

PROTOCOL

**between the Ministry of the Interior of the Czech Republic
and
the Ministry of Internal Affairs of the Republic of Kosovo**

**Implementing the Agreement between the Czech Republic and the Republic of Kosovo
on the readmission of persons residing without authorization**

The Ministry of the Interior of the Czech Republic and the Ministry of Internal Affairs of the Republic of Kosovo,

hereinafter referred to as the “Contracting Parties”,

for the purposes of the implementation of the Agreement between the Czech Republic and the Republic of Kosovo on the readmission of persons residing without authorization, hereinafter referred to as the “Agreement” and in accordance with its Article 17,

have agreed as follows:

Article 1 Definitions

This Protocol provides detailed rules for the implementation of the Agreement. For the purposes of this Protocol:

- a) “*Requesting State*” shall mean the state, whose competent authority is submitting a readmission application or a transit application in accordance with the Agreement;
- b) “*Requested State*” shall mean the state, whose competent authority a readmission application or a transit application in accordance with the Agreement is addressed to.

Other terms and expressions used in this Protocol shall be interpreted as defined in the Agreement.

Article 2 Competent authorities

(1) The competent authorities for the implementation of the Agreement are:
for the Czech Republic:

Police of the Czech Republic
Directorate of the Alien Police Service
Olšanská 2
PO box 78
130 51 Praha 3

for the Republic of Kosovo:

for readmission operations:

Ministry of Internal Affairs (MoIA)
Department for Citizenship, Asylum and Migration
Str. Luan Haradinaj
New building of MoIA
10000 Prishtinë - Kosovë

for transit operations:

Ministry of Internal Affairs (MoIA)
Kosovo Police
Directorate for Foreigners and Migration
Str. Luan Haradinaj
10000 Prishtinë - Kosovë

(2) The telephone numbers, fax numbers, e-mail addresses and other contact details of the competent authorities shall be exchanged upon signing of this Protocol. The competent authorities shall notify each other any later changes of their contact details or names.

(3) The Contracting Parties shall without undue delay notify each other of any change in the competent authorities and their addresses.

Article 3

Means of communication

(1) Readmission applications and transit applications and replies thereto shall be submitted in writing by the competent authorities by post, by fax or via secured communication channels.

(2) Other related communication, not containing personal data of the person to be transferred, shall take place via electronic means or by using other technical means of communication.

Article 4

Means of evidence of citizenship

(1) The citizenship of the Requested State pursuant to Article 2 (1) of the Agreement can be proven by any of the following documents:

for the Czech Republic:

- travel document of the Czech Republic of any kind (a national passport, a diplomatic passport, a service passport, an emergency travel document),
- identity card of the Czech Republic,
- citizenship certificate of the Czech Republic;

for the Republic of Kosovo:

- passport of the Republic of Kosovo of any kind (an ordinary passport, a diplomatic passport, an official passport),
- identity card of the Republic of Kosovo,
- citizenship certificate of the Republic of Kosovo,
- birth certificate of the Republic of Kosovo.

(2) The citizenship of the Requested State pursuant to Article 2 (1) of the Agreement can be validly assumed on the basis of the following prima facie evidence:

- a) photocopies of any of the documents listed in paragraph 1;
- b) any official document that mentions or indicates the citizenship or photocopies thereof;
- c) military service books and military identity cards or photocopies thereof;
- d) seaman's registration books or photocopies thereof;
- e) driving licenses or photocopies thereof;
- f) company identity cards or photocopies thereof;
- g) official statements made by the person concerned in judicial or administrative proceedings;
- h) official statements made by witnesses who can testify that the person concerned has the citizenship of the Requested State;
- i) in case of citizens of the Czech Republic certificate of legal competence to enter into marriage, provided that it specifies citizenship of the Czech Republic or photocopies thereof;
- j) in case of citizens of the Czech Republic birth certificates or photocopies thereof;
- k) in case of citizens of the Czech Republic, an identity card of the Czechoslovak Republic, the Czechoslovak Socialist Republic, or the Czech and Slovak Federative Republic indicating the citizenship of the Czech Republic;
- l) in case of nationals of the Republic of Kosovo also a birth certificate, a travel document or an identity card issued by the Interim Administration Mission of the United Nations in Kosovo (UNMIK) or photocopies thereof.

(3) The Contracting Parties shall exchange specimen of documents listed in paragraph 1. The Contracting Parties shall notify each other, without undue delay, of any modifications in the specimen of documents mentioned above or new specimen issued, and shall provide the modified or new specimen of documents to the other Contracting Party.

Article 5

Means of evidence for the readmission of third-country citizens and stateless persons

(1) The fulfilment of the conditions for the readmission of third-country citizens and stateless persons pursuant to Article 3 (1) of the Agreement can be proven by any of the following means of evidence:

- a) valid visas or residence permits issued by the Requested State;
- b) entry/departure stamps or similar endorsement in the travel document of the person concerned or other evidence of entry/departure;
- c) official statements made by border authority staff of the Requesting State who can testify that the person concerned has entered the territory of the Requesting State coming directly by air from the territory of the Requested State;
- d) named travel tickets, which testify to the itinerary of the person concerned from the territory of the Requested State directly to the territory of the Requesting State;
- e) passenger lists stating names of persons travelling by air, train or bus which testify to the itinerary of the person concerned from the territory of the Requested State directly to the territory of the Requesting State.

(2) The existence of the conditions for the readmission of third-country citizens and stateless persons pursuant to Article 3 (1) of the Agreement can be validly assumed on the basis of the following prima facie evidence:

- a) photocopies of any of the documents listed in paragraph 1;
- b) international travel tickets;
- c) documents, certificates and bills of any kind (e.g. hotel bills, appointment cards for doctors/dentists, entry cards for public/private institutions, car rental agreements, credit card receipts etc.) which clearly show that the person concerned stayed on the territory of the Requested State;
- d) information showing that the person concerned has used the services of a courier or travel agency;
- e) official statements made by the person concerned in judicial or administrative proceedings;
- f) official statements made by witnesses who can testify that the person concerned has entered the territory of the Requesting State coming directly by air from the territory of the Requested State;
- g) other real or material evidence corresponding in time with the stay of the person concerned in the territory of the Requested State, and with his/her illegal entry to or stay in the territory of the Requesting State.

(3) The existence of the conditions for the readmission of former citizens of the former Federal Republic of Yugoslavia in accordance with Article 3 (3) of the Agreement can be proven by the following documents issued by the authorities of the former Federal Republic of Yugoslavia in the territory of Kosovo before 10 June 1999:

- a) birth certificates or photocopies thereof;
- b) public documents or photocopies thereof, stating place of birth and/or place of permanent residence in the territory of Kosovo.

(4) The existence of the conditions for the readmission of former citizens of the former Federal Republic of Yugoslavia in accordance with Article 3 (3) of the Agreement can be validly assumed on the basis of the following prima facie evidence:

- a) other documents or certificates or photocopies thereof which point to the place of birth in the territory of Kosovo;
- b) official statement by the person concerned in judicial or administrative proceedings.

Article 6 **Other documents**

(1) If the competent authority of Requesting State considers that other documents not listed in Articles 4 and 5 of this Protocol may be essential for establishing the citizenship of the Requested State or the fulfilment of conditions for readmission of a third-country citizen or a stateless person, such documents may be submitted to the Requested State with the readmission application.

(2) The decision as to whether the documents mentioned in paragraph 1 may be taken into account in processing the readmission application shall be made by the competent authority of the Requested State.

Article 7

Readmission application and request for interview

- (1) A readmission application in accordance with Article 5 of the Agreement shall be submitted on a form, the specimen of which forms Annex 1 to this Protocol.
- (2) If an interview pursuant to Article 6 (2) and (3) of the Agreement is needed, the request for the interview shall be entered in section F of the readmission application.
- (3) A readmission application shall be supplemented by copies of documents by which the citizenship of the Requested State or the fulfilment of the conditions for the readmission of the third-country national or the stateless person is proven or on the basis of which it can be validly assumed.

Article 8

Readmission procedure

- (1) The proposed transfer date, point of entry and details concerning possible escorts shall be in principle inserted directly into section F of the readmission application, if known. The competent authority of the Requested State shall answer to the proposal in the reply to the readmission application.
- (2) If information under paragraph 1 is not inserted in the readmission application, the competent authority of the Requesting State shall notify it to the competent authority of the Requested State no later than seven calendar days before the envisaged transfer date. The competent authority of Requested State shall send a reply to this proposal as promptly as possible, but within a maximum of four calendar days from the date of receipt of the proposal. Where the competent authority of the Requesting State does not receive a reply within the stated time limit, the proposal shall be considered accepted.
- (3) In case of an escorted transfer of the person to be readmitted a record of the hand-over of such person shall be produced in duplicate on a form, the specimen of which forms Annex 2 to this Protocol.

Article 9

Transit procedure

- (1) A transit application in accordance with Article 12 of the Agreement shall be submitted on a form, the specimen of which forms Annex 3 to this Protocol.
- (2) In principle transit operations shall be effected by air.

Article 10

Escorts

- (1) This article concerns all kinds of escorts (e.g. police, medical or social escorts).
- (2) If a person in the process of readmission or transit is to be accompanied by escorts, the competent authority of the Requesting State shall give, where appropriate, the following information:

first names, surnames, ranks and positions of escorting persons, type, number and date of issue of their passports and service identification cards.

(3) The escorts shall carry valid passports and copy of the affirmative reply to the readmission or transit application. In case of police escorts, the members of escorts shall be in plain clothes and carry service identification cards.

(4) The number of escorts shall be agreed upon in advance by the competent authorities of the Contracting Parties on a case-by-case basis.

Article 11 **Border crossing points**

(1) For readmission and transit operations the following border crossing points shall be used, unless agreed otherwise by the competent authorities on a case-by-case basis:

in the Czech Republic: the Prague Ruzyně Airport,

in the Republic of Kosovo: the International Airport "Adem Jashari", Prishtinë.

(2) The Contracting Parties shall immediately inform each other through diplomatic channels of any change in the list of the border crossing points provided in paragraph 1.

Article 12 **Coverage of costs**

(1) Transport costs pursuant to Article 13 (1) of the Agreement include costs incurred by the use of an official car or means of public transport with the exception of a taxi.

(2) The competent authority of the Requesting State shall refund the competent authority of the Requested State for costs pursuant to Article 13 (1) and (2) of the Agreement by bank transfer to the account of the competent authority of the Requested State within sixty (60) calendar days from the date of receipt of the invoice. The Contracting Parties shall notify each other of their respective bank account numbers through diplomatic channels. The rate of refund shall be governed by the legislation of the Requested State and shall be based on documents proving the actual amount of costs.

Article 13 **Languages**

The competent authorities of the Contracting Parties shall, when implementing the Agreement, communicate in English, unless agreed otherwise on a case-by-case basis.

Article 14 **Final provisions**

(1) This Protocol shall enter into force on the same day as the Agreement.

(2) Each Contracting Party may propose amendments to this Protocol. Such amendments shall be approved by the Contracting Parties in accordance with their respective procedures.

(3) This Protocol shall be terminated at the same time as the Agreement.

Done atPristina..... on the ...24..... day ofJune..... in the year ..2011... in duplicate, each in the Czech, Albanian, Serbian and English languages, each of these texts being equally authentic. In case of differences in interpretation of the provisions of this Protocol, the English text shall prevail.

For the Ministry of the Interior of
the Czech Republic

Karel Schwarzenberg
Deputy Prime Minister
and Minister of Foreign Affairs

For the Ministry of Internal Affairs of
the Republic of Kosovo

Bajram Rexhepi
Minister of Internal Affairs

Annex 1

to the Protocol between the Ministry of the Interior of the Czech Republic and the Ministry of Internal Affairs of the Republic of Kosovo Implementing the Agreement between the Czech Republic and the Republic of Kosovo on the readmission of persons residing without authorization

[Emblem of]

.....

 (Place and date)

 (Designation of competent authority of the Requesting State)

Reference:

ACCELERATED PROCEDURE

To

.....

 (Designation of competent authority of the Requested State)

**READMISSION APPLICATION
 in accordance with Article 5 of the Agreement
 between the Czech Republic and the Republic of Kosovo
 on the readmission of persons residing without authorization**

A. PERSONAL DETAILS

1. Full name (underline surname):

2. Father's name:

3. Maiden name/name at birth:

4. Date and place of birth:

5. Address of residence in the state of origin or permanent residence:

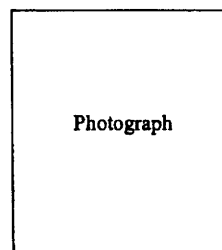
6. Nationality and language:

7. Civil status: married single divorced widowed

8. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

9. Also known as (earlier names, other names used/by which known or aliases):

If married: name of spouse



Names and age of children (if any):

.....
.....
.....

10. Last address in the Requesting State:

.....

B. PERSONAL DETAILS OF SPOUSE (IF APPROPRIATE)

1. Full name (underline surname):

2. Maiden name/name at birth:

3. Date and place of birth:

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....

C. PERSONAL DETAILS OF CHILDREN (IF APPROPRIATE)

1. Full name (underline surname):

2. Date and place of birth:

3. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

4. Nationality and language:

.....

D. MEANS OF EVIDENCE ATTACHED

1. (Passport No.) (date and place of issue)

..... (issuing authority) (expiry date)

2. (Identity card No.) (date and place of issue)

..... (issuing authority) (expiry date)

3. (Driving license No.) (date and place of issue)

..... (issuing authority) (expiry date)

4. (Other official document No.) (date and place of issue)

..... (issuing authority) (expiry date)

E. SPECIAL CIRCUMSTANCES RELATING TO THE TRANSFEREE

1. State of health (e.g. possible reference to special medical care; Latin name of disease):
.....

2. Indication of particularly dangerous person (e.g. suspected of offence; aggressive behaviour):
.....

F. OBSERVATIONS

.....
.....
.....

.....
(Signature of the competent authority of the Requesting State) (Seal/stamp)

Annex 2

to the Protocol between the Ministry of the Interior of the Czech Republic and the Ministry of Internal Affairs of the Republic of Kosovo Implementing the Agreement between the Czech Republic and the Republic of Kosovo on the readmission of persons residing without authorization

.....
Competent authority of the Requesting State

Reference No:

.....
Competent authority of the Requested State

RECORD OF TRANSFER OF READMITTED PERSON

in accordance with Article 8 (3) of the Protocol between the Ministry of the Interior of the Czech Republic and the Ministry of Internal Affairs of the Republic of Kosovo Implementing the Agreement between the Czech Republic and the Republic of Kosovo on the readmission of persons residing without authorization

A. PERSONAL DETAILS

- 1. Full name (underline surname):
- 2. Date and place of birth:
- 3. Nationality:
- 4. Sex:

B. PERSONAL DETAILS OF ACCOMPANYING SPOUSE

- 1. Full name (underline surname):
- 2. Date and place of birth:
- 3. Sex:
- 4. Nationality:

C. PERSONAL DETAILS OF ACCOMPANYING CHILDREN

- 1. Full name (underline surname):
- 2. Date and place of birth:
- 3. Sex:
- 4. Nationality:

D. PERSONAL BELONGINGS AND CASH CARRIED BY THE PERSON TO BE READMITTED

- 1.
- 2.
- 3.

F. OBSERVATIONS:

.....

(Date)**(Place)****For the competent authority of
the Requesting State****Name:**
Surname:
Position:
Signature:**For the competent authority of
the Requested State****Name:**
Surname:
Position:
Signature:

Annex 3

to the Protocol between the Ministry of the Interior of the Czech Republic and the Ministry of Internal Affairs of the Republic of Kosovo Implementing the Agreement between the Czech Republic and the Republic of Kosovo on the readmission of persons residing without authorization

[Emblem of]

.....
.....
..... (Place and date)
(Designation of the competent authority of the Requesting State)

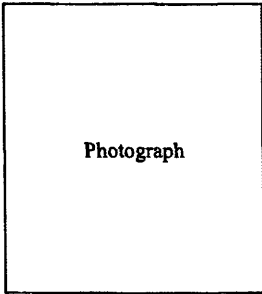
Reference:

To
.....
.....
.....
(Designation of competent authority of the Requested State)

TRANSIT APPLICATION
in accordance with Article 12 of the Agreement
between the Czech Republic and the Republic of Kosovo
on the readmission of persons residing without authorization

A. PERSONAL DETAILS

- 1. Full name (underline surname):
.....
- 2. Maiden name/name at birth:
.....
- 3. Date and place of birth:
.....
- 4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):
.....
- 5. Also known as (earlier names, other names used/by which known or aliases):
.....
- 6. Nationality and language:
.....



B. TRANSIT OPERATION

1. Type of transit

by air

by land

2. State of destination

.....

3. Possible other States of transit

.....

4. Proposed border crossing point, date, time of transfer and details of possible escort (including names of members of the escort)

.....

.....

5. Admission ensured in any other State of transit and in the State of destination

(Article 11 (2) of the Agreement)

yes

no

6. Knowledge of any reason for a refusal of transit

(Article 11 (3) of the Agreement)

yes

no

C. SPECIAL CIRCUMSTANCES RELATING TO THE TRANSFEREE

1. State of health

(e.g. possible reference to special medical care; Latin name of disease):

.....

2. Indication of particularly dangerous person

(e.g. suspected of offence; aggressive behaviour):

.....

D. OBSERVATIONS

.....

.....

.....

.....
(Signature of the competent authority of the Requesting State) (Seal/stamp)