



**PROTOCOL
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF MALTA
AND
THE GOVERNMENT OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA
IMPLEMENTING THE AGREEMENT
BETWEEN
THE EUROPEAN COMMUNITY
AND
THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA
ON
THE READMISSION OF PERSONS RESIDING WITHOUT
AUTHORISATION**

The Contracting Parties to the Protocol,

The Government of the Republic of Malta and the Government of the Democratic Socialist Republic of Sri Lanka,

Desiring to facilitate the implementation of the Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons residing without authorisation (hereinafter referred to as the Agreement),

Pursuant to Article 18 thereof

HAVE AGREED AS FOLLOWS:

**Article 1
Designation of Competent Authorities**

(1) The Contracting Parties have designated, for the purpose of implementing the Agreement, the following competent authorities:

For the Government of the Republic of Malta:

Police Headquarters
Special Branch
Immigration Section
Floriana
Telephone Number: 00356 22940000

Fax number: 00356 21235467

e-mail: sb.police@gov.mt

For the Government of the Democratic Socialist Republic of Sri Lanka

The Controller General
Department of Immigration and Emigration of Sri Lanka,
Readmission Case Management Unit,
Suhurupaya, Sri Subhuthipura Rd,
Battaramulia,
Sri Lanka

Telephone: 0094-11-5329000

Fax number: 0094-11-2885358

e-mail: nccr@immigration.gov.lk

(2) The Competent authorities shall communicate by electronic mail, wherever possible. In cases where this is not possible, communication shall be made by fax.

(3) The Contracting Parties shall immediately inform each other through diplomatic channels about any changes in the list of the competent authorities or their contact information

Article 2 Border Crossing Points

(1) The Readmission of citizens of the Contracting Parties and of third country nationals and stateless persons and admission in transit shall take place in the following border crossing points.

For the Government of the Republic of Malta:

By Air:

The Police Immigration Office
Malta International Airport
Limits of Gudja

Telephone/Fax Number 00356 21222941

e-mail: airport.police@gov.mt

By Sea:

The Police Immigration Office
Sea Passenger Terminal
Pinto Wharf
Valletta

Telephone/Fax Number 00356 21232469

e-mail: seaport.police@gov.mt

For The Democratic Socialist Republic of Sri Lanka:

- i. Bandaranaike International Airport, Katunayake
Telephone: 0094-11-2263918/2263915
Fax number: 0094-11-2252373
- ii. Mattala Rajapaksa International Airport, Hambanthota
Telephone number: 0094-472031906/472031907
Fax number: 0094-472031908

(3) 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 of this Article.

Article 3 **Establishing Nationality of the Contracting states**

(1) The nationality of the person who is subject to re-admission shall be ascertained on the basis of the provisions laid down in Article 8 of the Agreement.

(2) In the case where the citizenship is not established in terms of paragraph 1 of this article, it may be ascertained through the intervention of the authorities of the

requested Contracting Party. Pursuant to Article 8(3) of the Agreement, the latter shall carry out an interview with the person concerned, within 3 working days from the date of the request, at an office situated on the territory where the interviewee is located. All expenses related to the organization of such interviews will be borne by the requesting Contracting Party

(3) Once the requested Contracting Party is satisfied that, as a result of the interview, it has been established that the person in question is a citizen of the requested Party, the competent authorities shall immediately issue a document valid for repatriation.

Article 4 **Readmission of citizens of the Contracting Parties**

(1) The readmission of the person whose citizenship is established, in terms of the provisions in Article 3 of this Protocol, as being that of the requested Contracting Party shall take place without further formalities.

(2) The request for readmission shall be made in writing and in line with the provisions laid down in Article 7 of the Agreement. The form provided in Annex 5 thereof shall be completed in full and submitted by the competent authority of the Requesting State to the competent authority of the Requested State.

(3) Pursuant to Article 6(2) of the Agreement, a written communication may in certain circumstances as listed in the mentioned paragraph, replace the readmission application. In such cases the written communication shall be submitted at the latest within 20 days prior to the return of the person concerned and shall contain the following details:

- The document on the basis of which the person is being returned (valid travel document, valid visa or residence authorisation of the requested state) and photocopy thereof;
- The details listed in Article 7(1)(a) of the person to be readmitted;
- Any other information considered relevant to the readmission.

(4) The reply to the readmission application/written communication shall be submitted by the competent authority of the Requested State to the competent authority of the Requesting State without delay and in any case within 15 calendar days from the date of receipt as per Article 10 of the Agreement.

(5) Once the readmission is approved, the Diplomatic Mission or Consular Office of the requested state shall immediately and within no later than 3 working days from the date of receipt of approval issue a travel document valid for repatriation.

(6) Date, time, method and place of transfer of the person to be readmitted shall be agreed by the competent authorities of the Contracting Parties for each case and in any case not later than 5 working days from the receipt of the decision for readmission.

Article 5

Readmission of citizens of third-country nationals and stateless persons

(1) The readmission of third-country nationals and stateless persons, on the basis of the obligations listed in Article 3 and 5 and the evidence furnished in line with the provisions listed in Article 9 of the Agreement, shall take place without further formalities, following a request from the competent authority of the Requesting State to the competent authority of the Requested State.

(2) The request for readmission shall be made in writing and in line with the provisions laid down in Article 7 of the Agreement. The form provided in Annex 5 thereof shall be completed in full and submitted by the competent authority of the Requesting State to the competent authority of the Requested State.

(3) Pursuant to Article 6(2) of the Agreement, a written communication may in certain circumstances as listed in the mentioned paragraph, replace the readmission application. In such cases the written communication shall be submitted at the latest within 20 days prior to the return of the person concerned and shall contain the following details:

- The document on the basis of which the person is being returned (valid travel document, valid visa or residence authorisation of the requested state) and photocopy thereof;
- The details listed in Article 7(1)(a) of the person to be readmitted;
- Any other information considered relevant to the readmission.

(4) The reply to the readmission application/written communication shall be submitted by the competent authority of the Requested State to the competent authority of the Requesting State without delay and in any case within 15 calendar days from the date of receipt as per Article 10 of the Agreement.

(5) Once the readmission is approved, the Diplomatic Mission or Consular Office of the requested state shall immediately and within no later than 3 working days from the date of receipt of approval issue a travel document valid for repatriation.

(6) Date, time, method and place of transfer of the person to be readmitted shall be agreed by the competent authorities of the Contracting Parties for each case and in any case not later than 5 working days from the receipt of the decision for readmission.

Article 6

Admission in transit

(1) The application for admission in transit shall be submitted in writing and in line with the provisions laid down in Article 13 of the Agreement. The form in Annex 6 to the Agreement shall be completed in full and submitted by electronic mail or fax by the competent authority of the Requesting State to the competent authority of the Requested State, by not later than 15 working days prior the planned transit.

(2) The competent authority of the Requested State shall submit the reply to the competent authority of the Requesting State by electronic mail or fax within 5 calendar days after the receipt of the application for transit, notifying whether it consents to the transit and the envisaged date and time of transit, designated border crossing point, method of transport, possible escorts and other information relevant to the transfer.

(3) If the Requesting State considers necessary to request assistance from the competent authority of the Requested State for a particular transit operation, this should be indicated in the transit application form. In its reply to the transit application, the competent authority of the Requested State should notify whether it is able to provide the requested assistance.

(4) Supervision and boarding of unescorted persons in air transit shall be provided by police officers of the Requested State, subject to prior written confirmation by the Requested State.

(5) If the person being transferred requires medical care, the competent authority of the requesting state shall also submit a description of the person's state of health, including photocopies of healthcare certificates and information regarding requirements for special treatment, such as health or other care, supervision or ambulance transport.

(6) During transit, the requesting Contracting Party shall remain responsible for third-country nationals or stateless persons and it undertakes to take back a person to be readmitted without delay, if:

- consent to transit was refused or withdrawn pursuant to Article 12 (3) and Article 12(4) of the Readmission Agreement;
- the person to be readmitted has illegally entered the territory of the Requested State during transit;
- transfer of the person to be readmitted to another state of transit or destination failed; or
- transit is impossible on some other grounds.

Article 7
Escorting of persons to be readmitted or transferred

- (1) The requesting party shall indicate in the respective section of the application for readmission or transit, whether the person concerned will be escorted. The names, family names, ranks, positions and designation of the escort as well as the type, number and date of issue of passports and service identification cards and description of their travel details and authorisation must also be given.
- (2) The competent authority of the Requesting State shall immediately inform the competent authority of the Requested State of any changes related to data of the escorts indicated in sub-article 1 of this Article.
- (3) The escort shall be responsible for escorting the persons to be readmitted and transferring the person concerned to the responsible official of the competent authority of the state of destination.
- (4) The escort shall be responsible for carrying the travel document and other required certificates or personal data of the person to be readmitted or transferred, and of handing over such items to the representative of the competent authority of the state of destination. The escort may not leave the agreed location before the readmission is completed.
- (5) Escorts must adhere to the law of the requested party in all circumstances. The authority of escorts accompanying a returnee or a transferee to use force is limited to self-defence. However, in the absence of any officials of the Requested State who are authorised to take the necessary action or in order to support such officials, the escorts may respond to an immediate and serious threat in a reasonable and proportionate manner to prevent the returnee or transferee from fleeing, injuring himself or third parties or causing damage to property.
- (6) When conducting readmission or transit operations, escorts shall be in civilian clothing provided they carry valid service or official passports and service identification cards that prove the agreed-upon arrangement in respect of readmission or transit.
- (7) When conducting readmission or transit operations, escorts may not carry weapons and other objects which are restricted in the territory of the state of the Requested Party.
- (8) The Requested State shall ensure similar protection and assistance to the escort during the performance of his or her duties as it ensures to its own officials authorised to perform such duties.
- (9) The competent authorities shall cooperate with one another on all the issues related to the stay of escorts in the territory of the state of the Requested Party. The

competent authorities of the Requested Party shall provide the escorts with necessary assistance and protection.

- (10) The competent authorities of the Requesting State shall ensure that the escort possesses the entry visas to the State(s) of transit and destination, if required.

Article 8 Covering of Costs

Costs incurred by the Requested State in connection with readmission and transit operations which are to be borne by the Requesting State in accordance with Article 14 of the Agreement, shall be reimbursed in Euro by the Requesting State within 60 days upon the submission of a valid invoice.

Article 9 Meetings of experts

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

Article 10 Language of Communication

The Parties shall use the English language in the procedures carried out under the Readmission Agreement and the Implementation Protocol.

Article 11 Relation to other Treaties

This Protocol shall be without prejudice to the rights, obligations and responsibilities of the Parties arising from other international treaties.

Article 12
Amendments, Entry into force and Termination

- (1) Pursuant to Article 18(2) of the Agreement, this Protocol shall enter into force after the Joint Readmission Committee has been notified.
- (2) This Implementing Protocol may be subject to amendment, addition or deletion by agreement between the Parties.
- (3) Subject to mutual consent, the Contracting Parties may denounce this Protocol in writing through diplomatic channels. In such case the denouncement shall enter into force after six months from the date of receipt of the notification.

Article 13
Settlement of disputes

Any disputes which may emerge in connection with the interpretation and/or application of the present Protocol shall be settled by means of consultation through diplomatic channels.

Signed in duplicate in Valletta on the 5 day of the month of October of 2017, in the English language.



For the Government of the
Republic of Malta



For the Government of the
Democratic Socialist Republic of
Sri Lanka