

AGREEMENT
between
the Government of the Republic of Moldova and the Government of
Romania regarding readmission of aliens
(approved by Decree of the Government of the Republic of Moldova
no. 1059 of 04.10.2001)

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

Desiring to develop co-operation between the two Contracting Parties with a view to ensuring a better application of the provisions regarding movement of people and observance of the rights and guarantees provided by the laws and regulations in force,

Desiring to combat illegal migration on the basis of reciprocity and with a view to facilitating readmission of the persons who entered and are illegally staying in the territories of the Contracting Party states,

In accordance with the international treaties and conventions to which the Contracting Parties are parties,

Have agreed as follows:

Article 1
Terms

For the purposes of this Agreement, the following terms shall be used with the following meanings:

1. **alien** means a person who has a citizenship other than those of the Contracting Party states.

2. **visa** means a valid permit issued by the competent authorities of the Contracting Parties, which gives aliens the right to enter the country and stay in the territories of these states, without interruption, for a period in conformity with the legislation of each Contracting Party;

3. **residence permit** means a valid permit, issued by the competent authorities of the Contracting Parties, which gives the alien the right to reside in the territory of these states. The residence permit does not signify a visa or a possibility to stay in the territory of the states of Contracting Parties during the consideration of an application for asylum or during an expulsion procedure.

Article 2
Readmission of aliens

1. A Contracting party, at the request of the other Contracting Party, shall readmit an alien who has arrived in the territory of a country of the Applying Contracting Party, directly from the territory of the Applied Contracting State and does not meet the conditions in force of entry, in case when it is proved that there are truthful grounds to consider that that person has arrived from the territory of the Applied Contracting Party.

2. Each Contracting Party shall readmit, at the request of the other Contracting Party, an alien with staying illegally in the territory of the state of the Applicant Contracting Party and who has a valid residence permit or a

visa of the Applied Contracting Party or any other valid document issued by its competent authorities, giving the right to the person to enter and live in the territory of this state for a period that does not exceed the validity of the permit.

Article 3

Proof or presumption of the citizenship

1. The citizenship is considered proved with a national valid passport or with a valid identity paper issued to aliens by the competent authorities of their state of origin, domicile or residence.

2. The citizenship can be presumed on the basis of:

- a) national passport or other identity document issued by the competent authorities of the state provided in paragraph 1, even if its validity has expired;
- b) birth certificate in case of children;
- c) a certificate issued by the competent authorities;
- d) the person's own testimony, done in written form;
- e) written declaration of a third person;
- f) other evidence which, in specific cases, are recognised by the Applied Contracting Party.

Article 4

Exceptions to the obligation of readmission of aliens

1. The obligation of readmission provided in article 2 shall not exist in case of the aliens who, entering the territory of the Applying Contracting Party, were in possession of a valid entry visa or obtained after the entry, or of a stay permit issued by this Contracting Party.

2. If both Contracting Parties have issued an entry visa or a residence permit, the Contracting Party whose entry visa or permit expires later shall readmit the person.

Article 5

Transit in case of return

1. Each Contracting Party shall allow aliens to transit the territory of its state in case of return, if the other Contracting Party demands it. The Contracting Party may request that a representative of the competent authorities of the Applying Contracting Party ensure escort during the transit of its territory. The Applying Contracting Party shall ensure the handing over of this alien in the country of destination or transit.

2. The Applied Contracting Party shall accord a free transit visa to the escorted person.

3. The Applying Contracting Party shall readmit an alien who has been returned and is in transit, if his entry to the territory of a third country is not admitted or the continuation of the journey is no longer possible.

4. The transit of an alien of the territory of the Applied Contracting Party state, for his entrance into the territory of a third country, may be refused if the alien is put to danger or if in the country of his destination he may be subject

to inhuman treatment, condemned to death punishment or discriminated on the grounds of race, religion, nationality, belonging to a social group or his political beliefs.

Article 6 Terms

1.A Contracting Party shall reply to the application of readmission addressed to it without delay and, in any case, no later than 20 days since the submission of the application. The application of readmission can be addressed by post, by direct handing over to the competent authorities of the other Contracting Party or by other means of communication.

2.The Applied Contracting Party shall take over the person immediately after the approval of the application of readmission and, in any case not later than 3 months since the day of approval.

After the Applying Contracting Party's notification, this dateline shall be extended for the time necessary for clarification of legal or practical impediments that may arise.

Article 7 Cessation of the obligation of readmission

Application for readmission according to article 2 shall have to be submitted to competent authorities of the Applied Contracting Party the latest in 6 months since the illegal entry or since the date from which the person's stay in the territory of the state of the Applying Contracting State became illegal.

Article 8 Expenses

The Applying Contracting Party bears transport expenses to the country of destination, for the returned person and for his escort. This shall refer only to the relationship between the Contracting Parties.

Article 9 Transportation of legally acquired personal assets

1.The Applying Contracting Party shall allow the person that is to be returned to transport all his legally acquired assets in accordance with the national legislation to the country of the destination.

2.The Applying Contracting Party is not obliged to bear the costs for the transportation of the goods.

Article 10 Provisions for application

1.The competent authorities, responsible for the application of this Agreement shall be:

On the part of the Republic of Moldova:

- Ministry of the Interior;
- Border Troops Department;

On the part of Romania:

- Main Inspectorate of Border Police under the Ministry of the Interior;
- Main Department of Registration of People under the Ministry of the Interior

The Contracting Parties shall inform reciprocally about the changes, occurring in connection with these authorities.

2.The competent authorities shall meet as many times as necessary and shall decide on the practical arrangements for application of this Agreement.

3.The competent authorities shall decide, by concluding separate protocols, on other arrangements necessary for the application of this Agreement, such as, for example:

- Details, proving documents and measures for transfer and execution of transit;
- Determination of state border crossing points and setting a date with a view to readmission;
- Conditions for transit transportation of a citizen of a third country under the escort of the competent authorities;
- Evidence or presumption on the basis of which it is possible to prove or show that the alien arrived directly from the territory of either of the Contracting Parties in the territory of the other Contracting Party.

4.Any misunderstanding that might arise in connection with the interpretation or application of the provisions of this Agreement shall be solved by direct consultations between the competent authorities of the states Contracting Parties.

Article 11

Connection with other international agreements

This Agreement shall not cause any damage to the rights and obligations of each Contracting Party that results from international agreements to which they are party.

Article 12

Final provisions

1.This Agreement shall come into force on the 90th day since the date of the last notification regarding the fulfilment of the legal internal procedures for its entering into force.

2.Each Contracting Party can suspend this Agreement, for the reasons of protection of the state's security, public order or health, by a notification, in written form, of the other Contracting Party. The suspension shall become effective at the moment of the first notification.

3.The Contracting Parties shall settle with mutual accord the possible modifications or additions to this Agreement, which shall come into force on the 90th day since the day of the receipt of the last notification regarding the fulfilment of the internal legal procedures for their entering into force.

4.This Agreement is concluded for an indefinite period. Each Contracting Party can denounce this Agreement by notifying the other Contracting Party in written form. The denunciation shall become effective on the 13th day since the date of the receipt of the mentioned notification by the other Contracting Party.

5.This Agreement shall apply to all aliens being in the territories of the Contracting Party states at the moment of its entry into force and subsequent to it, who do not meet entry conditions or stay according to article 2, paragraph 1.

Signed at Bucharest, on 27 July 2001, in two original copies.

On the part of the Government of On the part of the Government
The Republic of Moldova of Romania

Mr.Leanca