

AGREEMENT

between

The Government of the Republic of Kosovo

and

the Government of the Republic of Macedonia

on Readmission of Persons Residing without Authorisation

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The Government of the Republic of Kosovo and the Government of the Republic of Macedonia (hereinafter referred to as "the Contracting Parties"),

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

Desiring to establish, by means of this Agreement and on the basis of reciprocity, rapid and effective procedures for identification and safe and orderly return of persons who do not, or no longer fulfil the conditions to enter, or legally stay in the territories of the Republic of Macedonia or the Republic of Kosovo, and to facilitate the transit of such persons in a spirit of cooperation,

Underlying that this Agreement shall be without prejudice to the rights, obligations and responsibilities of the both countries emerging from the international laws.

HAVE AGREED AS FOLLOWS:

Article 1
Definitions

For the purpose of this Agreement:

1. „Citizen of the Republic of Macedonia" shall mean any person who holds the citizenship of the Republic of Macedonia in accordance with its national legislation;
2. „Citizen of the Republic of Kosovo" shall mean any person who holds the citizenship of the Republic of Kosovo, in accordance with its national legislation;
3. „Third-country citizen" shall mean any person who holds a citizenship other than that of the Republic of Macedonia or the Republic of Kosovo;
4. „Stateless person" shall mean any person who does not hold the citizenship of any country;
5. „Residence permit" shall mean a permit of any type issued by the competent authorities of the Republic of Macedonia or the Republic of Kosovo entitling a person to reside on its territory. This shall not include temporary residence

permits on its territory in connection with the processing of an asylum application or an request for a residence permit;

6. „Visa“ shall mean an authorisation issued or an approval issued by the competent authorities of the Republic of Macedonia or Republic of Kosovo which is required with a view to entry in, or transit through their territories. This shall not include airport transit visa;
7. „Requesting State“ shall mean the State (the Republic of Macedonia or the Republic of Kosovo) submitting a readmission request pursuant to Article 5 or a transit request pursuant to Article 12 of this Agreement;
8. „Requested State“ shall mean the State (the Republic of Macedonia or the Republic or Kosovo) to which the readmission request, pursuant to Article 5 or a transit request pursuant to Article 12 of this Agreement is addressed;
9. „Competent Authority“ shall mean any national authority of the Republic of Macedonia or of the Republic or Kosovo entrusted with the implementation of this Agreement in accordance with Article 17 paragraph (1) item a) thereof;
10. „Transit“ shall mean the passing of a third-country citizen or a stateless person through the territory of the Requested State travelling from the Requesting State to the country of destination.

SECTION I READMISSION OBLIGATIONS

Article 2 Readmission of its Own Citizens

1. The Requested state shall, upon application by the Requesting state and without further formalities other than those provided for in this Agreement, readmit all persons who do not or who no longer fulfil the legal conditions in force for entering, or legal stay, on the territory of the Requesting state, provided that is it determined, or validly assumed on the basis of *prima facie* evidence, that they are citizens of the Requested state.
2. The Requested state shall readmit at the same time spouses and minor unmarried children of the persons mentioned in paragraph 1 of this Article holding the citizenship of the Requested state, unless they have an independent right of residence on the territory of the Requesting state.
3. The Requested state shall readmit persons who were dismissed from citizenship of the Requested state after entering on the territory of the Requesting state, except if these persons are not guaranteed at least naturalization on the part of the competent authorities of Requesting state.

4. After the Requested state shall give positive reply on the readmission request, the competent diplomatic mission or the consular office of the Requested state, immediately and not longer than 3 working days shall issue a travel document necessary for returning of the person to be readmitted with a validity period of 30 days. If, due to legal or fact-based reasons the person concerned cannot be transferred within the period of validity of the travel document, which was originally issued, the competent diplomatic mission or the consular office of the Requested state shall issue, without any delay, a new travel document with the same validity period.
5. In case the person to be readmitted possesses the citizenship of a third state in addition to the citizenship of the Requested state, the Requesting state shall take into consideration the will of the person to be readmitted in the state upon his/her own choice.
The possible additional costs for the return to the third state shall be borne by the person readmitted.

Article 3
Readmission of Third-country Citizens and Stateless Persons

1. The Requested state shall readmit, upon request by the Requesting state and without further formalities except those provided for in this Agreement, all third-country citizens or stateless persons who do not, or who no longer fulfil the conditions in force to enter or have legal stay on the territory of Requesting state, provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that such persons:
 - (a) hold, or at the time of entry held, a valid visa or residence permit issued by Requested State competent authority; or
 - (b) illegally entered the territory of the Requesting state directly by air, or by land after they resided or made transit via the territory of the Requested state; or
 - (c) are spouses of the persons mentioned in Article 2, paragraph 1, holding another citizenship, provided they have the right to enter and stay or receive the right to enter and stay by the competent authority of the Requested state, in the territory of Requested state; or
 - (d) are minor unmarried children of the persons mentioned in Article 2, paragraph 1, regardless their place of birth or their citizenship, except if they have independent right to reside on the territory of the Requesting state.
1. The readmission obligation in paragraph 1 of this article shall not apply if:
 - (a) the third-country citizen or stateless person has only been in airside transit via an International Airport of Requested state; or