

**AGREEMENT ON READMISSION BETWEEN THE AUSTRIAN FEDERAL GOVERNMENT
AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF NIGERIA**

The Austrian Federal Government and the Government of the Federal Republic of Nigeria
(hereinafter referred to as the “Contracting Parties”);

PREAMBLE:

BASED on the friendly relations between the two States and their People;

DESIRING to improve co-operation and friendly relations and facilitating the implementation of the provisions relating to migration of persons, respect for and guarantee of fundamental rights in conformity with the legislation in force in both States;

REAFFIRMING their common concern to effectively combat irregular migration of their citizens to each other's country;

WILLING to facilitate the repatriation of citizens of one Contracting Party irregularly residing in the territory of the other Contracting Party as well as their rehabilitation, and to treat such persons in a manner which is dignified and guarantees their human rights and fundamental freedoms;

REFERRING to the principles of the Convention Relating to the Status of Refugees of 28th July, 1951 and its Protocol Relating to the Status of Refugees of 31st January, 1967, and also to the principles and provisions of the United Nations Convention against Transnational Organized Crime, and the Protocols thereto of 12th December, 2000; in particular the Protocol to Prevent, Suppress and Punish Trafficking in persons especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air.

HAVE AGREED AS FOLLOWS:

ARTICLE I

Objectives

The Contracting Parties shall:

- (a) Be guided by the provisions of this Agreement as regards the treatment of their respective nationals;
- (b) Accord each other mutual assistance on the terms of this Agreement;
- (c) Implement this Agreement in conformity with their national laws and regulations.

ARTICLE II

Areas of Cooperation

- (1) Each Contracting Party shall admit to its own territory, at the request of the other Contracting Party, any person who is not or is no longer eligible to enter or to reside in the territory of the Requesting Contracting Party, when it has been shown in accordance with Article III, or is shown through the identification procedure outlined in Article IV, that the person concerned is a national of the Requested Contracting Party or holds a valid internationally accepted travel document according to Article III.
- (2) The same may apply to persons who wrongly acquired a travel document by the Requested Contracting Party.
- (3) The reason for the request shall be stated in the letter of request.

ARTICLE III

Procedure for Repatriation

- (1) The repatriation procedures shall be followed without the issue of a travel document if the person concerned is in possession of a currently valid national passport or valid internationally recognized travel document.
- (2) The recognized National Passports and internationally recognized travel documents for the purpose of this Agreement are:

For the Republic of Austria:

- Passport;
- Official duty passport;
- Diplomatic passport;
- Collective passport;
- Convention passport;

For the Federal Republic of Nigeria

- Standard Passport;
- Official Passport;
- Diplomatic passport;
- Seamen Passport;
- Emergency Travel Certificate;

- (3) For the purpose of paragraph 1, the Contracting Parties shall exchange specimens of the documents listed under paragraph 2.
- (4) All cases of repatriation of persons shall be co-ordinated by the Requesting Contracting Party in conjunction with the consular representative of the Requested Contracting Party for purposes of proper identification and adequate clearance.
- (5) The Competent Authorities of the Requesting Contracting Party shall provide the personal data and the flight details of the person to be repatriated to the consular representative of the Requested Contracting Party at least five (5) working days before the date of the repatriation.

ARTICLE IV

Proof of Nationality

- (1) If no valid national travel document or internationally recognized travel document according to Article III paragraph 2 is available, the person to be repatriated shall be identified and issued with a travel document as a national of the Requested Contracting Party on presentation by the Requesting Contracting Party, of one of the documents or other evidence as referred to in paragraph 2 and 3;
- (2) Proof of Nationality can be established by the following:
- (a) Citizenship Certificates
 - (b) Expired passports of any kind (as specified in Article III paragraph 2);
 - (c) Identity cards including temporary and provisional ones;
 - (d) Official documents indicating the citizenship of the person concerned;
 - (e) Seamen's registration books and skipper's service cards;
 - (f) Unequivocal information provided by the Competent Authorities;
 - (g) In the case of the Nigerian side, a certificate of state of origin or an ECOWAS travel document/Certificate issued by the Nigerian authorities;
 - (h) Any other document recognized by the Government of the Requested Contracting Party, making it possible to establish the identity of the person concerned.
- (3) Presumption of Nationality may, in particular, be established by the following:
- (a) photocopies of any of the documents listed in paragraph 2 herein;

- (b) driving licenses;
 - (c) company identity cards;
 - (d) birth certificates;
 - (e) statements made by witnesses;
 - (f) statement made by the person concerned;
 - (g) language spoken by the person concerned. However, ability to speak any of the languages of the Requested Contracting Party does not automatically establish the nationality of the person concerned;
 - (h) any other document which may help to establish the nationality of the person concerned.
- (4) Where prima-facie evidence of nationality is furnished and such evidence has been confirmed through the support of the Requested Contracting Party, in particular after an interview by the relevant competent authorities, the Contracting Parties shall mutually deem nationality to be established.
- (5) A travel document in accordance with paragraph 1 shall be issued by the Requested Contracting Party within four (4) working days from the date of receipt of the documents or other evidence referred to in paragraphs 2 and 3 herein.
- (6) The documents listed in paragraphs 2 and 3 of this Article shall suffice as proof or presumption of nationality notwithstanding the lapse in period of validity.

ARTICLE V

Special Identification Procedure

- (1) In cases other than those referred to in Article III and IV, with the exception of cases in which nationality has been disproved under Article IV, where it is not possible to obtain the necessary document(s) but evidence exists making it possible to presume nationality, the authorities of the Requesting Contracting Party shall request the Diplomatic and Consular officers of the Requested Contracting Party to help ascertain the nationality of the persons concerned. The following identification procedure shall operate:
- (a) The person shall be interviewed as soon as possible and, in any event not later than five (5) working days from the date of the receipt of the request;
 - (b) In general the interview shall take place at the Embassy;
 - (c) The outcome of the interview shall be conveyed to the Requesting Contracting Party as soon as possible, but in any event not later than five (5) working days from the date of the interview;
 - (d) On the confirmation of the nationality of the person, a travel document shall be issued by the Requested Contracting Party within four (4) working days.

- (2) Where by paragraph (1) (b) it is difficult or impractical for the interview to be held at the Embassy of the Requested Contracting Party, travel costs incurred by the representative of the Requested Contracting Party shall be paid by the Requesting Contracting Party.

ARTICLE VI

Mutual Assistance

Each Contracting Party shall provide assistance to the other for the purpose of identification of persons as nationals of either of the Contracting Parties.

ARTICLE VII

Conditions for Repatriation

In the course of the repatriation of irregular migrants under this Agreement, proper identification checks shall be carried out by the Competent Authorities on the irregular migrants before departure from the territory of the Requesting Contracting Party, and on arrival at the territory of the Requested Contracting Party.

ARTICLE VIII

Escort

- (1) Where a person is to be repatriated under escort as in Article II, the Requesting Contracting Party shall so inform the Requested Contracting Party.
- (2) The escort referred to in paragraph 1, shall be provided by the Requesting Contracting Party up to the designated airport of the Requested Contracting Party.

ARTICLE IX

Costs

The Requesting Contracting Party shall bear the expenses of transportation of persons to be repatriated including their escorts, as far as the designated airport of the territory of the Requested Contracting Party.

ARTICLE X

Transportation of Accompanying Luggage

The Requesting Contracting Party shall allow a person who is to be repatriated or readmitted to carry his or her legally acquired personal belongings including monies in accordance with the relevant regulations as accompanying luggage to the country of destination.

ARTICLE XI

Re-admission of Persons Repatriated

- (1) If subsequent evidence shows that the repatriated person is not a national of the Requested Contracting Party, the Requesting Contracting Party shall re-admit that person to its territory.
- (2) The request for the return of the persons referred to in paragraph 1 shall be made within 14 working days following the repatriation exercise and carried out within 18 working days thereafter and shall be readmitted to the territory of the Requesting Contracting Party.
- (3) In all cases, trafficked and smuggled persons shall be accorded fair and humane treatment.

ARTICLE XII

Rights

The implementation of the repatriation measures listed in this Agreement shall not prejudice any previously acquired rights under the national laws and regulations of the Contracting Parties.

ARTICLE XIII

Right of Re-Entry of Repatriated Persons

Repatriation carried out under this Agreement shall be without prejudice to the right of the individual concerned to re-enter the territory of the Requesting Contracting Party upon the completion of the necessary entry requirements under the national laws and regulations of the Contracting Parties.

ARTICLE XIV

Effect on any other International Obligations

No provision of this Agreement shall affect any rights or obligations that the Contracting Parties may have undertaken under any regional or international Agreement, Treaty, Convention, Protocol or any obligation arising from memberships of any regional integration organization.

ARTICLE XV

Competent Authorities

- (1) The Competent Authorities for the purpose of implementing this Agreement are:

For the Austrian Federal Government
the Federal Ministry of the Interior

For the Government of the Federal Republic of Nigeria
the Ministry of Foreign Affairs

- (2) The Contracting Parties shall have the right to designate in writing through diplomatic channels any other competent authority in addition to the ones already designated.

ARTICLE XVI

Exchange of information

For the purpose of the implementation of this Agreement, the Competent Authorities shall exchange the following documents through diplomatic channels:

- (a) List of diplomatic and/or consular personnel present in the territory of the Requesting Contracting Party for the issuance of travel documents;
- (b) List of airports that can be used for the repatriation of the persons concerned;
- (c) Any other information facilitating communication or the proper implementation of this Agreement.

ARTICLE XVII

Protection of Personal Data

- (1) In so far as personal data has to be communicated by the Competent Authorities of the Contracting Parties in order to implement this Agreement, such information may concern only the following:

- (a) The particulars of the person to be repatriated and, where necessary, of the members of the person's family (surname, forename, any previous names, nicknames or pseudonyms, aliases, date and place of birth, sex, current and any previous nationality);
- (b) Passport, identity card and other identity and travel documents and laissez-passer (number, period of validity, date of issue, issuing authority, place of issue, etc.);
- (c) Other details needed to identify the persons to be repatriated;
- (d) Evidence from which possession of nationality may be established or presumed;
- (e) Any information at the request of one of the Contracting Parties which is required for the purpose of examining the repatriation request pursuant to this Agreement;
- (f) Stopping places and itineraries;
- (g) Residence permits or visas issued by one of the Contracting Parties;

- (h) Any other identification material available.
- (2) The information referred to in paragraph 1 as well as any other data transmitted under this Agreement shall be exchanged in accordance with the national laws of each of the Contracting Parties. Detailed rules providing the person concerned with the right to rectify and the right to delete the data concerning him or her as well as the rules underlying the procedures of asserting these rights and the right of access shall be governed by the national laws of each of the Contracting Parties.
- (3) Personal data may only be communicated to the Competent Authorities of each Contracting Party. The Competent Authorities of each Contracting Party shall ensure the protection of all information received under this Agreement in accordance with their respective national law.
- (4) The Contracting Parties undertake to:
- (a) Use any information received under this Agreement only for the purpose for which it was requested;
 - (b) Keep confidential any such information forwarded to the Requested Contracting Party and not disclose it to a third party unless disclosure is authorized by the Requesting Contracting Party;
 - (c) Protect such information against accidental loss, unauthorized access, alteration, destruction or disclosure;
 - (d) Destroy such information in accordance with any conditions laid down by the Requested Contracting Party, and if there are no such conditions laid down, as soon as the information is no longer required for the purpose for which it was forwarded.
 - (e) Observe the correctness of the data to be communicated as well as the necessity and proportionality with regard to the purpose intended with the communication.
In this respect, communication restrictions valid under the respective national laws shall be observed. If incorrect data or data, the communication of which was not permitted, turns out to have been communicated, the recipient shall be notified thereof without delay and shall be obliged to destroy such data.
- (5) Both the transmitting and the receiving authority shall be obliged to register, for record purposes: subject and time of any communication of personal data as well as the transmitting and receiving requesting authority. The documentation data shall be stored for three years and may only be used for the purpose of ensuring supervision of compliance with the applicable provisions in data protection.
- (6) The authority responsible for the processing of personal data shall provide every person who proves his or her identity in an appropriate manner, with information about the data being processed and relating to it, the available information about their origin, the

recipients or categories of transmissions, the purpose of use of data as well as its legal basis in a comprehensible form.

- (7) The information provided as personal data, is to be provided as contained in the annextures of this Agreement, which shall form part of this Agreement.

ARTICLE XVIII

Technical Cooperation and Assistance

(1) The Contracting Parties hereby undertake within the limits of their capacities and resources, and according to their national legislation to cooperate and assist each other in the following areas:

- (a) To strengthen the co-operation between the Competent Authorities when applying the UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, such as to strengthen technical assistance;
- (b) To strengthen the co-operation (particularly in the area of training) among Consular and all the Competent Authorities involved in the implementation of this Agreement;
- (c) To co-operate in the field of return, especially by promoting voluntary return and re-integration of persons to be repatriated;
- (d) To grant reciprocal and non-discriminatory treatment of nationals of each Contracting Party in accordance with international human rights standards binding upon each Contracting Party;
- (e) To give succour to all persons identified as victims of human trafficking in accordance with the provisions of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime of 2000.

(2) Projects under reference in paragraph 1 may be agreed upon by the Contracting Parties as proposed by the Coordination Committee set out in Article XX.

ARTICLE XIX

Human Rights Guarantees

- (1) Nationals of either Contracting Party shall not be subjected to any treatment contrary to the rights and freedoms as guaranteed, inter alia, by the provisions of the International Covenant on Civil and Political Rights.
- (2) They shall not be subjected to torture, cruel, inhuman or degrading treatment in the State of the other Contracting Party, nor shall undue force be applied in the repatriation of persons under this Agreement.

(3) The Contracting Parties undertake:

- (a) To promptly inform any national of the other Contracting Party who is arrested of the right to contact the Embassy, and if the person so requests to notify immediately the Embassy of the arrest, according to the Vienna Convention on Consular Relations of 24th April, 1963:
- (b) Not to use undue force, torture, cruel, inhuman or degrading treatment on the arrested person;
- (c) To allow the officials of the Embassy of the other Contracting Party unrestricted access to visit and discuss privately with the nationals of that Contracting Party in its custody;
- (d) In repatriating the irregular migrants, to allow the accredited personnel of the Competent Authorities of the Requested Contracting Party adequate opportunity to verify and ascertain the identity of the irregular migrant and that the irregular migrant is duly informed before effecting the repatriation.

ARTICLE XX

Coordination Committee

- (1) In order to implement the provisions of this Agreement, a Coordination Committee shall be established and be made up of representatives of the Contracting Parties.
- (2) The Committee shall meet at least once every two years and as may be requested by either Contracting Party. It shall determine its own rules of procedure.

ARTICLE XXI

Resolution of Disputes

Any dispute arising from the interpretation or implementation of this Agreement shall be resolved through diplomatic channels.

ARTICLE XXII

Amendments

Any amendment or revision of this Agreement shall be made in writing through diplomatic channels and shall come into force upon approval by both Contracting Parties in accordance with Article XXIII.

ARTICLE XXIII

Entry into Force

Each Contracting Party shall notify the other through diplomatic channels of the completion of the necessary national requirements for bringing the provisions of this Agreement into

effect. This Agreement shall enter into force thirty (30) days after receipt of the last Note through diplomatic channels.

ARTICLE XXIV

Termination

- (1) This Agreement may be terminated by either Contracting Party upon giving six (6) months' notice to the other of its intention to do so.
- (2) At the termination of this Agreement, its provisions and the provisions of any separate Protocols, Accords or complementary Agreements made in that respect shall continue to govern any unexpired and existing obligations assumed or connected there under, and any such obligation shall be carried on to completion.

IN WITNESS WHEREOF the undersigned representatives, being duly authorized, have signed this Agreement.

Done at Abuja on the 8th day of June 2012, in two originals, each in the German and English languages, both texts being equally authentic.

Michael Spindelegger m.p.

Olugbenga Ashiru m.p.

For the Austrian Federal Government

For the Government
of the Federal Republic of Nigeria

.....

.....

(Place and date)

(Designation of requesting authority)

Reference:

To

.....

.....

.....

(Designation of requested authority)

READMISSION APPLICATION

**Pursuant to Article II of the Agreement on readmission between
the Austrian Federal Government and the Government of the Federal Republic of Nigeria**

A. PERSONAL DETAILS

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

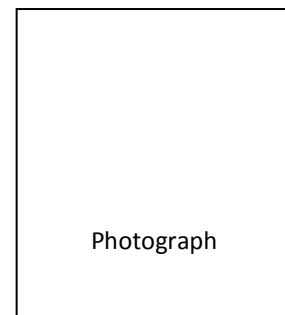
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4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

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

.....



6. Nationality and language:

.....

7. Civil status:

☐

married

☐

single

☐

divorced

☐

widowed

If married:

Name of spouse

.....

Names and age of children (if any)

.....

.....

.....

.....

8. Last address in the

(a) Requesting Party:

(b) Requested Party:

.....

B. SPECIAL CIRCUMSTANCES RELATING TO THE TRANSFEREE

1. State of health

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

.....

2. Indication of particularly dangerous person

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

.....

C. 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.

.....

(Birth Certificate)

.....

(date and place of issue)

.....

(Issuing authority)

.....

(expiry date)

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

 (Issuing authority) (expiry date)

D. OBSERVATIONS

.....

.....
 (Signature) (Seal/stamp)