**PROTOCOL**

between the Government of the Republic of Latvia and the Government **of the Republic of Armenia on the implementation of the Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization**

The Government of the Republic of Latvia and the Government of the Republic of Armenia (hereinafter jointly referred to as “the Contracting Parties”),

desiring to facilitate the implementation of the Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization, (hereinafter referred to as the “Agreement”),

according to the provisions of the Article 20 of the Agreement,

have agreed as follows:

**Article 1**

**Competent Authorities**

1. Pursuant to Article 20 (1) (a) of the Agreement, the Contracting Parties have designated the following competent authorities:

**for the Republic of Latvia:**

a) for submission, reception and processing of readmission and transit applications:

The State Border Guard

Rūdolfa str. 5, Rīga, LV-1012

Tel.: (+371) 67075641, (+371) 67075630 or (+371) 67075686

Fax number: (+371) 67075671, 67075600

e-mail: Return.Latvia@rs.gov.lv

b) for processing of interviews:

The Embassy of the Republic of Latvia in Georgia

46 A.Khakhanashvili Street, 0144, Tbilisi, Georgia

Tel:(995) 32 2244 858

Fax: (995) 32 2381 406

e-mail: embassy.georgia@mfa.gov.lv

**for the Republic of Armenia**:

a) for submission, reception and processing of readmission and transit applications:

Migration Service

Ministry of Territorial Administration and Infrastructure of the Republic of Armenia

Adress: 31. K. Ulnetsi 0037 Yerevan

Tel: (+37460) 275 018 or (+37460) 275 017

E-mail: readmission@mta.gov.am

b) for processing of interviews:

The Embassy of the Republic of Armenia in the Republic of Lithuania

Lenktoji g.17, 08124 Vilnius, Republic of Lithuania

Tel: (370-5) 2075040; 2075041

Fax: (370-5) 2075042

E-mail: armlithuaniaembassy@mfa.am

2. Any changes concerning the list of competent authorities or their contact details shall be immediately communicated directly between the competent authorities mentioned under paragraph 1 of this Article.

**Article 2**

**Border Crossing Points**

1. Pursuant to Article 20 (1) (a) of the Agreement, readmission and transit of persons may take place in the following border crossing points:

 **For the Republic of Latvia:**

Riga International Airport

Tel.: (+371) 67207208

Fax: (+371) 67207308

Web: http://www.rs.gov.lv/

 **for the Republic of Armenia:**

Zvartnots International Airport, 0042 Yerevan

Tel.: (+374 10) 493000

Fax: (+374 10) 493000

Web: www.aia-zvartnots.aero

2. If required the competent authorities of the Contracting Parties may also agree on readmission or transit of persons through the other border crossing points on a case by case basis.

3. The competent authorities of the Contracting Parties shall immediately inform each other on any change in the list of the border crossing points provided in paragraph 1 of this Article.

**Article 3**

**Submission and Reply to Readmission Applications**

1. The competent authorities of the Contracting Parties shall use fax, official electronic mail or the Readmission Case Management Electronic System (hereinafter referred to as “RCMES”) for the submission and receipt of the readmission application, as well as for sending reply to readmission application within the time period mentioned in the Agreement.

2. The transmission report or electronic receipt in the RCMES or official electronic mail is used, shall serve as a proof of submission or receipt of the readmission application.

3. Readmission application shall be submitted with documents listed in Annex 1 to 4 of the Agreement, as well as person’s photograph.

4. The documents attached to the readmission application as well as photograph and fingerprints (if applicable) of a person concerned should be clear and precise.

5. The competent authority of the requesting Contracting Party shall inform the competent authority of the requested Contracting Party on the date and place of transfer of the person according to Article 12 (1) of the Agreement.

6. If the transfer date is postponed by the competent authority of the requesting Contracting Party, because of formal or practical obstacles, the competent authority of the requesting Contracting Party is obliged to immediately inform the competent authority of the requested Contracting Party, to whom a readmission application is submitted, about the postponement. If the transfer date is postponed because of formal or practical obstacles of the competent authority of the requested Contracting Party, the competent authority of the requested Contracting Party is obliged to immediately inform the competent authority of the requesting Contracting Party about the postponement and it is obliged to propose a new transfer date.

**Article 4**

**Other Documents**

1. If the competent authority of the requesting Contracting Party considers that other data or documents not listed in Annexes 1 to 4 to the Agreement may be essential for establishing the nationality of the person to be readmitted or for establishing conditions for the readmission of third-country national or stateless persons, such data or documents may be submitted to the competent authority of the requested Contracting Party together with the readmission application.

2. The decision as to whether the documents mentioned in paragraph 1 of this Article may be taken into account in processing the readmission application shall be made by the competent authority of the requested Contracting Party.

**Article 5**

**Interview**

1. In cases where, in accordance with Article 9 of the Agreement, the nationality of the person to be readmitted cannot be established by means of any of the documents listed in the Annexes 1 and 2 of the Agreement, the competent authority of the requesting Contracting Party shall submit a request using fax, official electronic mail or RCMES to the competent authority of the requested Contracting Party with the request to interview this person to establish the nationality of the person to be readmitted. The competent authority of the requesting Contracting Party shall simultaneously submit the copy of the readmission application to the diplomatic or consular representation of the requested Contracting Party or notify it via RCMES.

2. The competent authority of the requested Contracting Party shall inform the competent authority of the requesting Contracting Party on the results of the interview within the maximum of five (5) working days from the date when the interview was carried out. If the reply is positive and interviewed person pertains to the State of the requested Contracting Party, the competent authority starts processing of readmission application taking into account time limits mentioned in Article 11 (2) of the Agreement.

3. If it is necessary, the competent authorities of the requesting Contracting Party may request visit of experts of the competent authority of the requested Contracting Party with the aim to interview the person on the territory of its state. The costs for the travel and the stay of the experts shall be borne by the competent authority of the requesting Contracting Party. In cases where, after an interview by the experts, the nationality of the person to be readmitted is confirmed or validly assumed by the competent authorities, a travel document shall be issued immediately.

**Article 6**

**Submission and Reply to Transit Applications**

1. The competent authorities of the Contacting Parties shall use fax, official electronic mail or the RCMES for the submission and receipt of the transit application as well as for sending reply to transit application within the time period mentioned in the Agreement. The transmission report or electronic receipt, if the RCMES or the official electronic mail is used, shall serve as a proof of submission or receipt of the transit application.

2. Transit application shall be transmitted at least five (5) working days prior to the planned transit.

3. If the transfer date is postponed by the competent authority of the requesting Contracting Party, because of formal or practical obstacles, the competent authority of the requesting Contracting Party is obliged to immediately inform about the postponement the competent authority of the requested Contracting Party.

4. In the case of a postponement as referred to in paragraph 3 of this Article, the competent authority of the requesting Contracting Party is obliged to renew transit application in line with the provisions of paragraph 1 of this Article.

5. If the transfer date is postponed because of formal or practical obstacles of the competent authority of the requested Contracting Party, the competent authority of the requested Contracting Party is obliged to immediately inform the competent authority of the requesting Contracting Party about the postponement and it is obliged to propose a new transfer date.

**Article 7**

**Escorting of a** **Person to be Readmitted or in Transit**

Pursuant to Article 20 (1) b) of the Agreement, the Contracting Parties agree to the following conditions relating to escorted transfers or transit on their territories:

1. If a person in the process of readmission or transit is to be accompanied by escorts, the competent authority of the requesting Contracting Party shall give the following information: first names, family names, positions of escorting persons, type, number and date of issue of passports.
2. The escort shall be responsible for escorting the persons to be readmitted and transferring them to a responsible competent authority of the State of destination.
3. Escorts shall be obliged to comply with the legislation of the State of the requested Contracting Party. The powers of the escort during escorting a person to be readmitted or during transit shall be limited to self-defense. In the case of unavailability of officials of the requested Contracting Party authorized to carry out the necessary activities or in order to support such officials in situations of immediate and serious risk, the escort may take reasonable and commensurate measures to prevent the person to be readmitted from escaping, injuring himself or herself or any third persons, or causing damage to property.
4. The escorts shall perform their duties unarmed and in civilian clothes. Escorts shall have documents proving that readmission or transit has been approved.
5. The escort shall be responsible for carrying the travel document and other required certificates or personal data of the person to be readmitted, and for handing over such items to the representative of the competent authority of the State of destination. The escort may not leave the agreed location of transfer before the transfer of the person to be readmitted is completed.
6. In the case of transit by air, the competent authority of the requested Contracting Party provides security and assists in the boarding of an accompanied person and the escorts of the requesting Contracting Party on the aircraft.
7. The competent authorities of the requesting Contracting Party shall ensure that the escort possesses the entry visas to the State(s) of transit and destination if required.

**Article 8**

**Readmission in Error**

The competent authorities of the Contracting Parties agree that the competent authority of the requesting Contracting Party shall take back any person upon the duly motivated request by the competent authority of the requested Contracting Party in accordance with Article 13 of the Agreement. In cases of readmission in error all documents concerning the person shall be returned in the original to the competent authorities of the Requesting Contracting Party.

**Article 9**

**Costs**

The competent authority of the requesting Contracting Party shall refund costs of the competent authority of the requested Contracting Party pursuant to Article 16 of the Agreement, including reasonable costs relating to granting assistance pursuant to Article 15 Paragraph 4 of the Agreement, by bank transfer to the account of the competent authority of the requested Contracting Party within thirty (30) calendar days from the date of receipt of the invoice. The invoice shall contain the respective bank account number for the refund of the costs. Such costs shall concern in particular the following:

1. transportation;
2. board;
3. accommodation;
4. urgent medical care;
5. service of an interpreter if needed.

The rate of refund shall be governed by the legislation of the State of the requested Contracting Party and shall be based on documents proving the actual amount of costs.

**Article 10**

**Meetings of Experts**

The competent authorities of both Contracting Parties shall arrange meetings of experts as necessary, particularly regarding the implementation of this Protocol. The time and location of such consultations shall be decided upon by mutual agreement.

**Article 11**

**Language**

The competent authorities of both Contracting Parties shall use English in the procedures carried out under the Agreement and this Protocol.

**Article 12**

**Relations to Other Treaties**

This Protocol shall not affect obligations of the Contracting Parties resulting from other international treaties.

**Article 13**

**Settlement of Disputes**

Disputes resulting from the interpretation or application of this Protocol shall be settled through expert meetings pursuant to Article 10 of this Protocol.

**Article 14**

**Entry into Force, Duration, Amendment and Termination**

1. This Protocol is concluded for an indefinite period of time. Each Contracting Party shall notify the other Contracting Party through diplomatic channels of the completion of the internal procedures necessary for the entry into force of this Protocol. The Contracting Party who receives the last notification shall notify the Joint Readmission Committee of the conclusion of the Protocol. This Protocol shall enter into force on the date when the Joint Readmission Committee pursuant to Article 20 (2) of the Agreement has received the notification.

### 2. Amendments to this Protocol shall be done in writing by mutual consent of the Contracting Parties. Such amendments shall enter into force in accordance with paragraph 1 of this Article and shall constitute an integral part of this Protocol.

### 3. This Protocol may be terminated by initiative of one of the Contracting Parties or by mutual consent in writing through diplomatic channels. In such case the termination shall enter into force after six months from the date of receipt of the written notification. The Contracting Parties shall inform the Joint Readmission Committee on such termination.

4. This Protocol shall cease to apply at the same time as the Agreement.

5. This Protocol shall not be applied during the period of suspension of the Agreement.

Done at .……………... on ....………………………………. in duplicate each in the Latvian, Armenian and English languages, all texts being equally authentic. In case of divergence in the interpretation of the provisions of this Protocol, the English text shall prevail.

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| **For the Government of the Republic of Latvia** | **For the Government of the** **Republic of Armenia** |