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**Turkey
and
Montenegro**

Readmission Agreement between the Government of the Republic of Turkey and the Government of Montenegro (with annexes). Istanbul, 18 April 2013

Entry into force: *1 December 2016, in accordance with article 26*

Authentic texts: *English, Montenegrin and Turkish*

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**Turquie
et
Monténégro**

Accord de réadmission de personnes entre le Gouvernement de la République turque et le Gouvernement du Monténégro (avec annexes). Istanbul, 18 avril 2013

Entrée en vigueur : *1^{er} décembre 2016, conformément à l'article 26*

Textes authentiques : *anglais, monténégrin et turc*

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[ENGLISH TEXT – TEXTE ANGLAIS]

READMISSION AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF TURKEY
AND
THE GOVERNMENT OF MONTENEGRO

Preamble

The Government of the Republic of Turkey and the Government of Montenegro (Hereinafter referred to as the Contracting Parties);

Determined to strengthen their cooperation in order to combat irregular migration 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 and admission of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territories of the Contracting Parties, and to facilitate the transit of such persons in a spirit of cooperation,

Confirming their willingness to develop the existing good cooperation and to strengthen their partnership in the field of migration management,

Emphasising that this Agreement shall be without prejudice to the rights, obligations and responsibilities of the Contracting Parties arising from international law and, in particular, from the European Convention of 1950 for the Protection of Human Rights and Fundamental Freedoms and the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, as well as the United Nations Convention against Transnational Organized Crime and Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

HAVE AGREED AS FOLLOWS

Article 1

Definitions

For the purpose of this Agreement:

(a) "*Citizen of the Republic of Turkey*" shall mean any person who holds the citizenship of the Republic of Turkey in accordance with its legislation;

(b) "*Citizen of Montenegro*" shall mean any person who holds the citizenship of Montenegro in accordance with its legislation;

(c) "*Third-country citizen*" shall mean any person who holds a citizenship other than that of the Republic of Turkey or of Montenegro;

(d) "*Stateless person*" shall mean any person who does not hold the citizenship of any State;

(e) "*Residence permit*" shall mean a permit of any type issued by the competent authorities of the Republic of Turkey or by Montenegro entitling a person to reside on its territory. This shall not include temporary permissions to remain on its territory in connection with the processing of an asylum application or an application for a residence permit;

(f) "*Visa*" shall mean an authorization issued or a decision taken by the competent authorities of the Republic of Turkey or by Montenegro which is required with a view to entry and stay, or transit through its territory. This shall not include airport transit visa;

(g) "*Requesting State*" shall mean the State (the Republic of Turkey or Montenegro) submitting a readmission application pursuant to Article 5 or a transit application pursuant to Article 13 of this Agreement;

(h) "*Requested State*" shall mean the State (the Republic of Turkey or Montenegro) to which a readmission application pursuant to Article 5 or a transit application pursuant to Article 13 of this Agreement is addressed;

(i) "*Competent authority*" shall mean any national authority of the Republic of Turkey or of Montenegro entrusted with the implementation of this Agreement pursuant to Article 16;

(j) "*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;

(k) "*Border crossing point*" shall mean any point designated for the purposes of crossing of the respective State borders of the Contracting Parties.

(l) "*Readmission*" shall mean safe and orderly return by the Requesting State and admission by the Requested State of a person (citizen of the Requested State, citizen of a third country or a stateless person) who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territories of the Contracting Parties in accordance with the provisions of this Agreement.

SECTION I

READMISSION OBLIGATIONS OF THE CONTRACTING PARTIES

Article 2

Readmission of the nationals of the Contracting Parties

1. The Requested State shall readmit, upon application by the Requesting State and without further formalities other than those provided for in this Agreement, any person who does not, or who no longer, fulfils the conditions in force for entry to, presence in, or residence on the territory of the Requesting State provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that such person is a citizen of the Requested State.

2. The Requested State shall also readmit:

- minor unmarried children of the persons mentioned in Paragraph 1, regardless of their place of birth or their citizenship, unless they have an independent right of residence in the Requesting State,

- spouses, holding another citizenship of the persons mentioned in Paragraph 1, provided that 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 in the Requesting State.

3. The Contracting Parties shall also readmit persons who have renounced their citizenship since entering the territory of the Requesting State, unless such persons have at least been promised naturalization by the Requesting State.

4. After the Requested State has given a positive reply to the readmission application, the competent consular office of the Requested State shall immediately and not later than within three working days, issue the travel document required for the return of the person to be readmitted, with a validity of 60 days. 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 competent consular office of the Requested State shall, within 14 calendar days, issue a new travel document with a period of validity of the same duration. If the Requested State has not, within 14 calendar days, issued the new travel document, it shall be deemed to accept the use of the travel document for foreigners issued by the Requesting State for his or her return to the Requested State.

5. In case the person to be readmitted holds the citizenship of a third state in addition to Turkish or Montenegrin citizenship, the Requesting State shall take into consideration the will of the person to be readmitted to the state of the person's choice.

Article 3

Readmission of third-country citizens and stateless persons

1. The Requested State shall readmit, upon application by the Requesting State and without further formalities other than those provided for in this Agreement, all third-country citizens or stateless persons who do not, or who no longer, fulfil the legal conditions in force for entry to, presence in, or residence on the territory of the Requesting State provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that such persons;

(a) hold, or at the time of entry held, a valid visa or a residence permit issued by the competent authorities of the Requested State; or

(b) illegally and directly entered the territory of the Requesting State after having stayed on, or transited through, the territory of the Requested State.

2. The readmission obligation in Paragraph 1 shall not apply if;

(a) the third-country citizen or stateless person has only been in airside transit via an international airport of the Contracting Parties; or

(b) the Requesting State has issued to the third-country citizen or the stateless person a visa or a residence permit before or after entering its territory unless;

i. that person is in possession of a visa or a residence permit, issued by the Requested State, which expires later, or

ii. the visa or the residence permit has been obtained by using forged or falsified documents, or by making false statements, and that the person concerned has stayed on, or transited through, the territory of the Requested State or

iii. that person fails to observe any condition attached to the visa and that the person has stayed on, or transited through, the territory of the Requested State.

3. After the Requested State has given a positive reply to the readmission application, the Requesting State issues to the person concerned the travel document for foreigners required for his or her return to the Requested State.