

No. 26130

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**FRANCE**  
**and**  
**SWITZERLAND**

**Agreement concerning readmission of persons at the frontier. Signed at Berne on 30 June 1965**

**Exchange of notes constituting an agreement amending the above-mentioned Agreement. Paris, 13 January and 7 March 1986**

*Authentic texts: French.*

*Registered by France on 1 September 1988.*

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**FRANCE**  
**et**  
**SUISSE**

**Accord relatif à la prise en charge de personnes à la frontière. Signé à Berne le 30 juin 1965**

**Échange de notes constituant un accord portant amendement de l'Accord susmentionné. Paris, 13 janvier et 7 mars 1986**

*Textes authentiques : français.*

*Enregistré par la France le 1<sup>er</sup> septembre 1988.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FRENCH  
REPUBLIC AND THE SWISS FEDERAL COUNCIL CON-  
CERNING READMISSION OF PERSONS AT THE FRONTIER

With the aim of regulating, in accordance with the principles of humanity and equity and in a spirit of friendship, questions relating to readmission of persons at their common frontier, the Contracting Parties have agreed on the following provisions:

## I. ACCEPTANCE OF NATIONALS OF CONTRACTING STATES

*Article 1.* 1. Each of the Contracting Parties shall accept without formalities persons whom the authorities of the other Party have decided to deport, if the documents produced furnish proof, or the presumption is established, that these persons are its nationals.

2. Documents taken into consideration shall be certificates and attestations of nationality, passports and official identity cards, even if they have expired or were not drawn up in the proper form.

3. In the absence of the documents listed above, and if the nationality claimed is presumed, acceptance shall be regulated between the Ministry of the Interior of the French Republic and the Police Division of the Federal Department of Justice and Police.

4. The requesting State shall readmit persons it has deported if, as a result of later verifications, it is established that they were not nationals of the other Party at the time of deportation, save for possible readmission under article 2 of this Agreement.

## II. READMISSION OF OTHER PERSONS

*Article 2.* 1. Each Contracting Party shall readmit persons not nationals of either State who, after a stay of 15 days in its territory, have crossed the common frontier illegally into the territory of the other Party, if that Party so requests within six months of the date such persons cross the frontier.

2. A stay in the territory of the requested State shall not be a required condition if such persons entered legally, or in the cases covered by article 3, paragraph 3 (a), of this Agreement.

3. The readmission requirement shall cease if, after having entered the territory of the requesting State, such persons have obtained authorization to a stay of at least six months.

4. Persons shall not be readmitted by the other Party if, after illegally crossing the common frontier into the territory of one of the Contracting Parties, they have acquired refugee status under the Geneva Convention of 28 July 1951.<sup>2</sup>

<sup>1</sup> Came into force on 30 August 1965, i.e. two months after the signature, in accordance with article 10 (1).

<sup>2</sup> United Nations, *Treaty Series*, vol. 189, p. 137.

5. There shall be no obligation to readmit nationals of a third State having a common frontier with the requesting State, unless compelling reasons exist for not deporting such persons to the territory of the third State.

6. A Contracting Party which began deportation proceedings agrees to readmit into its territory those persons for whom it is established upon later verification that the conditions required for deportation have not been met.

7. A local-banishment order or an order of deportation or expulsion from the territory of the requested State shall not preclude readmission.

*Article 3.* 1. Readmission shall be settled between the Ministry of the Interior of the French Republic and the Police Division of the Federal Department of Justice and Police.

2. Decisions regarding readmission must be taken as soon as possible. Readmission authorization shall be valid for six months from the date of notification, unless, during that period, the requesting State has submitted a substantiated extension request.

3. However, as exceptions to the procedure established in paragraph 1, the frontier authorities of the requested State shall readmit without formalities:

- (a) Persons presented to them within 15 days after crossing the common frontier, if the requesting authorities furnish documentation establishing that these persons crossed the common frontier illegally before the 15 days had elapsed. Deportation shall also take place after this deadline if the requesting authorities have informed the requested authorities before its expiration of their intention to take such action;
- (b) Persons possessing an authorization to stay issued by the authorities of the requested State which is valid or has expired within less than two months.

### III. TRANSIT ADMISSION

*Article 4.* 1. Each Contracting Party shall accept the conveyance in transit through its territory of persons not nationals of either State Party to this Agreement when continuation of travel and acceptance by the destination State are assured.

2. However, the requested States may refuse such conveyance:

- (a) If such persons might face political persecution in another transit State or the destination State;
- (b) If such persons are liable for criminal prosecution or punishment in the destination State, the requested State or another transit State.

3. Persons admitted for conveyance in transit may be returned to the territory of the requesting State if facts militating against such transit should later occur or be discovered, or if another transit State or the destination State refuses to admit or to readmit those persons.

4. Requests for conveyance in transit shall be settled between the Ministry of the Interior of the French Republic and the Police Division of the Federal Department of Justice and Police. Requests shall specify that the conditions for conveyance in transit have been met and that, to the knowledge of the requesting State, there are no grounds for refusal as specified in paragraph 2.

## IV. GENERAL PROVISIONS

*Article 5.* Persons covered by this Agreement shall be delivered to the frontier post authorities, as established by agreement between the Contracting Parties, by exchange of diplomatic notes.

*Article 6.* Disputes resulting from the application and interpretation of this Agreement shall be settled through the diplomatic channel.

*Article 7.* 1. The authority requesting deportation shall assume transport costs to the frontier post.

2. Transport costs for transit to the frontier of the destination State or, falling that, costs incurred for return transport shall be borne by the requesting State.

*Article 8.* Obligations for readmission resulting from other international agreements currently in force, particularly those concerning settlement and assistance to indigent persons and refugees, shall in no way be affected by the provisions of this Agreement.

*Article 9.* 1. This Agreement shall in no way affect the provisions of international conventions currently in force regarding extradition and extradition in transit.

2. The provisions of this Agreement shall in no case have the effect of replacing the administrative deportation procedure for extradition and extradition in transit.

*Article 10.* 1. This Agreement shall enter into force two months after its signing.

2. It may be denounced on three months' notice.

DONE at Berne, 30 June 1965, in two copies.

For the Government  
of the French Republic:

[DE CHARBONNIÈRE]

For the Swiss Federal Council:

[FRIEDRICH TRAUGOTT WAHLEN]

## [TRANSLATION — TRADUCTION]

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE SWISS FEDERAL COUNCIL AMENDING THE AGREEMENT OF 30 JUNE 1965 CONCERNING THE READMISSION OF PERSONS AT THE FRONTIER<sup>2</sup>

## I

## EMBASSY OF SWITZERLAND

131.420

131.40

The Embassy of Switzerland presents its compliments to the Ministry of Foreign Relations and, on the orders of its Government, has the honour of informing the Ministry of the following:

On 20 December 1985, the Federal authorities established a Delegate for Refugees under the Federal Department of Justice and Police. Therefore, the duties and responsibilities which up to that date were under the jurisdiction of the Federal Office of Police are henceforward transferred to the Delegate for Refugees.

It is therefore necessary to amend the Agreement between the Swiss Federal Council and the Government of the French Republic concerning the acceptance of persons at the frontier, concluded on 30 June 1965, with entry into force on 30 August 1965, supplemented by exchanges of notes of 30 June 1965 and 1 November 1967. At three places in the Agreement — article 1.3, article 3.1 and article 4.4 — the terms “Police Division” should be replaced by “the Delegate for Refugees”.

The Embassy would be grateful if the Ministry would take note of the preceding on behalf of the French Government and would reply regarding this matter to the Swiss Government.

The Embassy of Switzerland, etc.

Paris, 13 January 1986

Ministry of Foreign Relations  
Paris

<sup>1</sup> Came into force on 7 March 1986, in accordance with the provisions of the said notes.

<sup>2</sup> See p. 103 of this volume.

## II

## SUB-OFFICE FOR ALIENS IN FRANCE

7 March 1986

Ref.: R.10 Switzerland  
T29 Visas/Switzerland

The Ministry of Foreign Relations presents its compliments to the Embassy of Switzerland and has the honour of acknowledging receipt of its note No. 131.420.131.40 of 13 January 1986, which reads as follows:

[See note I]

The Ministry has the honour of informing the Embassy that the French Government agrees with the terms of this note, which, by this response, constitutes an Agreement between the French and Swiss Governments on the amendment of articles 1.3, 3.1 and 4.4 of the Agreement of 30 June 1965 concerning the acceptance of persons at the frontier, which shall enter into force on the date of this response.

The Ministry of Foreign Relations, etc.

Embassy of Switzerland  
Paris