



**TREATY SERIES 2001  
N° 17**

**Agreement between the Government of Ireland  
and the Government of Romania  
regarding the readmission of their own citizens  
and third country citizens illegally residing in the territories  
of their respective states**

Done at Bucharest on 12 May 2000

Notifications of the completion of the procedures necessary for the entry into force of  
the Agreement exchanged on 18 August 2000  
and 4 April 2001

Entered into force on 23 July 2001

Presented to Dáil Éireann by the Minister for Foreign Affairs

**AGREEMENT BETWEEN THE GOVERNMENT OF IRELAND  
AND THE GOVERNMENT OF ROMANIA  
REGARDING THE READMISSION OF THEIR OWN CITIZENS  
AND THIRD COUNTRY CITIZENS ILLEGALLY RESIDING  
IN THE TERRITORIES OF THEIR RESPECTIVE STATES**

The Government of Ireland and the Government of Romania, hereinafter referred to as “a Contracting Party” or the “Contracting Parties” as appropriate,

Desiring to improve co-operation between the two Contracting Parties with the aim of the better implementation of provisions relating to the circulation of persons and respect for rights and guarantees and in conformity with the legislation in force in both States,

Prompted by a desire to combat illegal immigration on a reciprocal basis and in order to facilitate the readmission of persons who are residing illegally in the territories of their States and the transit of such persons when transferred to a third country,

**HAVE AGREED** as follows:

*Article 1  
Terms*

For the purpose of the present Agreement, the following terms have the following meanings:

1. “Third country citizen” means a person who does not have citizenship of one of the Contracting Parties’ States, including a stateless person;
2. “Visa” means a valid permit issued by the competent authorities of a Contracting Party which entitles a person to enter the territory of its State without interruption for a specified period of time in conformity with the national legal requirements of the visa issuing Contracting Party;
3. “Residence permit” means a valid permit, issued by the competent authorities of one Contracting Party, which entitles a person to reside on the territory of the State of that Contracting Party. A residence permit does not mean a visa or permission to remain on the territory of the State of a Contracting Party during the consideration of an asylum application or in the course of an expulsion or deportation procedure, as appropriate to each Contracting Party.

*Article 2  
Readmission of own citizens*

1. Each Contracting Party shall readmit, at the request of the other Contracting Party, and without any special formality, a person who does not, or who no longer, fulfils the conditions in force for entry or residence on the territory of the State of the requesting Contracting Party, provided that it is proved or may be validly assumed

that such person possesses the citizenship of the State of the requested Contracting Party.

2. Upon request by the requesting Contracting Party, the requested Contracting Party shall without delay issue the person to be returned the travel documents needed for his/her repatriation, or as the case may be, apply the visa on the EU travel letter issued by the competent authority of the requesting Contracting Party.

3. Should subsequent investigation result in proving the readmitted individual was not a citizen of the requested Contracting Party at the time he/she does not comply with the conditions provided for in *paragraph 1* above or in Article 4, the requesting Contracting Party shall readmit that person.

### Article 3 *Proof of citizenship*

1. Proof of citizenship pursuant to Article 2 of this Agreement can be furnished through:

- (a) citizenship certificates which can clearly be allocated to a person;
- (b) passports of any kind (national passports, collective passports, diplomatic passports, service passports and surrogate passports);
- (c) identity cards including temporary and provisional ones;
- (d) service books and military identity cards;
- (e) official documents indicating the citizenship of the person concerned;
- (f) seamen's registration books and skippers' service cards;
- (g) unequivocal information provided by the competent authorities.

2. If supporting documents as mentioned in *paragraph 1* of this Article are presented, the Contracting Parties shall mutually recognise the citizenship without further examination being required.

3. *Prima facie* evidence regarding citizenship can, in particular, be furnished by the following:

- (a) photocopies of any of the documents listed in *paragraph 1*;
- (b) driving licences;
- (c) company identity cards;
- (d) birth certificates;
- (e) photocopies of the mentioned documents;
- (f) statements made by witnesses;
- (g) statement made by the person concerned;
- (h) language spoken by the person concerned;

as well as by any other document which may help to establish the citizenship of the person concerned.

4. Where *prima facie* evidence of citizenship is furnished, the Contracting Parties shall mutually deem the citizenship to be established unless the requested Contracting Party has disproved it.

5. The documents listed in *paragraphs 1 and 3* of this Article shall suffice as proof or *prima facie* evidence of citizenship even if their period of validity has lapsed.

6. Where the evidence or *prima facie* evidence referred to in paragraphs 1 and 3 do not suffice for citizenship to be proved or validly assumed, the competent diplomatic representation of the requested Contracting Party shall hear the person concerned without undue delay in order to establish his or her citizenship.

#### Article 4

##### *Readmission of third country citizens*

1. Each Contracting Party shall, at the request of the Contracting Party, readmit a third country citizen who has arrived on the territory of the State of the requesting Contracting Party directly from the territory of the State of the requested Contracting Party and who does not fulfil the conditions in force for entry or residence.

2. Each Contracting Party shall, at the other Contracting Party's request, readmit a third country citizen who is residing without authorisation on the territory of the State of the requesting Contracting Party and who has a valid residence permit or visa issued by the competent authorities of the requested Contracting Party.

#### Article 5

##### *Exceptions to the readmission obligation in respect of third country citizens*

1. The obligation of readmission as stipulated in *Article 4*, shall not apply in the case of:

- (a) third country citizens from a State that has a common state border with the State of the requesting Contracting Party;
- (b) third country citizens who obtained, after they left the territory of the State of the requested Contracting Party or after they entered the territory of the State of the requesting Contracting Party, a visa or a residence permit from the latter;
- (c) third country citizens who have legally resided in the territory of the State of the requesting Contracting Party for at least three months;
- (d) third country citizens who were recognized by the requesting Contracting Party either with the status of refugee on the basis of the provisions of the Convention relating to the Status of Refugees done at Geneva on the 28<sup>th</sup> day of July, 1951, and includes the Protocol relating to the Status of Refugees done at New York on the 31<sup>st</sup> day of January, 1967, or with the status of stateless person on the basis of the Convention relating to the Status of Stateless Persons done at New York on September 28, 1954.

2. If both Contracting Parties have issued an entry visa or residence permit to a third country citizen, the Contracting Party whose visa or residence permit expires the latest shall readmit such person.

## Article 6

### *Transit*

1. Each Contracting Party shall, upon request by the other Contracting Party, allow third country citizens to pass through the territory of its State in transit for the purpose of returning to a third country. The requesting Contracting Party shall take full responsibility for the continuation of the travel of such person to the country of final destination and shall readmit such person if this return cannot be carried out for any reason. The requested Contracting Party may request that a representative of the competent authorities of the requesting Contracting Party secure the escort of such transiting third country citizens during the transit through the territory of its State.
2. The requested Contracting Party shall issue a transit visa free of charge to the person(s) in transit and to any person(s) securing the escort of such person(s) in accordance with its national legal requirements.

## Article 7

### *Time limits*

1. The requested Contracting Party shall be obliged to reply in writing to a readmission request submitted to it without delay and, in any case, within a maximum of 20 days following receipt of the request. The readmission request may be submitted to the competent authorities of the requested Contracting Party by mail, by direct handling or by any other means of communication, including by filing it with the competent diplomatic mission of the requested Contracting Party. Any refusal of such request shall be supported by reasons.
2. The requested Contracting Party shall take charge of the person to be readmitted immediately after the approval of the readmission request and, in any event, within a maximum of 3 months from the date of approval. Upon notification by the requesting Contracting Party, this time limit shall be extended for the period necessary to allow the requesting Contracting Party to deal with any legal or practical obstacles.

## Article 8

### *Time limit for the submission of readmission request*

1. The application for readmission of a person covered by this Agreement shall be submitted to the competent authorities of the requested Contracting Party within twelve months of the conclusion of all necessary national, including legal, procedures in the territory of the State of the requesting Contracting Party.
2. Without prejudice to the generality of *paragraph 1*, the national procedures referred to in that paragraph shall, in the case of Ireland, include those procedures in relation to deportation.

**Article 9**  
*Information to be provided / Data Protection*

1. Insofar as personal data has to be exchanged by the competent authorities of the Contracting Parties, in order to implement this Agreement, such information may concern only the following:

- (a) the particulars of the person to be readmitted or admitted in transit, and when necessary, of the members of the person's family, such: surname, given name, any previous name, nickname or pseudonym, aliases, parents' surnames and forenames, date and place of birth, sex, current and any previous citizenship, latest address and previous address(es) in the territory of the State of the requested Contracting Party, if known to the requesting Contracting Party.
- (b) passport, travel document, laissez-passer or other identity document (number, date of issue, issuing authority, place of issue, period of validity, etc.);
- (c) other details needed to identify the person to be readmitted or admitted in transit;
- (d) evidence from which possession of citizenship may be established or validly assumed;
- (e) any other information at the request of one of the Contracting Parties which is required for the purpose of examining the readmission request pursuant to this Agreement;
- (f) itineraries, places, tickets or other travel arrangements and residence permits or visas issued by one of the Contracting Parties or a third State and their descriptions, if available.

2. The information referred to in *paragraph 1* as well as any other data transmitted under the present Agreement shall be exchanged in accordance with the national law of the State of each Contracting party.

3. Personal data may only be communicated to the competent authorities of each Contracting party. The competent authorities of each Contracting Party shall ensure the protection of all information received under this Agreement, in accordance with their national law.

4. In particular, each Contracting Party undertakes to:

- (a) use any information received under this Agreement only for the purpose for which it was requested.
- (b) keep confidential any such information forwarded to the requested Contracting party and not disclose it to a third party unless that disclosure is authorised by the requesting Contracting Party;

- (c) protect such information against accidental loss, unauthorised access, alteration or disclosure;
- (d) destroy such information in accordance with any conditions laid down by the requesting Contracting Party and, if there are no such conditions laid down, as soon as the information is no longer required for the purpose for which it was forwarded.

## Article 10 *Costs*

1. The requesting Contracting Party shall cover the expenses of transportation of persons to be readmitted or admitted in transit under this Agreement, including their escorts, as far as to the border of the State of the requested Contracting Party or, as the case may be, to the border of the State of final destination.
2. The requesting Contracting Party shall also bear the costs of transportation deriving from the obligation of readmitting the persons under Article 2.3.
3. The requesting Contracting Party shall, if necessary, bear all other expenses related to the readmission of persons.

## Article 11 *Transport of legally acquired personal belongings*

1. The requesting Contracting Party shall allow a person who is to be returned to carry all his or her legally acquired personal belongings, in accordance with national legal requirements, to the country of destination.
2. The requesting Contracting Party shall not be obliged to bear the costs incurred in the transport of such belongings.

## Article 12 *Implementation provisions*

1. After the entry into force of this Agreement, the Contracting Parties shall inform each other, through diplomatic channels, of the competent authorities responsible for its implementation as well as their addresses and other information necessary to facilitate communication under this Agreement. The Contracting Parties shall also inform each other of any change with respect to these authorities or other information provided.
2. The competent authorities shall keep in contact and meet whenever necessary and shall decide on the practical arrangements required for the implementation of this Agreement.
3. The competent authorities shall also decide on other arrangements required for the implementation of this Agreement, such as:

- (a) measures for transfer and execution of transit, including: travel arrangements, details of stopping places and itineraries, date, time and place of handover, a statement indicating that the person to be transferred may need assistance, help or care owing to sickness or old age, providing such person has consented to the statement being made and any other protection or security measure which may be necessary in the individual transfer case;
- (b) establishing the border crossing points and the setting of dates for readmission;
- (c) conditions for transport in transit of a third country citizen, under the escort of the competent authorities;
- (d) details of proofs, etc. or presumptions which may show that a third country citizen has arrived directly from the territory of the State of one Contracting Party to the territory of the State of the other Contracting Party.

### Article 13

#### *Connection with other international agreements*

This Agreement shall not affect the rights and obligations of each of the Contracting Parties under international Treaties, Conventions and other Agreements.

### Article 14

#### *Final Provisions*

1. This Agreement is concluded for an indefinite period.
2. Each Contracting Party shall notify the other in writing through diplomatic channels that the national legal procedures required to give effect to this Agreement, and any amendments or additions pursuant to *paragraph 4* of this Article, in their respective States have been completed. The Agreement shall enter into force ninety days after the date of receipt of the later of the two notifications.
3. Each Contracting Party may temporarily suspend this Agreement, in whole or in part, with the exception of Article 2, on the grounds of protection of State security, public order or public health, by notifying the other Contracting Party without delay, through diplomatic channels, and shall become effective on the date specified in the notification.
4. Each Contracting Party, in accordance with its national legal requirements, may agree upon amendments or additions to the present Agreement. These shall enter into force according to *paragraph 2* of this Article.
5. Each Contracting Party may denounce this Agreement by notifying the other Contracting Party. The denunciation shall become effective on the first day of the month following the month in which the written notification was received by the other Contracting Party.



6. This Agreement shall apply to all persons who reside on the territories of the States of the Contracting Parties at the moment of its entry into force and thereafter.

**Article 15**  
*Review*

Each Contracting Party may request the review of this Agreement and such review shall take place at the earliest possible time.

**DONE** at Bucharest on 12 May 2000, in two copies, one each in the English and Romanian languages, both texts being equally authentic.

**FOR THE GOVERNMENT  
OF IRELAND**

John O'Donoghue

**FOR THE GOVERNMENT  
OF THE ROMANIA**

Constantin Dudu Ionescu