

**AGREEMENT**  
**between the Cabinet of Ministers of Ukraine and the Government of the**  
**Russian Federation on readmission**

The Cabinet of Ministers of Ukraine and the Government of the Russian Federation, hereinafter referred to as the "Parties",

determined to develop their good-neighborly relations of partnership between the two states, as well as to strengthen their cooperation in various fields, including combating illegal migration and transnational organized crime,

being convinced that the introduction of mutually agreed standards and principles governing the procedure for the transfer, admission and return of persons within the territory of their states in violation of the procedure for entry, departure and stay of foreign nationals and stateless persons is an important part of the regulation of migration processes and the contribution to combating illegal migration and transnational organized crime,

respecting the sovereign right of each state of the Party in accordance with its legislation to establish responsibility for illegal migration of foreign citizens and stateless persons into or through its territory,

noting the increasing interest of various states to harmonization of their migration legislation,

have agreed as follows:

**Article 1**  
**Definitions**

For the purpose of this Agreement the terms cited below shall have the following meaning:

a) "readmission" shall mean the transfer by the competent authorities of the state of the Requesting Party and admission by the competent authorities of the state of the Requested Party of persons according to the procedure, under the terms and conditions and for purposes, stipulated by this Agreement, of persons who enter into or are present in the state of the Requesting Party in violation of legislation of this state regulating the entry, departure and stay of foreign nationals and stateless persons;

b) "Requesting Party" shall mean the Party the competent authorities of which submit the application for readmission or transit of a person;

c) "Requested Party" shall mean the Party to the competent authorities of which the application for readmission or transit of a person is addressed;

d) "third-country nationals" shall mean the persons whose country of origin is not a party to this Agreement and who do not possess nationality of countries of the participating states;

e) "stateless persons" shall mean the persons who do not hold the nationality of the State Parties and who are not third-country nationals, except for persons who lost citizenship of one of the Parties after the entry into the territory

of the state of the other Party and to which the provisions set out in paragraph 1 of Article 2 of this Agreement shall apply;

f) "competent authorities" shall mean the national authorities of the State Parties participating in the implementation of this Agreement;

g) "state border crossing point" shall mean the border crossing-point on the state border of Ukraine or the state border of the Russian Federation, set in accordance with the national legislation of the state of each Party or international treaties;

h) "Implementing Protocol" shall mean the protocol on the procedure for the implementation of this Agreement;

i) "border area" shall mean an area which extends up to 30 kilometers from the common land border between the Russian Federation and Ukraine;

## **Article 2**

### **Transfer and admission of the citizens of State Parties**

1. The competent authorities of the state of the Requested Party upon application by the competent authorities of the state of the Requesting Party shall readmit the persons who entered the territory of the state of the Requesting Party or are present there in violation of legislation of this state regulating the entry, departure and stay of foreign nationals and stateless persons, if it was found that such persons are nationals of the state of the Requested Party or lost their citizenship upon their entry into the territory of the state of the Requesting Party and did not acquire citizenship of other state, or if there was made a decision to deny conferment of nationality of the state of the Requesting Party to the aforementioned persons.

2. If necessary, the competent authorities of the state of the Requested Party give the persons to be transferred the documents which are required for their entry into the territory of this state.

3. The list of documents on the basis of which the presence of citizenship of a person in one of the State Parties is determined, shall be established in the Implementing Protocol.

The Parties shall, within 15 calendar days from the date of signing of the Implementing Protocol, exchange the copies of such documents through the diplomatic channels. Subsequently, each Party shall notify the other Party through the diplomatic channels of introduction of any changes to such documents.

4. If none of the documents on the basis of which the presence of citizenship of a person in one of the Parties is determined, can be presented, the competent authority of the Requesting Party agrees with the competent authority of the Requested Party on interviewing the person to be readmitted to obtain information about his/her nationality, without any inordinate delay.

5. The competent authorities of the state of the Requesting Party shall readmit the person transferred by them within 30 calendar days from the date of such transfer if the competent authorities of the state of the Requested Party found

the fact that there are no conditions for his/her readmission referred to in paragraph 1 of this Article (incorrect readmission). In such a case, the competent authorities of the state of the Requested Party shall submit the available files relating to such person to the competent authorities of the state of the Requesting Party.

### **Article 3**

#### **Transfer and admission of third-country nationals and stateless persons**

1. The competent authorities of the state of the Requested Party shall admit, upon application by the competent authorities of the state of the Requesting Party, any third-country national or stateless person who is present in the territory of the state of the Requesting Party in violation of legislation of this state regulating entry, departure and stay of foreign nationals and stateless persons, provided that evidence can be furnished that such person:

- entered the territory of the state of the Requesting Party directly from the territory of the state of the Requested Party in violation of legislation of the state of the Requesting Party regulating entry, departure and stay of foreign nationals and stateless persons;

- at the time of submission of the readmission application has a lawful ground to stay in the territory of the state of the Requested Party.

2. The readmission obligation provided for in paragraph 1 of this Article, shall not apply if a third-country national or a stateless person:

- lawfully arrived in the territory of the state of the Requesting Party under a visa-free procedure in accordance with international treaty;

- has only been in airside transit via an International airport on the territory of the state of the Requested Party.

3. If a third-country national or a stateless person has no identity paper and there is no possibility to issue such a document by the competent authority of the State of citizenship or permanent residence of such person, then after receipt of a positive reply to the readmission application the Requesting Party gives such person a travel document recognized by the Requested Party which is required for entry into the territory of the state of the Requested Party.

The form of a travel document shall be established by the legislation of the state of each of the Parties.

The Parties shall exchange the copies of such documents through the diplomatic channels. Subsequently, each Party shall notify the other Party through the diplomatic channels of introduction of any changes to such documents.

4. The list of documents that are indicative of the existence of grounds for readmission of third-country nationals and stateless persons shall be established in the Implementing Protocol.

5. The competent authorities of the Requesting Party state shall readmit the person transferred by them within 30 calendar days from the date of such

transfer if the inspection results received by the Requested Party after transfer of the person will be indicative of the absence of the necessary conditions for his/her readmission, referred to in paragraph 1 of this Article (incorrect readmission). In such a case, the competent authorities of the state of the Requested Party shall submit the available files relating to such person to the competent authorities of the state of the Requesting Party.

6. The Parties, on the basis of reciprocity, seek to limit the cases of readmission of third-country nationals who can be returned directly to the countries of their citizenship.

#### **Article 4**

##### **Time limits for submission and consideration of readmission applications**

1. The readmission application shall be sent within 30 calendar days from the date of finding the fact of illegal entry into the territory or illegal stay of such person within the territory of the Requesting Party.

2. The competent authority of the Requested Party, within 30 calendar days from the date of receipt of the readmission application, shall consent for their admission or deny their admission with the indication of reasons for such denial, if the competent authorities of the Requested Party identified the absence of conditions required to transfer that person, referred to in paragraph 1 of Article 2 and paragraph 1 of Article 3 of this Agreement.

3. In the presence of legal or factual circumstances hindering the timely response to the readmission application, the time limit for response, subject to the submission of a reasoned application of the competent authority of the Requested Party, may be extended for an additional period not to exceed 90 calendar days, subject to agreement with the competent authorities of the Requesting Party.

4. The competent authority of the Requested Party may dismiss the readmission application referred to in Article 3 of this Agreement, if more than 6 months have passed from the date of crossing the border of the Requesting Party by that person or from the date of finding the fact of illegal stay of that person in the territory of the Requesting Party.

5. If a person was detained in the border area of the state of the Requesting Party after they illegally crossed the state border going directly from the territory of the Requested Party, the competent authority of the Requesting Party may send an application for readmission of such person within 2 working days from the date of their detention (accelerated procedure).

6. The reply to the readmission application under the accelerated procedure shall be submitted by the competent authority of the Requested Party to the competent authority of the Requesting Party within 2 working days from the date of receipt of such application. If necessary, subject to the submission of a reasoned application of the competent authority of the Requested Party and the consent of the competent authority of the Requesting Party, the time limit for response may be extended for an additional period of 5 calendar days.

## **Article 5**

### **Time limits for transfer and admission of persons**

1. The transfer of persons in respect of whom the Requested Party has given its consent for readmission shall be carried out within 30 calendar days from the date of receipt of such consent from the Requesting Party, unless the competent authorities of the State Parties agree otherwise in each specific case.

2. The transfer of a person under the accelerated procedure, provided for in paragraph 5 of Article 4 of this Agreement, shall be carried out within 2 working days from the date of receipt of a positive reply to the readmission application.

3. The time limits specified in this Article may be extended subject to the submission of a reasoned application of the relevant competent authority for the removal of any legal or practical obstacles.

## **Article 6**

### **Transit procedure**

1. The competent authorities of the state of the Requested Party upon application by the competent authorities of the Requesting Party allow the transit of third-country nationals and stateless persons, including those escorted by the staff of competent authorities of the requesting Party, through the territory of the Requested Party, subject to the condition that the competent authorities of the Requesting Party provide the written guarantees confirming that these persons are granted the right of unimpeded entry into the territory of a third country regardless of whether it is a State of transit or a destination State.

2. The request for transit of persons specified in paragraph 1 of this Article shall be submitted by the competent authorities of the Requesting Party no later than 15 calendar days before the proposed date of entry of abovementioned person into the territory of the state of the Requested Party for the purpose of transit, unless the competent authorities of the State Parties agree otherwise in each specific case.

3. The competent authorities of the Requested Party shall, within 7 calendar days from the date of receipt of the request for transit of persons, specified in paragraph 1 of this Article, consent to the transit or deny admission with the indication of reasons for such denial, if they believe that the presence of such persons in the territory of the state of the Requested Party is not desirable, particularly for reasons of national security and protection of public order.

4. During the transit of persons specified in paragraph 1 of this Article the competent authorities of the Requested Party shall provide the necessary assistance upon application by the competent authorities of the Requesting Party.

5. If the stay on the territory of the state of the Requested Party of persons, specified in paragraph 1 of this Article is related to the necessity of their going out of the bounds of the transit area of the state border crossing point, the competent authorities of the Requested Party upon application by the competent authorities of the Requesting Party provide additional protection and provide the premises for the temporary accommodation of such persons, whenever necessary.

6. The competent authorities of the Requested Party, in spite of the issued permit for travel in transit may return the persons, specified in paragraph 1 of this Article, to the competent authorities of the Requesting Party, if after their entry into the territory of the state of the Requested Party any particular circumstances, referred to in paragraph 3 of this Article, will be revealed in relation to these persons, and if the unimpeded entry into the territory of other state of transit or state of destination can no longer be deemed guaranteed.

7. The Parties on the basis of reciprocity tend to restrict the cases of transit of third-country nationals and stateless persons who may be returned directly to the states of their citizenship or to the states in which such persons are lawfully domiciled.

8. The issue of transit permits may be denied if the person in respect of whom the transit permit is requested, or any members of his/her family escorting him/her in a state of transit or state of destination, faces the death penalty, torture or other inhuman or degrading treatment, or if the freedom of that person may be restricted on the grounds of his/her ethnicity or nationality, race, religion or political opinion.

9. The Parties shall seek to transit third-country nationals and stateless persons mainly by air.

## **Article 7**

### **Implementing Protocol**

The Parties shall conclude the Implementing Protocol which shall cover rules on:

- a) the competent authorities and the state border crossing points;
- b) the contents and the procedure of the submission of a readmission application or a transit application;
- c) the procedure for interviews;
- d) readmission and transit procedure;
- e) the conditions for escorted transfers, including the transit of third-country nationals and stateless persons under escort;
- f) procedure for the execution mutual exchanges related to the implementation of this Agreement.

## **Article 8**

### **Personal Data Protection**

1. Personal Data which the competent authorities of the Parties share or which they transfer to each other with a view to implement the provisions of this Agreement, shall be protected in the state of each Party in accordance with its legislation on personal data protection and international treaties which the State Parties are the parties to.

2. The competent authorities of the Parties shall take appropriate measures to protect personal data against unauthorized access and disclosure. Personal data may only be transmitted to a third party subject to prior written consent of the competent authorities of the state of one Party which is sending these data to the competent authorities of the state of another Party.

## **Article 9**

### **Expenses**

1. Expenses related to readmission and possible escorting as far as the international state border crossing point of the state of the Requested Party of persons, specified in paragraph 1 of Article 2 and paragraph 1 of Article 3 of this Agreement, shall be borne by the Requesting Party, unless such expenses can be paid by such persons themselves or by a third party.

2. Expenses related to transit and possible escorting of persons specified in paragraph 1 of Article 6 of this Agreement, as well as their possible return, shall be borne by the Requesting Party, unless such expenses can be paid by such persons themselves or by a third party.

3. Expenses related to the transfer of persons specified in paragraph 5 of Article 2 and paragraph 5 of Article 3 of this Agreement, and their possible escorting as far as the state border crossing point of the state of the Requesting Party, shall be borne by the Party which is responsible for incorrect readmission of abovementioned persons.

4. All transport expenses related to interviewing, referred to in paragraph 4 of Article 2 of this Agreement, shall be borne by the Requesting Party, unless such expenses can be paid by such persons themselves or by a third party.

## **Article 10**

### **Suspension and renewal of Agreement**

1. Each Party may, in consultation with the other Party, for reasons related to peacekeeping, medicare or protection of national security, suspend the application of this Agreement, either in part or in full.

2. One Party shall notify the other Party in writing through the diplomatic channels on the suspension or renewal of this Agreement, not later than 48 hours prior to the implementation of such decision.

### **Article 11** **Effects of other international treaties**

1. This Agreement shall not affect the rights and obligations of each of the Parties subsequent upon other international treaties which its state is a party to.

2. This Agreement shall not prevent the return of a particular person under other paper or informal arrangements.

### **Article 12** **Final provisions**

1. This Agreement shall enter into force upon expiry of 30 days from the date of receipt through the diplomatic channels of the last written notification on the implementation by the Parties of domestic procedures required for its entering into force.

2. The Readmission Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation of December 22, 2006 shall cease to be in force on the entry into force of this Agreement.

3. This Agreement may be amended by mutual agreement of the Parties, and the relative amendments shall enter into force according to the procedure provided for in paragraph 1 of this Article.

4. The disputes concerning the interpretation and application of the provisions of this Agreement shall be resolved by the Parties through good faith consultation and negotiation.

5. This Agreement is concluded for an uncertain term and shall expire after 30 days of the date of receipt by one of the Parties through the diplomatic channels of a written notification from the other Party of its intent to terminate the Agreement.

Executed in Moscow on the twenty-second day of October in the year two thousand and twelve in duplicate each in the Ukrainian and Russian languages, each of these texts having equal legal force.

In case of any disagreements when interpreting the text of this Agreement, the Russian version shall be binding upon both Parties.

**For the Cabinet of Ministers of  
Ukraine**

**For the Government of the Russian  
Federation**