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EU-Armenia readmission agreement

The EU and Armenia signed on 19 April 2013 an agreement on the readmission of persons residing without authorisation (*5860/13*) at a ceremony that took place in Brussels. On behalf of the EU, the agreement was signed by Rory Montgomery, Permanent Representative of Ireland to the EU, and by Cecilia Malmström, EU Commissioner for Home Affairs. For Armenia, Edward Nalbandian, Minister for Foreign Affairs, signed the agreement.

The main objective of this agreement is to establish, on the basis of reciprocity, rapid and effective procedures for the identification and safe and orderly return of those persons.

The agreement will now be sent to the European Parliament with a view to obtaining its consent before it can be concluded. It will enter into force on the first day of the second month following the date on which the two parties notify each other that the internal procedures have been completed, together with the visa facilitation agreement signed in December 2012.

The UK, Ireland and Denmark are not bound by the agreement.

Main provisions

The agreement covers both readmission of own nationals of the two parties and of third-country nationals or stateless persons. For the latter, readmission can take place only under certain strict conditions. These include that the persons concerned:

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– must hold a valid visa or residence authorisation from the state they are supposed to return to ('requested state'), or

– unlawfully entered the territory of the state asking for readmission ('requesting state') coming directly from the territory of the requested state.

The obligation to readmit third-country nationals or stateless persons does not apply if:

– the person concerned has only been in airside transit via an international airport of the requested state; or

– the requesting state has issued to the person concerned a visa or residence authorisation that has a longer period of validity than the document the person might hold from the requested state.

On all aspects, the agreement is, of course, without prejudice to the obligations and responsibilities of EU member states and of Armenia under international law.

The agreement also includes a number of other procedural rules, such as the time-limits for the readmission applications, the modalities for the transfer of the returnees, the cost of the transfer and the protection of personal data of the returnees. A Joint Readmission Committee is established so as to monitor the application of the agreement and decide on certain technical arrangements.

Context

Readmission agreements go usually hand-in-hand with visa facilitation agreements. The visa facilitation agreement with Armenia was signed on 17 December 2012. Both, the visa facilitation and the readmission agreements will enter into force on the same day.

Readmission agreements set out clear obligations and procedures for the authorities of EU member states and the third countries concerned as to when and how to take back people who are illegally residing on the territories of the parties. They cover not only the illegally staying nationals of both parties but also third country nationals and stateless persons being in an irregular situation provided they have a clear link with the requested party (e.g. visa or resident permit). Full respect of Human Rights as provided by the European Convention of Human Rights is guaranteed during the application of readmission agreements.

So far, the EU has signed visa facilitation and readmission agreements with ten countries: Albania, Bosnia and Herzegovina, Former Yugoslav Republic of Macedonia (FYROM), the Republic of Moldova, Montenegro, Russia, Serbia, Ukraine, Georgia and Cape Verde. Negotiations are ongoing with Azerbaijan. In addition, the EU has signed readmission agreements, without a paired visa facilitation agreement, with Hong Kong, Macao, Sri Lanka and Pakistan. Negotiations are ongoing with Morocco and Turkey.