*

**Authentic texts:** *English and Romanian*

**Registration with the Secretariat of the United Nations:** *Ireland, 28 January 2011*

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**Irlande  
et  
Roumanie**

**Accord entre le Gouvernement de l'Irlande et le Gouvernement de la Roumanie relatif à la réadmission de leurs propres citoyens et des citoyens de pays tiers résidant illégalement sur le territoire de leurs États respectifs. Bucarest, 12 mai 2000**

**Entrée en vigueur :** *23 juillet 2001 par notification, conformément à l'article 14*

**Textes authentiques :** *anglais et roumain*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Irlande, 28 janvier 2011*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT BETWEEN  
THE GOVERNMENT OF IRELAND  
AND  
THE GOVERNMENT OF ROMANIA  
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 Romania, 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" 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**

1. 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.

2. 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, or as the case may be, apply the visa on the EU travel letter issued by the competent authority of the requesting Contracting Party.
3. 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 1* above or in Article 4, the requesting Contracting Party shall readmit that person.

### Article 3 Proof of citizenship

1. 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.
2. If supporting documents as mentioned in *paragraph 1* of this Article are presented, the Contracting Parties shall mutually recognise the citizenship without further examination being required.
3. *Prima facie* 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;
  - g) statement made by the person concerned;
  - 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 facie* 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 facie* evidence of citizenship even if their period of validity has lapsed.
6. Where the evidence or *prima facie* 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** **Exceptions to the readmission obligation in respect of third country citizens**

1. 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;