

## **A G R E E M E N T**

### **BETWEEN THE GOVERNMENT OF THE CZECH REPUBLIC AND THE GOVERNMENT OF MONGOLIA**

#### **ON THE READMISSION OF PERSONS STAYING WITHOUT AUTHORISATION**

The Government of the Czech Republic and the Government of Mongolia (hereinafter referred to as the "Contracting Parties")

Desiring to develop friendly relations between the two States,

Aware of the need to regulate the readmission of persons who do not fulfil or no longer fulfil the applicable conditions for entry to or stay in the territory of the State of the other Contracting Party,

Recognizing that finding a solution to the issue of illegal migration of persons is a part of a wider effort to deepen international cooperation,

Mindful of international customs in this area and international commitments made,

Guided by the principle of reciprocity,

Mindful of the national legislation of both Contracting Parties

have agreed as follows:

## **Part I**

### **Definitions of terms**

#### **Article 1**

For the purposes of this Agreement

- a) "Requesting Contracting Party" shall mean the Contracting Party submitting a request for readmission or notification of transfer of a person under this Agreement;
- b) "Requested Contracting Party" shall mean the Contracting Party which a request for readmission or notification of transfer of a person under this Agreement is addressed to.

## **Part II**

### **Readmission obligation**

#### **Article 2**

(1) Each Contracting Party shall readmit to the territory of its State any person who does not fulfil or no longer fulfils the applicable conditions for entry to or stay in the territory of the State of the requesting Contracting Party, if it is proven or validly assumed that such a person has the citizenship of the State of the requested Contracting Party.

(2) Each Contracting Party shall also readmit to the territory of its State:

- a) any unmarried underage children of a person referred to in Paragraph (1), without regard to their place of birth or citizenship, unless they have an independent right of residence in the territory of the State of the requesting Contracting Party;
- b) the husband or wife of a person referred to in Paragraph (1) where they do not have the same citizenship, on condition that they have a right of entry to or stay in the territory of the State of the requested Contracting Party, or they acquire this right, unless they have an independent right of residence in the territory of the State of the requesting Contracting Party.

(3) Each Contracting Party shall readmit to the territory of its State any person who, after entering the territory of the State of the requesting Contracting Party, renounced the citizenship of the State of the requested Contracting Party, unless this person was at least promised the granting of the citizenship of the State of the requesting Contracting Party.

#### **Article 3**

(1) Documents and other means by which citizenship of the States of the Contracting Parties shall be proven or validly assumed are stipulated in the Protocol on the implementation of this Agreement.

(2) Proven citizenship shall be mutually recognised by the Contracting Parties without further inquiry. Where citizenship of the State of the Contracting Party is validly assumed, such an assumption shall remain valid unless proved otherwise by the requested Contracting Party. Citizenship of the State of the Contracting Party cannot be proven or validly assumed on basis of forged documents.

(3) The Contracting Parties shall provide each other with mutual support in establishing citizenship via their diplomatic and consular representations. If it is impossible to furnish any document or other means pursuant to Paragraph (1), the diplomatic and consular representation of the State of the requested Contracting Party shall, upon the request of the competent authority of the requesting Contracting Party, perform without undue delay an interview with the person to be readmitted with the purpose of establishing his or her citizenship, not later than within 5 working days of the date of receipt of the request for an interview. Request for an interview shall be included in the request for readmission of the citizen.

#### **Article 4**

The requesting Contracting Party shall admit back a readmitted person if it is subsequently established within a time limit of 30 calendar days of his/her readmission that the conditions pursuant to Article 2 of this Agreement had not been fulfilled. In such case the requested Contracting Party shall provide the competent authority of the requesting Contracting Party with all available information related to the identity and citizenship of the person to be admitted back.

### **Part III Readmission Procedure**

#### **Article 5**

(1) Subject to Paragraph (2), the readmission on basis of an obligation pursuant to Article 2 of this Agreement shall require the submission of a request in writing to a competent authority of the requested Contracting Party. Submission of a request for readmission by fax shall be also considered as a submission in writing.

(2) Where the person to be readmitted is in possession of a valid travel document or identity document, the readmission can take place without the competent authority of the requesting Contracting Party having to submit a request for readmission to the competent authority of the requested Contracting Party. The requesting Contracting Party shall notify in writing the transfer of such person together with the date of the transfer to the competent authority of the requested Contracting Party at least 10 calendar days before the planned transfer.

(3) Enclosed to the request for readmission pursuant to Paragraph (1) shall be copies of documents by which citizenship of the State of the requested Contracting Party is proven or on the basis of which it can be validly assumed. Attached to the request for readmission shall also be the fingerprints of the person to be readmitted. Enclosed to the notification of transfer of a person pursuant to Paragraph (2) shall be a copy of a valid travel document or identity document issued by the requested Contracting Party.

#### **Article 6**

(1) The requested Contracting Party shall reply to the request for readmission of a person pursuant to Article 2 of this Agreement immediately, but not later than within 15 calendar days of the date of receipt of such request. Upon duly motivated request of the requested Contracting Party the time limit can be extended up to 30 calendar days. Should

the request be rejected, the grounds for such a rejection must be given in writing. If the requested Contracting Party fails to respond in the time limits stipulated above, the readmission shall be deemed to have been agreed to.

(2) The requested Contracting Party shall readmit the person immediately, but not later than within 15 calendar days of the notification of the positive reply to the requesting Contracting Party or, where applicable, of the lapse of the time limit pursuant to Paragraph (1). The transfer of a person may be postponed due to legal or practical obstacles on the side of the requesting Contracting Party for as long as these obstacles remain.

## **Article 7**

(1) Within three working days of the notification of the positive reply to the request for readmission to the requesting Contracting Party, or, where applicable, from the lapse of the time limit pursuant to Article 6 (1) of this Agreement, the diplomatic or consular representation of the State of the requested Contracting Party shall issue a travel document required for the transfer of the citizen to be readmitted with a period of validity of at least six months.

(2) Where due to a delay in transfer pursuant to Article 6 (2) of this Agreement the transfer of the citizen cannot take place within the period of validity of the travel document originally issued, the diplomatic or consular representation of the State of the requested Contracting Party shall, upon request, issue a new travel document with the same period of validity within three working days.

(3) The procedure pursuant to Paragraph (2) shall be used accordingly in case of a citizen of the State of the other Contracting Party who is not in possession of a valid travel document but is in possession of a valid identity document.

(4) Where the person to be readmitted needs special assistance, treatment or care with regard to his/her health or age, or if protective or security measures are necessary during transfer, the transfer shall be carried out with escort. A written record of the transfer of such person shall be produced in two copies. Information on the members of the escort shall be notified in advance to the competent authority of the requested Contracting Party.

## **Part IV**

### **Personal data protection**

## **Article 8**

(1) Where the communication of personal data (hereinafter referred to as "data") is necessary for implementing this Agreement, such data may concern only the following:

- a) identity of the person subject to readmission and, where applicable, his/her family members (i.e. given name, surname, and, as appropriate, previous surname, other names used or aliases, date and place of birth, sex, present and, where applicable, previous citizenship);
- b) passport, identity document, other travel documents and other official documents (number, period of validity, date of issue, issuing authority, place of issue, etc.);
- c) fingerprints of the person subject to readmission;
- d) other information needed for the identification of the person subject to

readmission and for examining the fulfilment of conditions for readmission, as well as for ensuring the transfer of the person concerned, including information on his/her medical condition if it is in his/her interest or for public health reasons;

- e) stopovers and itineraries;
- f) visas or residence permits.

(2) The following provisions shall apply to the communication of data, while adhering to the national legislation of the Contracting Parties:

- a) The recipient Contracting Party may use the data solely for the purpose and under the conditions stipulated by the communicating Contracting Party;
- b) The recipient Contracting Party shall, upon request, inform the communicating Contracting Party on the use of the communicated data and the results obtained therefrom;
- c) Data may be communicated exclusively to the competent authorities of the Contracting Parties. Further communication of the data to other authorities requires the prior written consent of the communicating Contracting Party;
- d) The communicating Contracting Party shall make sure that the data communicated are correct and that their communication is necessary and adequate for the intended purpose of the communication. Should it be established that the communicated data were incorrect or should not have been communicated, the recipient Contracting Party must be notified immediately; the recipient Contracting Party must correct the incorrect data or, where the data should not have been communicated, destroy such data;
- e) When communicating data, the communicating Contracting Party shall, in compliance with its national legislation, notify to the recipient Contracting Party the time limits for the erasure of the data; irrespective of such time limits, the data shall be destroyed as soon as the purpose for which they were communicated has ceased to exist. In the case of termination of this Agreement, all data received on grounds thereof shall be destroyed not later than on the date of the termination of the Agreement, unless it is replaced by a new agreement;
- f) The Contracting Parties shall keep records on the communication, receipt and destruction of data. Data contained in such records shall be used only for the purpose of examining whether the data are treated in compliance with the provisions of this Agreement and the national legislation of the Contracting Parties;
- g) The Contracting Parties shall effectively protect the data received against unauthorised access, unauthorised alteration or disclosure;
- h) The person whose data are being communicated shall be informed, upon his/her request, about the communicated data in compliance with the national legislation of the Contracting Party which has been requested to provide such information.

## **Part V**

### **Costs**

#### **Article 9**

(1) Costs incurred in connection with the readmission of a person pursuant to Article 2 of this Agreement as far as the border of the State of the requested Contracting

Party shall be borne by the requesting Contracting Party.

(2) Costs incurred in connection with admitting a person back pursuant to Article 4 of this Agreement shall be covered by the requesting Contracting Party.

(3) Costs incurred in connection with the issuance of a travel document shall be borne by the Contracting Party issuing the travel document.

## **Part VI Implementation of the Agreement**

### **Article 10**

The Contracting Parties shall conclude a Protocol on the implementation of this Agreement, which shall, in particular, stipulate the following:

- a) documents and other means pursuant to Article 3 (1) of this Agreement;
- b) content of requests pursuant to Article 5 (1) of this Agreement and content of notification pursuant to Article 5 (2) of this Agreement;
- c) competent authorities which will implement this Agreement, including the mode of their mutual communication;
- d) airports used for readmission;
- e) detailed description of costs pursuant to Article 9 of this Agreement, and the ways and rules of their reimbursement.

### **Article 11**

Readmission of persons shall take place in line with the provisions of this Agreement and the Protocol on its implementation while respecting fully the human rights and dignity of the persons subject to readmission.

## **Part VII Final provisions**

### **Article 12**

This Agreement is without prejudice to the obligations of the States of the Contracting Parties arising from other international bilateral or multilateral agreements binding upon the States of the Contracting Parties.

### **Article 13**

Any disputes concerning the interpretation or implementation of this Agreement shall be resolved by means of direct consultations between the Contracting Parties.

### **Article 14**

(1) This Agreement shall enter into force on the first day of the second month following the date of receipt, through diplomatic channels, of the latter written notification by

which the Contracting Parties inform each other on the fulfillment of the national legal procedures required for the entry into force of this Agreement.

(2) This Agreement is concluded for an indefinite period of time. Each Contracting Party may denounce it at any time by a written notice sent to the other Contracting Party through diplomatic channels. The denunciation shall become effective six months after the receipt of the notice of denunciation by the other Contracting Party.

Done at Prague on 20 May 2019 in two originals, in the Czech, Mongolian and English languages, each language version being equally authentic. In case of any differences in interpretation, the English version shall prevail.

**For the Government  
of the Czech Republic**

Tomaš Vilek

**For the Government  
of Mongolia**

