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**Turkey
and
Nigeria**

Agreement on migration matters between the Government of the Republic of Turkey and the Government of the Federal Republic of Nigeria. Ankara, 2 February 2011

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**Turquie
et
Nigéria**

Accord entre le Gouvernement de la République turque et le Gouvernement de la République fédérale du Nigéria en matière de migration. Ankara, 2 février 2011

Entrée en vigueur : *22 février 2019, conformément au paragraphe 2 de l'article 18*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT
ON
MIGRATION MATTERS
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF TURKEY
AND
THE GOVERNMENT OF THE FEDERAL REPUBLIC OF NIGERIA

Preamble

THE CONTRACTING PARTIES,

The Government of the Republic of Turkey and the Government of the Federal Republic of Nigeria (hereinafter referred to as the "Contracting Parties" collectively and "a Contracting Party" individually):

DESIRING to improve co-operation between the Contracting Parties with the aim of better implementation of the provisions relating to the migration of persons and respect for and guarantee of their fundamental rights in conformity with the legislation in force in both states;

REAFFIRMING their common concern to effectively combat irregular migration of their citizens to each other's country;

WILLING to be guided by the provisions of this Agreement in dealing with migration matters related to their citizens in their territories;

WISHING to facilitate the readmission of citizens of one contracting Party illegally residing in the territory of the other contracting Party as well as their rehabilitation, and to treat such persons in a manner which is dignified and guarantees their human rights;

REFERRING to the principles of the United Nations Convention on the Status of Refugees of 28 July 1951 as amended by the Protocol Relating to the Status of Refugees of 31 January 1967; and also to the United Nations Convention on Transnational Organized Crime and its supplementary protocols thereto: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air.

HAVE AGREED AS FOLLOWS:

Article 1
Readmission of Persons

1. Requested Party shall admit to its territory at the request of the Requesting Party, any person who does not or no longer fulfils the conditions or requirements in force for entry to, presence in or residence in the territory of the Requesting Party, when it has been established in accordance with Article 2 or Article 3, or is established through the identification procedure outlined in Article 4 that the person to be readmitted is a national of the Requested Party.
2. The reason for the request shall be stated in the letter of request.

Article 2
Readmission Procedures

1. The readmission procedures shall be followed without the issuance of a travel document if the person to be readmitted is in possession of a currently valid national passport of any kind (national passport, collective passport, or surrogate passport) or an internationally recognised and currently valid travel document.
2. For the purpose of Paragraph 1, the Contracting Parties shall exchange a list of such documents together with specimens of the same through diplomatic channels.
3. All cases of readmission of persons shall be coordinated by the Requesting Party in conjunction with the consular representative of the Requested Party.
4. The Requesting Party shall provide the flight details and particulars of the persons to be readmitted at least five (5) working days before the date of readmission.
5. Subject to national legal requirements, the Contracting Parties shall exchange copies of court orders made in relation to the deportation or readmission of the persons to be readmitted.

Article 3
Proof of Nationality

1. In cases other than those referred to in Article 2, the Requesting Party shall submit proof that the person to be readmitted is a national of the Requested Party.
2. Where nationally recognised documents are not presented, the person to be readmitted shall be identified and issued with a travel document as a national of either of the Contracting Parties on presentation of one of the documents or other evidence referred to in Paragraph 3 and 4 of this Article.

3. Proof of nationality pursuant to this Agreement can be furnished through:
 - a) citizenship certificates which can clearly be allocated to a person;
 - b) expired passports of any kind (national passports, or surrogate passports);
 - c) identity cards including temporary and provisional ones;
 - d) official documents indicating the citizenship of the person concerned;
 - e) seamen's registration books and skippers' service cards;
 - f) unequivocal information provided by the competent authorities;
 - g) in the case of the Nigerian side also, a certificate of state of origin or an ECOWAS Travel Document/Certificate issued by the Nigerian authorities;
 - h) any other document recognised by the Government of the requested contracting Party, making it possible to establish the identity of the person concerned.

4. *Prima facie* evidence regarding nationality can, in particular, be furnished by the following:
 - a) driving licence;
 - b) company identity cards;
 - c) birth certificates;
 - d) statements made by witnesses;
 - e) statement made by the person concerned;
 - f) language spoken by the person concerned; (However, the ability to speak any of the languages of the Requested Party does not automatically establish the nationality of the person concerned.)
 - g) any other document which may help to establish the nationality of the person concerned.

5. Where *prima facie* evidence of nationality is furnished and such evidence has been recognized after an interview by the Requested Party, the Contracting Parties shall mutually deem the nationality to be established.

6. The travel document shall be issued free of charge by the Requested Party within four (4) working days from the date of receipt of the documents or other evidence referred to in Paragraphs 3 and 4.

The documents listed in Paragraphs 3 and 4 of this Article shall suffice as proof of *prima facie* evidence of nationality even if their period of validity has expired.

Article 4 **Additional Identification Procedure**

1. In cases other than those referred to in Article 2 and Article 3 above, with the exception of cases in which nationality has been disproved under Article 3 (5), where it is not possible to obtain the necessary documents or other evidence to establish the nationality of the person concerned, but evidence exists making it possible to presume nationality, the authorities of the Requesting Party may request the diplomatic and consular officers of the Requested Party to help ascertain the nationality of the person concerned.

The following identification procedure shall be followed:

- (i) the person shall be interviewed as soon as possible and, in any event, not later than five (5) working days from the date of the receipt of the request;
- (ii) the interview shall take place wherever it is practicable
- (iii) the outcome of the interview shall be conveyed to the Requesting Party as soon as possible but, in any event, not later than five (5) working days from the date of the interview;
- (iv) on the confirmation of the nationality of the person, a travel document valid for thirty (30) days shall be issued by the Requested Party within four (4) working days.

2. Travel costs incurred by the representative of the consular authorities within the territory of the Requesting Party for consular meetings shall be paid by the Requesting Party.

Article 5 Conditions for Readmission

The readmission of irregular migrants under this Agreement shall be subject to the following conditions:

- a) confirmation that irregular migrant is a *bonafide* citizen of the requested Contracting Party;
- b) identification checks should be carried out on the irregular migrants before departure from the state of the Requesting Party and on arrival at the state of the Requested Party by competent authorities.

Article 6 Costs

The Requesting Party shall cover the expenses of transportation of persons to be readmitted including their escorts, as far as the airport of the state of the Requested Party.

Article 7 Readmission of Persons Returned

1. If subsequent evidence shows that the returned person is not a national of the Requested Party, the Requesting Party shall readmit the person.

2. The request for the readmission of the person referred to in Paragraph 1 shall be made within 14 days following the transfer of the person and carried out within 16 days thereafter and that person shall be readmitted to the territory of the Requesting Party.