

AGREEMENT

between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation

THE CONTRACTING PARTIES,

THE EUROPEAN COMMUNITY,

hereinafter referred to as 'the Community',

and

THE GOVERNMENT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF CHINA,

hereinafter referred to as 'the Hong Kong SAR',

DETERMINED to strengthen their cooperation in order to combat illegal immigration more effectively,

REFERRING to Council Regulation (EC) No 539/2001 ⁽¹⁾, and in particular Article 1(2) in conjunction with Annex II thereof, exempting holders of a 'Hong Kong Special Administrative Region' passport from the requirement, for stays of no more than three months in all, to be in possession of a visa when crossing the external borders of the Member States of the European Union,

DESIRING to establish, by means of this Agreement and on the basis of reciprocity, rapid and effective procedures for the identification and return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territories of the Hong Kong SAR or one of the Member States of the European Union, and to facilitate the transit of such persons in a spirit of cooperation,

CONSIDERING that the provisions of this Agreement, which falls within the scope of Title IV of the Treaty establishing the European Community, do not apply to the Kingdom of Denmark, in accordance with the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community,

HAVE AGREED AS FOLLOWS:

Article 1

Definitions

For the purpose of this Agreement:

- (a) 'Member State' shall mean any Member State of the European Union, with the exception of the Kingdom of Denmark;
- (b) 'national of a Member State' shall mean any person who holds the nationality, as defined for Community purposes, of a Member State;
- (c) 'permanent resident of the Hong Kong SAR' shall mean any person who has the right of abode, that is the right to reside permanently, in the Hong Kong SAR;
- (d) 'person of another jurisdiction' shall mean any person who is neither a permanent resident of the Hong Kong SAR, nor a national of a Member State. This shall include third-country nationals and stateless persons;
- (e) 'stateless person' shall mean any person who does not hold a nationality;
- (f) 'residence authorisation' shall mean a permit of any type issued by the Hong Kong SAR or one of the Member States entitling a person to reside on its territory. This shall not include an application for a residence authorisation or

temporary permissions to remain on its territory as a visitor or in connection with the processing of an asylum application;

- (g) 'visa' shall mean an authorisation issued or a decision taken by the Hong Kong SAR or one of the Member States which permits a person's entry in, or transit through, its territory and which has been issued or taken prior to the person's arrival at its border. This shall not include an airside transit visa.

SECTION I

READMISSION BY THE HONG KONG SAR

Article 2

Readmission of permanent residents and former permanent residents

1. The Hong Kong SAR shall readmit, upon application by a Member State and without any formalities other than those specified in this Agreement, all persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the requesting Member State provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that they are permanent residents of the Hong Kong SAR. The same shall apply to persons who, since entering the territory of a Member State, have lost their right to permanent residence in the Hong Kong SAR, unless such persons have at least been promised naturalisation by that Member State.

⁽¹⁾ Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81, 23.3.2001, p. 1).

2. At the request of a Member State, the Hong Kong SAR shall, as necessary and without delay, issue the person to be readmitted with the travel document required for his or her return that is of a period of validity of at least six months. 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 Hong Kong SAR shall issue a new travel document with the same period of validity within 14 days. If the Hong Kong SAR does not issue the travel document requested within 15 days of the date of the request it shall be deemed to accept use of the EU standard travel document for the purposes of readmission.

Article 3

Readmission of persons of another jurisdiction

1. The Hong Kong SAR shall readmit, upon application by a Member State and without any formalities other than those specified in this Agreement, all persons of another jurisdiction who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the requesting Member State provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that such persons:

- (a) at the time of entry held a valid visa or residence authorisation issued by the Hong Kong SAR; or
- (b) after having entered the territory of the Hong Kong SAR, proceed to enter unlawfully the territory of the Member States, coming directly from the territory of the Hong Kong SAR.

2. The readmission obligation in paragraph 1 shall not apply if:

- (a) the person of another jurisdiction has been in airside transit via the Hong Kong International Airport; or
- (b) the requesting Member State has issued to the person of another jurisdiction a visa or residence authorisation before or after entering its territory, which has a longer period of validity than any visa or residence authorisation issued by the Hong Kong SAR; or
- (c) the person of another jurisdiction enjoyed visa-free access to the territory of the requesting Member State.

3. At the request of a Member State, the Hong Kong SAR shall, as necessary and without delay, issue the person to be readmitted with the travel document required for his or her return that is of a period of validity of at least six months. 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 Hong Kong SAR shall issue a new travel document with the same period of validity within 14 days. If the Hong Kong SAR does not issue the travel documents requested within 15 days of the date of the request it shall be deemed to accept use of the EU standard travel document for the purposes of readmission.

SECTION II

READMISSION BY THE COMMUNITY

Article 4

Readmission of own and former own nationals

1. A Member State shall readmit, upon application by the Hong Kong SAR and without any formalities other than those specified in this Agreement, all persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the Hong Kong SAR provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that they are nationals of that Member State.

The same shall apply to persons who have been deprived of, or who have renounced, the nationality of a Member State since entering the territory of the Hong Kong SAR unless such persons have at least been promised permanent residence in the latter.

2. At the request of the Hong Kong SAR, a Member State shall, as necessary and without delay, issue the person to be readmitted with the travel document required for his or her return that is of a period of validity of at least six months. 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 Member State concerned shall issue a new travel document with the same period of validity within 14 days.

Article 5

Readmission of persons of another jurisdiction

1. A Member State shall readmit, upon application by the Hong Kong SAR and without any formalities other than those specified in this Agreement, all persons of another jurisdiction who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the Hong Kong SAR provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that such persons:

- (a) at the time of entry held a valid visa or residence authorisation issued by the requested Member State; or
- (b) after having entered the territory of the requested Member State, proceed to enter unlawfully the territory of the Hong Kong SAR, coming directly from the territory of the requested Member State.

2. The readmission obligation in paragraph 1 shall not apply if:

- (a) the person of another jurisdiction has been in airside transit via an international airport of the requested Member State; or

(b) the Hong Kong SAR has issued to the person of another jurisdiction a visa or residence authorisation before or after entering its territory, which has a longer period of validity than any visa or residence authorisation issued by the requested Member State; or

(c) the person of another jurisdiction enjoyed visa-free access to the territory of the Hong Kong SAR.

3. If two or more Member States issued a visa or residence authorisation, the readmission obligation in paragraph 1 is for the Member State that issued the document with a longer period of validity or, if one or several of them have already expired, the document that is still valid. If all of the documents have already expired, the readmission obligation in paragraph 1 is for the Member State that issued the document with the most recent expiry date.

4. At the request of the Hong Kong SAR, a Member State shall, as necessary and without delay, issue the person to be readmitted with the travel document required for his or her return that is of a period of validity of at least six months. 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 Member State concerned shall issue a new travel document with the same period of validity within 14 days.

SECTION III

READMISSION PROCEDURE

Article 6

Principle

1. Subject to paragraph 2, a transfer of a person to be readmitted on the basis of one of the obligations contained in Articles 2 to 5 shall require the submission of a readmission application to the competent authority of the requested Contracting Party.

2. The readmission application may be replaced by a written communication to the requested Contracting Party within a reasonable time period prior to the return of the person concerned provided that

(a) the person to be readmitted is in possession of a valid travel document and, where applicable, a valid visa or residence authorisation of the requested Contracting Party; and

(b) the person to be readmitted is willing to return to the requested Contracting Party.

Article 7

Readmission application

1. Any readmission application is to contain the following information:

(a) the particulars of the person to be readmitted (e.g. given names, surnames, date of birth, and, where possible, place of birth, and the last place of residence);

(b) copies of documents which provide proof or prima facie evidence of nationality or permanent residence.

2. To the extent possible, the readmission application should also contain the following information:

(a) statement indicating that the person to be transferred may need help or care, provided the person concerned has explicitly consented to the statement;

(b) any other protection or security measure which may be necessary in the individual transfer case.

3. A common form to be used for readmission applications is attached as Annex 5 to this Agreement.

Article 8

Means of evidence regarding nationality and permanent residence

1. Proof of nationality or permanent residence pursuant to Article 2(1) and Article 4(1) can be furnished through the documents listed in Annex 1 to this Agreement, even if their period of validity has expired. If such documents are presented, the Member States shall recognise the nationality, and the Hong Kong SAR shall recognise the permanent residence, without further formalities. Proof of nationality or permanent residence cannot be furnished through false documents.

2. Prima facie evidence of nationality or permanent residence pursuant to Article 2(1) and Article 4(1) can be furnished through the documents listed in Annex 2 to this Agreement, even if their period of validity has expired. If such documents are presented, the Member States shall deem the nationality, and the Hong Kong SAR shall deem the permanent residence, to be established unless they can prove otherwise.

3. If none of the documents listed in Annexes 1 or 2 can be presented, the competent authorities of the Hong Kong SAR or the Member State concerned shall, upon request, make the necessary arrangements in order to establish his or her nationality or permanent residence.

Article 9

Means of evidence regarding persons of another jurisdiction

1. Proof of the conditions for the readmission of persons of another jurisdiction laid down in Article 3(1) and Article 5(1) can be furnished through the means of evidence listed in Annex 3 to this Agreement; it cannot be furnished through false documents. Any such proof shall be mutually recognised by the Contracting Parties without further formalities.

2. Prima facie evidence of the conditions for the readmission of persons of another jurisdiction laid down in Article 3(1) and Article 5(1) can be furnished through the means of evidence listed in Annex 4 to this Agreement. Where such prima facie evidence is presented, the Contracting Parties shall deem the conditions to be established unless they can prove otherwise.

3. The unlawfulness of entry, presence or residence may be established by means of the travel documents of the person concerned in which the necessary visa or other residence authorisation for the territory of the requesting Member State or the Hong Kong SAR are missing. A statement by the competent authority of the requesting Contracting Party that the person concerned has been found not having the necessary travel documents, visa or residence authorisation shall likewise provide prima facie evidence of the unlawful entry, presence or residence.

Article 10

Time limits

1. The application for readmission must be submitted to the competent authority of the requested Contracting Party within a maximum of one year after the requesting authority has gained knowledge that a person of another jurisdiction does not, or does no longer, fulfil the conditions in force for entry, presence or residence. Where there are legal or factual obstacles to the application being submitted in time, the time limit shall, upon request, be extended but only until the obstacles have ceased to exist.

2. A readmission application must be replied to without undue delay, and in any event within a maximum of one month; reasons shall be given for refusal of a readmission request. This time limit begins to run with the date of receipt of the readmission request. Upon expiry of this time limit the transfer shall be deemed to have been agreed to.

3. After agreement has been given or, where appropriate, upon expiry of the one month time limit, the person concerned shall be transferred without undue delay and, at the most, within three months. Upon application, this time limit may be extended by the time taken to deal with legal or practical obstacles.

Article 11

Transfer modalities and modes of transportation

1. Before returning a person, the competent authorities of the Hong Kong SAR and the Member State concerned shall make arrangements in writing in advance regarding the transfer date, the border crossing point and possible escorts.

2. No means of transportation, whether by air, land or sea, shall be prohibited but, as a rule, return shall take place by air. Return by air is not restricted to the use of national carriers or security staff of the requesting Contracting Party, and may take place by using scheduled flights as well as charter flights.

SECTION IV

TRANSIT OPERATIONS

Article 12

Principles

1. The Hong Kong SAR shall allow the transit of persons of another jurisdiction through its territory if a Member State so requests, and a Member State shall authorise the transit of persons of another jurisdiction through its territory if the Hong Kong SAR so requests, if the onward journey in possible other States of transit and the readmission by the State of destination is assured.

2. The Member States and the Hong Kong SAR shall endeavour to restrict the transit of persons of another jurisdiction to cases where such persons cannot be returned to the State of destination directly.

3. Transit can be refused by the Hong Kong SAR or a Member State:

- (a) if the person of another jurisdiction runs the risk of persecution, or could be subjected to criminal prosecution or sanctions in another State of transit or in the State of destination, or could be threatened by criminal prosecution on the territory of the requested Member State or the Hong Kong SAR;
- (b) on grounds of public health, domestic security, public order or other national interests.

4. The Hong Kong SAR or a Member State may revoke any authorisation issued if circumstances referred to in paragraph 3 subsequently arise or come to light which stand in the way of the transit operation, or if the onward journey in possible States of transit or the readmission by the State of destination is no longer assured.

Article 13

Transit procedure

1. An application for transit must be submitted to the competent authorities in writing and is to contain the following information:

- (a) type of transit (by air, land or sea), possible other States of transit and intended final destination;
- (b) the particulars of the person concerned (e.g. given name, surname, date of birth, and — where possible — place of birth, nationality, type and number of travel document);
- (c) envisaged border crossing point, time of transfer and possible use of escorts;

(d) a declaration that in the view of the requesting Contracting Party the conditions pursuant to Article 12(2) are met, and that no reasons for a refusal pursuant to Article 12(3) are known of.

A common form to be used for transit applications is attached as Annex 6 to this Agreement.

2. The competent authority of the requested Contracting Party shall, without undue delay and in writing, inform the requesting competent authority of the admission, confirming the border crossing point and the envisaged time of admission, or inform it of the admission refusal and of the reasons for such refusal.

3. If the transit takes place by air, the person to be readmitted and possible escorts shall be exempted from having to obtain an airport transit visa.

4. The competent authorities of the requested Contracting Party shall, subject to mutual consultations, assist in the transit, in particular through the surveillance of the persons in question and the provision of suitable amenities for that purpose.

SECTION V

COSTS

Article 14

Transport and transit costs

Without prejudice to the right of the competent authorities to recover the costs associated with the readmission from the person to be readmitted or third parties, all transport costs incurred in connection with readmission and transit pursuant to this Agreement as far as the border of the State of final destination shall be borne by the requesting Contracting Party.

SECTION VI

DATA PROTECTION AND NON-AFFECTION CLAUSE

Article 15

Data protection

The communication of personal data shall only take place if such communication is necessary for the implementation of this Agreement by the competent authorities of the Hong Kong SAR or a Member State as the case may be.

The processing and treatment of personal data in a particular case shall be subject to the domestic laws of the Hong Kong SAR and, where the controller is a competent authority of a Member State, to the provisions of Directive 95/46/EC⁽¹⁾ and of the national legislation of that Member State adopted pursuant to this Directive. Additionally the following principles shall apply:

- (a) personal data must be processed fairly and lawfully;
- (b) personal data must be collected for the specified, explicit and legitimate purpose of implementing this Agreement and may not be further processed by the communicating authority nor by the receiving authority in a way incompatible with that purpose;
- (c) personal data must be adequate, relevant and not excessive in relation to the purpose for which they are collected and/or further processed; in particular, personal data communicated may concern only the following:
 - the particulars of the person to be transferred (e.g. surname, given name, any previous names, nicknames or pseudonyms, date and place of birth, sex, current and any previous nationality),
 - identity card or passport (number, period of validity, date of issue, issuing authority, place of issue),
 - stop-overs and itineraries,
 - other information needed to identify the person to be transferred or to examine the readmission requirements pursuant to this Agreement;
- (d) personal data must be accurate and, where necessary, kept up to date;
- (e) personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purpose for which the data were collected or for which they are further processed;
- (f) both the communicating authority and the receiving authority shall take every reasonable step to ensure as appropriate the rectification, erasure or blocking of personal data where the processing does not comply with the provisions of this article, in particular because that data are not adequate, relevant, accurate, or they are excessive in relation to the purpose of processing. This includes the notification of any rectification, erasure or blocking to the other Party;
- (g) upon request, the receiving authority shall inform the communicating authority of the use of the communicated data and of the results obtained therefrom;
- (h) personal data may only be communicated to the competent authorities. Further communication to other bodies requires the prior consent of the communicating authority;

⁽¹⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

- (i) the communicating and the receiving authorities are under an obligation to make a written record of the communication and receipt of personal data.

Article 16

Non-affected clause

1. This Agreement shall be without prejudice to rights, obligations and responsibilities arising from International Law applicable to the Community, the Member States and the Hong Kong SAR.
2. Nothing in this Agreement shall prevent the return of a person under other formal or informal arrangements.

SECTION VII

IMPLEMENTATION AND APPLICATION

Article 17

Readmission Committee

1. The Contracting Parties shall provide each other with mutual assistance in the application and interpretation of this Agreement. To this end, they shall set up a Readmission Committee which will, in particular, have the task:
 - (a) to monitor the application of this Agreement;
 - (b) to decide on implementing arrangements necessary for the uniform application of this Agreement;
 - (c) to have regular exchanges of information on any implementing Protocols drawn up by individual Member States and the Hong Kong SAR pursuant to Article 18;
 - (d) to recommend amendments to this Agreement.
2. Recommendations of the Readmission Committee for amendment of the annexes to this Agreement may be approved by the Parties through a simplified procedure.
3. The Readmission Committee shall be composed of representatives of the Community and the Hong Kong SAR; the Community shall be represented by the Commission of the European Communities, assisted by experts from Member States.
4. The Readmission Committee shall meet where necessary at the request of one of the Contracting Parties.
5. The Readmission Committee shall establish its rules of procedures.

Article 18

Implementing protocols

1. The Hong Kong SAR and a Member State may draw up implementing protocols which shall cover rules on:
 - (a) designation of the competent authorities, border crossing points and exchange of contact points;
 - (b) conditions for transit of persons of another jurisdiction under escort;
 - (c) means and documents additional to those listed in Annexes 1 to 4 to this Agreement.
2. The implementing protocols referred to in paragraph 1 shall enter into force only after the Readmission Committee referred to in Article 17 has been notified.
3. The Hong Kong SAR agrees to apply any provision of an implementing protocol drawn up with one Member State also in its relations with any other Member State upon request of the latter.

Article 19

Relation to bilateral readmission agreements or arrangements of Member States

The provisions of this Agreement shall take precedence over the provisions of any bilateral agreement or arrangement on the readmission of persons residing without authorisation which have been or may, under Article 18, be concluded between individual Member States and the Hong Kong SAR, in so far as the provisions of the latter are incompatible with those of this Agreement.

SECTION VIII

FINAL PROVISIONS

Article 20

Entry into force, duration and termination

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures.
2. This Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other that the procedures referred to in the first paragraph have been completed.
3. This Agreement is concluded for an unlimited period.
4. Each Contracting Party may denounce this Agreement by officially notifying the other Contracting Party. This Agreement shall cease to apply six months after the date of such notification.

Article 21

Annexes

Annexes 1 to 6 shall form an integral part of this Agreement.

Done at Brussels on the twenty-seventh day of November in the year two thousand and two in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic

Por la Comunidad Europea

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Για την Ευρωπαϊκή Κοινότητα

For the European Community

Pour la Communauté européenne

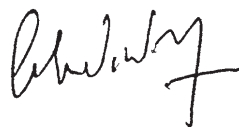
Per la Comunità europea

Voor de Europese Gemeenschap

Pela Comunidade Europeia

Euroopan yhteisön puolesta

För Europeiska gemenskapen



Por el Gobierno de la Región Administrativa Especial de Hong Kong de la República Popular China
På regeringen for Folkerepublikken Kinas særlige administrative region Hongkongs vegne
Im Namen der Regierung der Sonderverwaltungsregion Hongkong der Volksrepublik China
Για την κυβέρνηση της ειδικής διοικητικής περιοχής Χονγκ Κονγκ της Λαϊκής Δημοκρατίας της Κίνας
For the Government of the Hong Kong Special Administrative Region of the People's Republic of China
Pour le gouvernement de la région administrative spéciale de Hong Kong de la République populaire de Chine
Per il governo della regione ad amministrazione speciale di Hong Kong della Repubblica popolare cinese
Voor de regering van de Speciale Administratieve Regio Hong Kong van de Volksrepubliek China
Pelo Governo da Região Administrativa Especial de Hong Kong da República Popular da China
Kiinan kansantasavallan erityishallintoalueen Hongkongin hallituksen puolesta
För regeringen i Folkrepubliken Kinas särskilda administrativa region Hongkong



ANNEX 1

Common list of documents the presentation of which is considered as proof of nationality or permanent residence (Article 2(1), Article 3(1), Article 4(1) and Article 5(1))

Member States:

- passports of any kind (national passports, diplomatic passports, service passports, collective passports and surrogate passports including children's passports);
- identity cards of any kind (including temporary and provisional ones);
- service books and military identity cards;
- seaman's registration books and skippers' service cards;
- official documents indicating the nationality of the person concerned.

Hong Kong:

- Hong Kong Special Administrative Region Passports;
- Hong Kong Certificate of Identity;
- Hong Kong Permanent Identity Card;
- official documents indicating the permanent residence status of the person concerned.

ANNEX 2

Common list of documents the presentation of which is considered as prima facie evidence of nationality or permanent residence (Article 2(1), Article 3(1), Article 4(1) and Article 5(1))

- photocopies of any of the documents listed in Annex 1 to this Agreement;
- driving licenses or photocopies thereof;
- birth certificates and photocopies thereof;
- company identity cards or photocopies thereof;
- statements by witnesses;
- statements made by the person concerned and language spoken by him or her, including by means of an official test result;
- any other document which may help to establish the nationality or the permanent residence status of the person concerned.

ANNEX 3

Common list of documents which are considered as proof of the conditions for the readmission of persons of another jurisdiction (Article 3(1), Article 5(1))

- entry/departure stamps or similar endorsement in the travel document of the person concerned;
- tickets as well as certificates and bills of any kind (e.g. hotel bills, appointment cards for doctors/dentists, entry cards for public/private institutions, etc.) which clearly show that the person concerned stayed on the territory of the requested Member State or the Hong Kong SAR;
- railway tickets and tickets and/or passenger lists of air or boat passages which show the itinerary on the territory of the requested State;
- information showing that the person concerned has used the services of a courier or travel agency.

ANNEX 4

Common list of documents which are considered as prima facie evidence of the conditions for the readmission of persons of another jurisdiction (Article 3(1), Article 5(1))

- official statements made, in particular, by border authority staff and other witnesses who can testify to the person concerned crossing the border;
- description of place and circumstances under which the person concerned has been intercepted after entering the territory of the requesting Member State or the Hong Kong SAR;
- information related to the identity and/or stay of a person which has been provided by an international organisation;
- reports/confirmation of information by family members, travelling companions, etc.;
- statement by the person concerned.

ANNEX 5



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.....
.....
(Designation of requesting authority)

.....
.....
(Place and date)

Reference

.....

To

.....
.....
.....
(Designation of receiving authority)

READMISSION APPLICATION

pursuant to Article 7 of the Agreement of 27 November 2002 between the European Community and the Government of the Hong Kong SAR on the readmission of persons residing without authorisation

A. PERSONAL DETAILS

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

.....

4. Sex and physical description (height, color of eyes, distinguishing marks etc.):

.....

5. Father's and mother's name:

.....

6. Also known as (earlier names, nicknames or pseudonyms):

.....

7. Nationality and language:

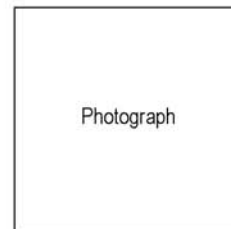
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8. Last residence in the requesting State:

.....

9. Address in the requested State:

.....



ANNEX 6



.....
.....
(Designation of requesting authority)

.....
(Place and date)

Reference

.....

To

.....
.....
.....
(Designation of receiving authority)

TRANSIT APPLICATION

pursuant to Article 13 of the Agreement of 27 November 2002 between the European Community and the Government of the Hong Kong SAR on the readmission of persons residing without authorisation

A. PERSONAL DETAILS

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

.....

4. Sex and physical description (height, color of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, nicknames or pseudonyms):

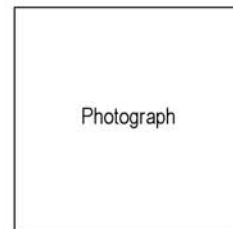
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6. Nationality and language:

.....

7. Type and number of travel document:

.....



B. TRANSIT OPERATION

1. Type of transit

by air

by sea

by land

2. State of final destination

.....

3. Possible other States of transit

.....

4. Proposed border crossing point, date, time of transfer and possible escorts

.....

.....

.....

5. Admission guaranteed in any other transit State and in the State of final destination (Article 12(2))

yes

no

6. Knowledge of any reason for a refusal of transit (Article 12(3))

yes

no

C. OBSERVATIONS

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.....

.....
(Signature) (Seal/stamp)

JOINT DECLARATION ON ARTICLE 1(f)

The Contracting Parties take note that, under the Hong Kong SAR's current immigration laws, a 'residence authorisation' in the meaning of Article 1(f) is, in particular, issued in all cases where a person is given permission to land in Hong Kong:

- as a student at a specified and officially approved school, university or other educational institution, or
- for paid employment and self-employed economic activities (professionals, investors, talents, imported workers, domestic helpers etc.), or
- for the purpose of joining residents in Hong Kong as dependants (family reunion).

JOINT DECLARATION CONCERNING DENMARK

The Contracting Parties take note that this Agreement does not apply to the territory of the Kingdom of Denmark. In such circumstances it is appropriate that the Hong Kong SAR and Denmark conclude a readmission agreement in the same terms as this Agreement.

JOINT DECLARATION CONCERNING ICELAND AND NORWAY

The Contracting Parties take note of the close relationship between the European Community and Iceland and Norway, particularly by virtue of the Agreement of 18 May 1999 concerning the association of these countries with the implementation, application and development of the Schengen acquis. In such circumstances it is appropriate that the Hong Kong SAR concludes a readmission agreement with Iceland and Norway in the same terms as this Agreement.
