

**No. 33394**

---

**FINLAND  
and  
ESTONIA**

**Agreement on the repatriation of persons who enter or remain in the country illegally. Signed at Tallinn on 22 September 1995**

*Authentic texts: Finnish and Estonian.*

*Registered by Finland on 4 December 1996.*

---

**FINLANDE  
et  
ESTONIE**

**Accord relatif au retour des personnes qui sont entrées au pays ou restent dans le pays illégalement. Signé à Tallinn le 22 septembre 1995**

*Textes authentiques : finnois et estonien.*

*Enregistré par la Finlande le 4 décembre 1996.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE REPUBLIC OF FINLAND AND THE GOVERNMENT OF THE REPUBLIC OF ESTONIA ON THE REPATRIATION OF PERSONS WHO ENTER OR REMAIN IN THE COUNTRY ILLEGALLY

The Government of the Republic of Finland and the Government of the Republic of Estonia, hereinafter referred to as “the Parties”,

Desiring, in a spirit of cooperation and guided by the principle of reciprocity, to facilitate the repatriation of persons who enter or remain in the country illegally,

Mindful of the United Nations Universal Declaration of Human Rights of 10 December 1948,<sup>2</sup> the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950,<sup>3</sup> and the Convention relating to the Status of Refugees of 28 July 1951<sup>4</sup> as well as the amendments contained in the Protocol relating to the Status of Refugees of 31 January 1967,<sup>5</sup>

Have agreed as follows:

*Article 1*

## DEFINITIONS

For the purposes of this Agreement:

1. “Alien” means a person who is not a Finnish or Estonian national.
2. “Visa” means a valid permit issued to an alien by the competent authorities of one Party, which allows said alien to enter the country and remain there for not more than three consecutive months.
3. “Residence permit” means a valid permit issued by the competent authorities of one Party, which entitles a person to multiple entries into the country and to reside there. Residence permit does not mean a visa or the opportunity to be in the territory of a Party while a request for asylum or for a residence permit is being considered or a deportation proceeding is in progress.

*Article 2*

## REPATRIATION OF NATIONALS

1. Each Party shall repatriate, without ceremony, a person who is that Party’s national or who can justifiably be considered that Party’s national. The same arrangement shall apply to a person who, after arriving in the territory of the other

<sup>1</sup> Came into force on 3 October 1996 by notification, in accordance with article 12.

<sup>2</sup> United Nations, *Official Records of the General Assembly, Third Session, Part I*, p. 71.

<sup>3</sup> United Nations, *Treaty Series*, vol. 213, p. 221.

<sup>4</sup> *Ibid.*, vol. 189, p. 137.

<sup>5</sup> *Ibid.*, vol. 606, p. 267.

Party, loses the first Party's citizenship but has not obtained any other country's citizenship.

2. If the person who is repatriated proves to be an alien, and if articles 3 and 4 of this Agreement cannot be applied to him or her, the second Party shall repatriate the person immediately.

### *Article 3*

#### REPATRIATION OF ALIENS ON THE BASIS OF ADVANCE NOTICE

1. Each Party shall repatriate, without ceremony, on the basis of advance notice from the competent authorities of the other Party, an alien who arrives directly from the territory of the first Party in the territory of the other Party, provided that not more than 48 hours have elapsed since the alien's arrival.

2. An alien shall be considered to have arrived directly from the territory of the other Party if this can be proven or can justifiably be considered to be sufficiently probable.

### *Article 4*

#### REPATRIATION OF ALIENS ON THE BASIS OF A REQUEST

1. Each Party shall repatriate, at the request of the other Party, an alien who arrives directly from the territory of the first Party in the territory of the other Party and whose arrival or presence in the country is not in accordance with the law of the other Party. This provision shall not, however, be applied if the alien, after arriving in the country, has been issued a residence permit by the other Party.

2. Each Party shall repatriate, at the request of the other Party, an alien who is illegally in the territory of the other Party and who possesses a valid residence permit or visa (with the exception of a transit visa) issued by the first Party.

3. Each Party shall repatriate, at the request of the other Party, a Stateless alien who arrives in the territory of the other Party on the basis of a travel document issued by the first Party, which entitles the bearer to return to the territory of the Party which issued the document, or who immediately before arriving in the territory of the second Party has in fact resided in the territory of the first Party in accordance with the law currently in force and who has arrived directly from the territory of the first Party after the entry into force of this Agreement.

### *Article 5*

#### TIME LIMITS

1. Each Party must respond immediately to a request to repatriate an individual, and in any case no later than 20 days after the request is made. Requests to repatriate an individual may be transmitted by post directly to the competent authorities of the other Party or may be sent by electronic data transfer.

2. The competent authorities of each Party must repatriate persons immediately after acceding to a request, and in any case no later than three months after acceding to the request. Upon notification by the Party making the request, the time

limit may be extended for the length of time needed to eliminate legal or practical obstacles.

### *Article 6*

#### TERMINATION OF THE OBLIGATION TO REPATRIATE INDIVIDUALS

Requests for the repatriation of an individual must be submitted to the competent authorities of the other Party no later than six months after the competent authorities of one of the Parties become aware of such person's illegal entry into or residence in its territory.

### *Article 7*

#### TRANSIT IN CONNECTION WITH EXPULSION FROM A COUNTRY

1. Each Party shall, at the request of the other Party and in connection with expulsion from the country, enable an alien to pass through its territory. Each Party may request that a representative of the competent authority of the other Party act as an escort during the transport of the alien through the territory of the first Party.

2. The Party which accedes to the request shall issue, without charge, to the escorts and the person being escorted a transit visa in accordance with its domestic law.

3. Each Party shall repatriate an alien, regardless of any issued permit, if that alien is not permitted to enter a third country or if continuation of the journey proves impossible for other reasons.

### *Article 8*

#### COSTS

1. Each Party shall bear the costs incurred in connection with the transport of an individual to the other border of the other Party in accordance with articles 2, 3 and 4 of this Agreement, unless its domestic law provides otherwise.

2. The requesting Party shall bear the costs incurred during transit to the border of the country of destination, in accordance with article 7, and, if necessary, the costs associated with a return trip.

3. Each Party shall bear the cost of professional assistance provided by its authorities during transport through the territory of that Party.

### *Article 9*

#### TRANSMISSION OF INFORMATION

When information concerning specific incidents is transmitted to the other Party in connection with the implementation of the provisions of this Agreement, such information may concern only the following:

(a) Personal data of the individual concerned and, if necessary, of members of his family (last name, given names, previous names, nicknames or pseudonyms,

false names, time and place of birth, sex, current citizenship and any previous citizenship;

(b) Passport, identity card or other travel document (number, date of issue, issuing authority, place of issue, term of validity and area of validity);

(c) Other specific information necessary for identifying persons; and

(d) Any visas or residence permits issued by the Parties or by other States, the itinerary, the stopping places, transportation tickets and any other travel arrangements.

### *Article 10*

#### CONDITIONS OF IMPLEMENTATION

1. Upon ratification of this Agreement, the Parties shall notify each other through the diplomatic channel of the competent authorities responsible for implementing the Agreement and how they may be contacted. The Parties shall also notify each other of any changes in connection with these authorities.

2. The competent authorities shall meet as necessary and shall determine what practical measures to take with a view to implementing this Agreement.

3. The competent authorities shall reach agreement regarding any other measures required to implement this Agreement, which may concern areas such as the following:

Personal data, documents and corroborating material needed for the transport of individuals, and methods of transit;

Determination of border-crossing points and arrival times to be used in the repatriation of individuals;

Conditions for transit by nationals of other countries escorted by competent authorities; and

Corroborating material or justification on the basis of which it can be proven or justifiably assumed that an alien has arrived directly from the territory of one Party in the territory of the other Party.

### *Article 11*

#### OTHER INTERNATIONAL AGREEMENTS

The provisions of this Agreement shall not affect the rights and obligations of either Party under other international agreements.

### *Article 12*

#### FINAL PROVISIONS

1. This Agreement shall enter into force 30 days after the date on which the Parties notify each other in writing that the necessary constitutional procedures for the entry into force of this Agreement have been completed.

2. Either Party may temporarily suspend the implementation of this Agreement in order to ensure State security, public order or public health, provided that it notifies the other Party of its intention in writing. The suspension shall take effect immediately.

3. This Agreement shall remain in force for an indefinite period. Either Party may terminate this Agreement by notifying the other Party in writing of its intention to do so. The Agreement shall cease to have effect on the first day of the month following the date on which notification of the intention to terminate the Agreement is received.

DONE at Tallinn on 22 September 1995 in duplicate in the Finnish and Estonian languages, both texts being equally authentic.

For the Government  
of the Republic of Finland:

JAN-ERIK ENESTAM

For the Government  
of the Republic of Estonia:

EDGAR SAVISAAR

---