

PROTOCOL

BETWEEN THE MINISTRY OF THE INTERIOR OF THE CZECH REPUBLIC AND THE FEDERAL DEPARTMENT OF JUSTICE AND POLICE OF THE SWISS CONFEDERATION FOR IMPLEMENTING THE AGREEMENT BETWEEN THE CZECH REPUBLIC AND THE SWISS CONFEDERATION ON THE READMISSION OF PERSONS STAYING IN THEIR TERRITORY WITHOUT AUTHORISATION

For the purpose of implementing the Agreement between the Czech Republic and the Swiss Confederation on the readmission of persons staying in their territory without authorisation (hereinafter referred to as the "Agreement"), the Ministry of the Interior of the Czech Republic and the Federal Department of Justice and Police of the Swiss Confederation (hereinafter referred to as "Contracting Parties"), in accordance with its Article 15, have agreed as follows:

READMISSION OF CITIZENS UNDER PART I OF THE AGREEMENT

ARTICLE 1

(1) For the purpose of implementing Part I of the Agreement, citizenship of the State of the requested Contracting Party shall be proven by one of the following valid documents:

As regards citizens of the Czech Republic:

- a) a travel document (passport, diplomatic passport, service passport, emergency passport);
- b) an identity card of the Czech Republic.

As regards citizens of the Swiss Confederation:

- a) a travel document (passport, diplomatic passport, service passport, emergency passport);
- b) an identity card of the Swiss Confederation.

(2) If citizenship of the State of the requested Contracting Party cannot be proven by the documents listed in paragraph (1), such citizenship may, for the purpose of implementing Part I of the Agreement, be validly assumed on the basis of the following:

- a) one of the documents as listed in paragraph (1) the validity of which has expired;
- b) a copy of one of the documents listed in paragraph (1);

- c) in the case of citizens of the Czech Republic: an identity card of the Czechoslovak Republic or the Czechoslovak Socialist Republic or the Czech and Slovak Federal Republic, indicating citizenship of the Czech Republic, the validity of which has expired;
- d) a certificate or confirmation of citizenship of the States of the Contracting Parties;
- e) a birth certificate;
- f) a military service card;
- g) a driving licence;
- h) a seaman's book;
- i) in the case of citizens of the Czech Republic: a document certifying legal capacity to enter into marriage, provided it indicates citizenship of the Czech Republic;
- j) a record of a statement of the person to be readmitted made before an authority of the State of the requesting Contracting Party;
- k) any other document recognised by the requested Contracting Party on a case by case basis.

ARTICLE 2

(1) A request for the readmission of a citizen under Part I of the Agreement shall be submitted on a form, a specimen of which is given in Appendix No.1 hereto.

(2) Enclosed to the request shall be copies of documents by which citizenship of the State of the requested Contracting Party is proven or on the basis of which it can be validly assumed.

(3) A request for the readmission of a citizen under Part I of the Agreement shall be submitted especially by fax.

(4) The time limit under Article 2 (2) of the Agreement shall be five working days after the delivery of the request.

(5) The time limit under Article 2 (3) of the Agreement shall be 30 days after the delivery of a positive reply to the requesting Contracting Party.

(6) The citizen shall be readmitted under Article 2 (3) of the Agreement on the time and date indicated in the request for the readmission or on the time and date notified by the requesting Contracting Party at least two working days in advance.

(7) A written confirmation of the hand-over of a citizen as provided for in Article 2 (4) and (5) of the Agreement shall be produced on a form, a specimen of which is given in Appendix No. 3 hereto.

READMISSION OF THIRD COUNTRY CITIZENS OR STATELESS PERSONS UNDER PART II OF THE AGREEMENT

ARTICLE 3

(1) For the purpose of implementing Part II of the Agreement, compliance with the conditions for the readmission of a citizen of a third country or a stateless person (hereinafter referred to as a "Third Country Citizen") shall be proven by the following:

- a) an entry stamp or an exit stamp of an authority of the State of the requested Contracting Party in the travel document;
- b) any official inscription which an authority of the State of the requested Contracting Party has made in the travel document;
- c) flight tickets, travel tickets, receipts and bills issued in the person's name, clearly proving the stay of the Third Country Citizen to be readmitted in the territory of the State of the requested Contracting Party.

(2) If compliance with conditions for the readmission of a Third Country Citizen cannot be proven in the way prescribed in paragraph (1), such compliance may, for the purpose of implementing Part II of the Agreement, be validly assumed based on the following:

- a) international travel tickets;
- b) receipts or bills issued in the territory of the State of the requested Contracting Party;
- c) cards for access to buildings and other facilities in the territory of the State of the requested Contracting Party;
- d) appointment cards for medical treatment in the territory of the State of the requested Contracting Party;
- e) a record of a statement made by the Third Country Citizen to be readmitted;
- f) a record of a witness statement;
- g) other real or material evidence corresponding in time with the stay of the Third Country Citizen to be readmitted in the territory of the State of the requested Contracting Party, or with his/her illegal entry to or stay in the territory of the State of the requesting Contracting Party.

ARTICLE 4

(1) A request for the readmission of a Third Country Citizen under Part II of the Agreement shall be submitted on a form, a specimen of which is given in Appendix No. 2 hereto.

(2) Enclosed to the request shall be copies of documents on the basis of which compliance with conditions for the readmission of a Third Country Citizen is proven or validly assumed.

(3) A request for the readmission of a Third Country Citizen under Part II of the Agreement shall be submitted especially by fax.

(4) The time limit under Article 6 (3) of the Agreement shall be seven working days after the delivery of the request.

(5) The time limit under Article 6 (4) of the Agreement shall be 40 days after the delivery of a positive reply to the requesting Contracting Party.

(6) The Third Country citizen shall be readmitted under Article 6 (4) of the Agreement on the time and date indicated in the request for the readmission or on the time and date notified by the requesting Contracting Party at least five working days in advance.

(7) A written confirmation of the hand-over of a Third Country citizen as provided for in Article 6 (6) and (7) of the Agreement shall be produced on a form, a specimen of which is given in Appendix No. 3 hereto.

TRANSIT

ARTICLE 5

(1) A request for the transit of a Third Country Citizen under Part III of the Agreement shall be submitted on a form, a specimen of which is given in Appendix No. 4 hereto.

(2) A request for the transit of a Third Country Citizen under Part III of the Agreement shall be submitted especially by fax.

(3) The time limit under Article 10 (1) of the Agreement shall be 48 hours before the scheduled start of the transit if it is carried out by air and three working days before the scheduled start of the transit if it is carried out by land.

(4) The time limit under Article 10 (2) of the Agreement shall be 24 hours before the scheduled start of the transit if it is carried out by air and one working day before the scheduled start of the transit if it is carried out by land.

COMPETENT AUTHORITIES

ARTICLE 6

(1) The following authorities shall be competent to deal with requests referred to in Articles 1, 4 and 8 of the Agreement:

for the Czech side:

Police of the Czech Republic
Directorate of the Alien Police Service
Prague

for the Swiss side:

Federal Department of Justice and Police
Federal Office for Migration
Berne

(2) The Contracting Parties shall exchange the addresses, phone numbers and fax numbers of the competent authorities referred to in paragraph (1) upon signing of this Protocol. The competent authorities shall notify each other immediately of any change in their names, addresses, phone numbers and fax numbers.

AIRPORTS

ARTICLE 7

The following airports are used for readmission and transit operations, unless otherwise agreed by the competent authorities under Article 6 (1):

on the Czech side:

Prague - Ruzyně Airport;

on the Swiss side:

Geneva - Cointrin Airport,

Zurich - Kloten Airport.

COMPENSATION FOR COSTS

ARTICLE 8

(1) The requesting Contracting Party shall compensate the requested Contracting Party for costs pursuant to Article 13 (2) and (3) of the Agreement via bank transfer to the account of the requested Contracting Party within 30 days after the invoice delivery. Such costs shall concern the following:

- a) transport;
- b) board;
- c) accommodation;
- d) urgent medical care;
- e) service of an interpreter if necessary;
- f) escort provided by the requested Contracting Party;
- g) other necessary expenses agreed in advance by the competent authorities under Article 6 (1).

(2) The amount of money to be compensated under paragraph (1) shall be determined in accordance with the legislation of the State of the requested Contracting Party and on the basis of documents proving the actual costs.

FINAL PROVISIONS

ARTICLE 9

When implementing the Agreement and this Protocol, the competent authorities under Article 6 (1) shall use the English language in mutual communication. A request for

the transit of a Third Country Citizen shall be submitted on a bilingual form in the Czech and English languages.

ARTICLE 10

The Contracting Parties shall, within fourteen days following the entry into force of the Agreement, exchange specimen documents by means of which citizenship of the Czech Republic and the Swiss Confederation shall be proven. If there are any changes in the given specimen documents or new specimens are issued, the Contracting Parties shall notify each other of this immediately, and provide such changed or new specimen documents for the other Contracting Party.

ARTICLE 11

(1) This Protocol shall enter into force at the same time as the Agreement.

(2) This Protocol is concluded for an indefinite period. Each Contracting Party may denounce it at any time through diplomatic channels. The Protocol shall terminate 90 days after the delivery of the notice of denunciation to the other Contracting Party. The Protocol shall always terminate at the same time as the Agreement.

(3) This Protocol shall not be applied during the time when and to the extent to which the application of the Agreement is suspended in accordance with Article 18 thereof.

Done at Prague on 17th September 2009 in two originals, each in the Czech, German and English languages. In case of any differences in interpretation, the English version shall prevail.

For the Ministry of the Interior
of the Czech Republic

Martin Pecina
Minister of the Interior
of the Czech Republic

For the Federal Department
of Justice and Police
of the Swiss Confederation

Jean-Francois Kammer
Ambassador Extraordinary and
Plenipotentiary of the Swiss Confederation
to the Czech Republic

APPENDIX No. 1**REQUEST FOR THE READMISSION OF A CITIZEN
UNDER PART I OF THE AGREEMENT
BETWEEN THE CZECH REPUBLIC AND THE SWISS CONFEDERATION
ON THE READMISSION OF PERSONS STAYING IN THEIR TERRITORY
WITHOUT AUTHORISATION**

Competent authority of the requesting Contracting Party:

Ref. No.:

Date:

Number of sheets:

Attachments:

Competent authority of the requested Contracting Party:

- a) First name, surname, date and place of birth, gender, citizenship, family relation and last place of stay in the territory of the State of the requested Contracting Party;

Adults

1.
2.
3.

Accompanying minors

1.
2.
3.

- b) Type, number, place of issue and expiry date of the document proving or establishing a valid assumption of citizenship of the State of the requested Contracting Party;

1.
2.
3.

- c) Date, place and means of transport into the territory of the State of the requesting Contracting Party;

1.
2.
3.

- d) Data confirming the fact that the citizen to be readmitted does not fulfil or no longer fulfils the applicable conditions for his/her entry to or stay in the territory of the requesting Contracting Party;

1.
2.
3.

- e) Indication of the need for special assistance, treatment or care with regard to the health or age of the citizen in accordance with Article 12 of the Agreement;
1.
 2.
 3.
- f) Indication of the need for protective or security measures where appropriate;
1.
 2.
 3.
- g) Proposed place, time and manner of readmission.

Attended by: first name, surname, phone number, fax number
Responsible officer: first name, surname, phone number, fax number

Decision of the competent authority of the requested Contracting Party:

Approved: Rejected:

Reasons for rejection of the request:

Responsible officer: first name, surname, phone number, fax number

APPENDIX No. 2**REQUEST FOR THE READMISSION OF A THIRD COUNTRY CITIZEN
UNDER PART II OF THE AGREEMENT
BETWEEN THE CZECH REPUBLIC AND THE SWISS CONFEDERATION
ON THE READMISSION OF PERSONS STAYING IN THEIR TERRITORY
WITHOUT AUTHORISATION**

Competent authority of the requesting Contracting Party:

Ref. No.:

Date:

Number of sheets:

Attachments:

Competent authority of the requested Contracting Party:

a) First name, surname, date and place of birth, gender, citizenship, family relation;

Adults

1.
2.
3.

Accompanying minors

1.
2.
3.

b) Type, number, place of issue and expiry date of the document, provided the Third Country Citizen has it on him/her;

1.
2.
3.

c) Date, place and means of transport into the territory of the State of the requesting Contracting Party;

1.
2.
3.

d) Reasons for the request in accordance with Part II of the Agreement;

1.
2.
3.

- e) Indication of the need for special assistance, treatment or care with regard to the health or age of the Third Country Citizen in accordance with Article 12 of the Agreement;
1.
 2.
 3.
- f) Indication of the need for protective or security measures where appropriate;
1.
 2.
 3.
- g) Language(s) spoken by the Third Country Citizen;
- h) Proposed place, time and manner of readmission.

Attended by: first name, surname, phone number, fax number
Responsible officer: first name, surname, phone number, fax number

Decision of the competent authority of the requested Contracting Party:

Approved: Rejected:

Reasons for rejection of the request:

Responsible officer: first name, surname, phone number, fax number

APPENDIX No. 3**CONFIRMATION OF THE HAND-OVER OF A PERSON UNDER THE AGREEMENT
BETWEEN THE CZECH REPUBLIC AND THE SWISS CONFEDERATION
ON THE READMISSION OF PERSONS STAYING IN THEIR TERRITORY
WITHOUT AUTHORISATION**

Competent authority of the requesting Contracting Party:

Ref. No.:

Competent authority of the requested Contracting Party:

a) First name, surname, date and place of birth, gender, citizenship, family relation;

Adults

1.
2.
3.

Accompanying minors

1.
2.
3.

b) Personal effects and sums of currencies which the readmitted person has on him/her.

1.
2.
3.

(Date)

(Place)

For the competent authority of the requesting Contracting Party

First name:

Surname:

Function:

Signature:

For the competent authority of the requested Contracting Party

First name:

Surname:

Function:

Signature:

APPENDIX No. 4**REQUEST FOR THE TRANSIT OF A THIRD COUNTRY CITIZEN
UNDER PART III OF THE AGREEMENT
BETWEEN THE CZECH REPUBLIC AND THE SWISS CONFEDERATION
ON THE READMISSION OF PERSONS STAYING IN THEIR TERRITORY
WITHOUT AUTHORISATION**

Competent authority of the requesting Contracting Party:

Ref. No.:

Date:

No. of sheets:

Attachments:

Competent authority of the requested Contracting Party:

a) First name, surname, date and place of birth, gender, citizenship;

1.
2.
3.

b) Type and number of travel document;

1.
2.
3.

c) Indication of the need for special assistance, treatment or care with regard to the health or age of the Third Country Citizen in accordance with Article 12 of the Agreement;

1.
2.
3.

d) Indication of the need for protective or security measures where appropriate;

1.
2.
3.

e) Language(s) spoken by the Third Country Citizen;

f) A statement claiming that no reasons are known for refusal of transit and that arrangements have been made for the Third Country Citizen to reach the State of destination;

g) Flight details (date, flight number, time of arrival and departure), or in the case of transit by land - the proposed place, time and manner of transfer of the person to the requested Contracting Party for transit and the proposed place, time and manner of transfer of the person to the State of destination, or as the case may be, to the next transit State;

h) Data of persons escorting a Third Country Citizen (first name, surname, function, travel document).

Attended by: first name, surname, phone number, fax number

Responsible officer: first name, surname, phone number, fax number

Decision of the competent authority of the requested Contracting Party:

Approved: **Rejected:**

Reasons for rejection of the request:

Responsible officer: first name, surname, phone number, fax number