

**No. 50402**

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**Switzerland  
and  
The former Yugoslav Republic of Macedonia**

**Agreement between the Swiss Federal Council and the Government of the former Yugoslav Republic of Macedonia on the readmission of persons residing without authorisation (with implementing protocol and annexes). Skopje, 15 March 2012**

**Entry into force:** *1 October 2012, in accordance with article 19*

**Authentic texts:** *English, French and Macedonian*

**Registration with the Secretariat of the United Nations:** *Switzerland, 9 January 2013*

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**Suisse  
et  
Ex-République yougoslave de Macédoine**

**Accord entre le Conseil fédéral suisse et le Gouvernement de l'ex-République yougoslave de Macédoine concernant la réadmission des personnes en séjour irrégulier (avec protocole d'application et annexes). Skopje, 15 mars 2012**

**Entrée en vigueur :** *1<sup>er</sup> octobre 2012, conformément à l'article 19*

**Textes authentiques :** *anglais, français et macédonien*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Suisse, 9 janvier 2013*

**AGREEMENT  
BETWEEN THE SWISS FEDERAL COUNCIL AND THE  
GOVERNMENT OF THE REPUBLIC OF MACEDONIA  
ON THE READMISSION OF PERSONS RESIDING WITHOUT  
AUTHORISATION**

THE SWISS FEDERAL COUNCIL

and

THE GOVERNMENT OF THE REPUBLIC OF MACEDONIA

(hereinafter referred to as the Contracting Parties);

*Determined* to strengthen their co-operation in order to combat illegal immigration more effectively,

*Desiring* to establish, by means of this Agreement and on the basis of reciprocity, rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer fulfil the conditions for entry to, presence on or residence in the territories of the Swiss Confederation or the Republic of Macedonia, and to facilitate the transit of such persons in a spirit of co-operation,

*Considering* that, in appropriate cases, the Swiss Confederation or the Republic of Macedonia should make best efforts to send third-country citizens and stateless persons who illegally entered their respective territories, back to the States of origin or permanent residence,

*Emphasising* that this Agreement shall be without prejudice to the rights, obligations and responsibilities of the Swiss Confederation or the Republic of Macedonia arising from international law and, in particular, from the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms and the Convention of 28 July 1951 on the Status of Refugees,

*Taking into account* that co-operation between the Swiss Confederation or the Republic of Macedonia in the fields of readmission and facilitation of mutual travel is of common interest,

HAVE AGREED AS FOLLOWS:

#### **Article 1** **Definitions**

For the purpose of this Agreement:

- (a) "*Citizen of the Swiss Confederation*" shall mean any person who holds the citizenship of the Swiss Confederation;

- (b) “*Citizen of the Republic of Macedonia*” shall mean any person who holds the citizenship of the Republic of Macedonia;
- (c) “*Third-country citizen*” shall mean any person who holds a citizenship other than that of the Swiss Confederation or the Republic of Macedonia;
- (d) “*Stateless person*” shall mean any person who does not hold a citizenship;
- (e) “*Residence permit*” shall mean a permit of any type issued by the Swiss Confederation or the Republic of Macedonia entitling a person to reside on its territory. This shall not include temporary permissions to stay on its territory in connection with the processing of an asylum application, or an application for a residence authorisation;
- (f) “*Visa*” shall mean an authorisation issued or a decision taken by the Swiss Confederation or the Republic of Macedonia 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 Swiss Confederation or the Republic of Macedonia) submitting the readmission application pursuant to Article 4 or a transit application pursuant to Article 11 of this Agreement;
- (h) “*Requested State*” shall mean the State (the Swiss Confederation or the Republic of Macedonia) to which a readmission application pursuant to Article 4 or a transit application pursuant to Article 11 of this Agreement is addressed;
- (i) “*Competent Authority*” shall mean any national authority of the Swiss Confederation or the Republic of Macedonia entrusted with the implementation of this Agreement in accordance with Article 16 thereof;
- (j) “*Readmission*” shall mean the transfer by the Requesting State and admission by the Requested State of persons (own citizens of the Requested State, third-country citizens or stateless persons) who have been found illegally entering, being present in or residing in the Requesting State, in accordance with the provisions of this Agreement;
- (k) “*Transit*” shall mean the passage of a third-country citizen or a stateless person through the territory of the Requested State while travelling from the Requesting State to the country of destination.

**SECTION I**  
**READMISSION OBLIGATIONS**

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

- (1) The Requested State shall, upon application by the Requesting State and without further formalities other than those provided for by this Agreement, readmit to its territory all persons who do not, or no longer fulfil the conditions in force for entry to, presence on or residence in the territory of the Requesting State provided that it is proven or can be

validly assumed, in accordance with Article 6 of this Agreement, that this person possesses the citizenship of the Requested State.

- (2) The Requested State shall also readmit:
  - (a) minor unmarried children of the persons mentioned in paragraph 1 of this Article regardless of their place of birth or citizenship unless they have an independent right of residence on the territory of the Requesting State;
  - (b) spouses, who possess another citizenship, of the persons mentioned in paragraph 1 of this Article, provided they have the right to enter and stay or receive the right to enter and stay in the territory of the Requested State, unless they have an independent right of residence on the territory of the Requesting State.
- (3) Each Contracting Party shall also readmit persons who have been deprived of, or who have renounced the citizenship of the Requested State since entering the territory of the Requesting State, unless such persons have at least been guaranteed naturalisation by the Requesting State.
- (4) The Requested State shall, as necessary and without delay, issue a travel document for the person whose readmission has been accepted with a period of validity of 30 days; this is irrespective of the will of the person to be readmitted.
- (5) If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the Requested State shall, within 14 calendar days, issue a new travel document with the same period of validity without carrying out a new investigation.

If the Requested State has not, within 14 calendar days, issued a new travel document, the Requested State shall be deemed to accept the travel document for foreigners issued by the Requesting State.

### **Article 3** **Readmission of third-country citizens and stateless persons**

- (1) The Requested State, upon application by the Requesting State and without further formalities other than those provided for by this Agreement, shall readmit to its territory third-country citizens or stateless persons who do not or no longer fulfil the conditions in force for entry to, presence on or residence in the territory of the Requesting State provided that it is proven or can be validly assumed, in accordance with Article 7 of this Agreement, that such persons:
  - (a) illegally entered the territory of the Requesting State coming from the territory of the Requested State; or
  - (b) at the time of entry held a valid residence permit issued by the Requested State; or
  - (c) at the time of entry held a valid visa issued by the Requested State and entered the territory of the Requesting State coming from the territory of the Requested State.
- (2) The readmission obligation in paragraph 1 of this Article shall not apply if: