

No. 53853*

**Lithuania
and
Republic of Moldova**

Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Moldova on readmission of persons with illegal entry or residence on the territory of the Republic of Lithuania or of the Republic of Moldova. Chisinau, 6 December 2001

Entry into force: *14 February 2004, in accordance with article 17*

Authentic texts: *English, Lithuanian and Moldovan*

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**Lituanie
et
République de Moldova**

Accord entre le Gouvernement de la République de Lituanie et le Gouvernement de la République de Moldova relatif à la réadmission des personnes entrées ou résidant illégalement sur le territoire de la République de Lituanie ou de la République de Moldova. Chisinau, 6 décembre 2001

Entrée en vigueur : *14 février 2004, conformément à l'article 17*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**A G R E E M E N T
B E T W E E N
THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA
AND THE GOVERNMENT OF THE REPUBLIC OF MOLDOVA
ON READMISSION
OF PERSONS WITH ILLEGAL ENTRY OR RESIDENCE ON THE TERRITORY
OF THE REPUBLIC OF LITHUANIA OR OF THE REPUBLIC OF MOLDOVA**

The Government of the Republic of Lithuania and the Government of the Republic of Moldova, hereinafter referred to as Contracting Parties,

desirous of facilitating the readmission of persons staying illegally on the territory of the state of the other Contracting Party, i.e. persons who do not or who no longer, fulfill the conditions in force for entry or residence, and of facilitating the transit of persons,

in a spirit of good co-operation and on the mutual basis,

have agreed as follows:

**I. READMISSION OF THE CITIZENS OF THE STATES OF THE
CONTRACTING PARTIES**

Article 1

1. Each Contracting Party shall, upon request of the other Contracting Party and without any formalities, readmit to the territory of its state any person, which does not or no more fulfills the conditions for entrance or stay, valid on the territory of the state of the requesting Contracting Party, if it is ascertained or it is presumed, that such person has a citizenship of the state of the requested Contracting Party.

2. The citizenship could be ascertained or presumed on the basis of a citizenship certificate, a passport or an identity card, even if such documents are expired, but no longer than three years ago. The citizenship could be presumed also on the basis of other data.

3. The requesting Contracting Party shall readmit a person, if it would be ascertained through further verifications that at the moment of leaving the territory of the state of the requesting Contracting Party, the person did not have the citizenship of the state of the requested Contracting Party.

II. READMISSION OF THE CITIZENS OF THE THIRD STATES AND STATELESS PERSONS

Article 2

Each Contracting Party shall, upon request from the other Contracting Party and without any formalities, readmit the citizen of the third state or stateless person, which does not or not any more fulfills the conditions for entry or residing, valid on the territory of the state of the requesting Contracting Party, if such person has a valid visa or any other valid residential permit, issued by the requested Contracting Party.

Article 3

The obligations of readmission as provided in the Article 2, shall not exist for:

- a) the citizens of the third states, that have a common state border with the state of the requesting Contracting Party;
- b) the citizens of the third states, which 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 residential permit from the latter;
- c) the citizens of the third states or stateless persons, which have resided on the territory of the state of the requesting Contracting Party for the last six months;
- d) the citizens of the third countries, actually returned by the requested Contracting Party to their state of origin or to any other third state.

Article 4

The requesting Contracting Party agrees to readmit on the territory of its state those citizens of the third state or stateless persons, for which it would be ascertained after the adequate verifications made by the requested Contracting Party, that they do not comply with the clauses under the Article 2 and 3 of the present Agreement, at the time of their departure from the territory of the state of the requesting Contracting Party.

III. READMISSION PROCEDURE

Article 5

1. The requested Contracting Party is obliged to reply in written within eight days to the received request for the readmission. Each refusal of the readmission must be founded.
2. The requested Contracting Party must within one month at the latest readmit the person whose readmission was confirmed. This period can be extended upon request by the requesting Contracting Party.

Article 6

The requested Contracting Party must issue an attestation of readmission to the requesting Contracting Party, with the identity data of the person, for which the readmission was requested and possible documents of such person.

Article 7

The requesting Contracting Party shall cover the expenses of transportation of persons to be readmitted to the border of the state of the requested Contracting Party. The requesting Contracting Party shall also bear all the expenses in case of readmission of persons, if necessary.

IV. TRANSIT IN CASE OF THE REJECTION

Article 8

1. Each of the Contracting Parties will allow, upon request from the other Contracting Party, the entrance and transit through to the territory of its state to the citizens of the third states or stateless persons, who were rejected by the requesting Contracting Party at the border. The transit might be done by road, railway or air transport.

2. The requesting Contracting Party shall take full responsibility for the continuation of the travel of the person to the country of final destination and will readmit such foreigner, if the measure of rejection can not be carried out for any reason.

3. The requesting Contracting Party will confirm to the requested Contracting Party, that the person, for which the transit was consented, has a document for the transportation to the state of the final destination.

Article 9

1. The Contracting Party that implemented the measure of expulsion, must inform the requested Contracting Party in case the rejected person needs an escort. The requested Contracting Party may, in connection with the transit:

- decide to appoint it's own escort;
- decide to appoint escort in coordination with the Contracting Party that implemented the measure of expulsion.

2. If the transit is performed by the airline company of the Contracting Party that applied the measure of expulsion, and with a police escort this can be done by the Contracting Party alone, under the condition that they do not leave the international zone at the airport of the requested Contracting Party.

3. If the transit is performed by the airline company of the requested Contracting Party and with a police escort, this will be provided for by the requested Party under the condition, that the Contracting Party that applied the measure of expulsion covers all the expenses that may occur.

4. If a transit must be exceptionally done by road or railway, the Contracting Parties shall agree about the necessity and modality of the escort.

Article 10

The request for the readmission transit shall be exchanged directly between the adequate authorities of the Contracting Parties. The request should contain all data pertaining to the identity and citizenship of the person, the data of travel, the time and place of the arrival to the transit state as well as the time and place of the departure from it to the state of final destination and including all data of the officials, if they accompany such a person.

Article 11

The readmission transit may be rejected:

- if the person is prosecuted in his/her destination state because of race, religion, ethnic appurtenance, appurtenance to a certain social group or because of his/her political opinion;
- if the person is threatened to be prosecuted or sentenced in the state of final destination for criminal offences, done before the transit.

Article 12

The requesting Contracting Party shall cover all the expenses of the transit to the state border of the state of final destination as well as all possible expenses which may occur in case of an eventual return.

V. GENERAL CLAUSES

Article 13

1. In implementing the provisions of this Agreement, English language shall be used.
2. Any disputes in implementing this Agreement shall be solved through consultations between the competent authorities of the Contracting Parties.

Article 14

The Contracting Parties shall define with an exchange of notes:

- the airports, that may be used for the readmission or for entrance of persons in transit;
- the central and local authorities, responsible for the treatment of applications for readmission or transit.