

AGREEMENT

on Co-operation of the States Members of the Commonwealth of Independent States in Combating Illegal Migration

(ratified by the Republic of Moldova by Law no. 890 – XV of 28.02.2002)

(came into force for the Republic of Moldova on 28.06.02)

The States parties to this Agreement, in the person of their Governments, hereinafter referred to as "Parties";

Based on the norms of international and national legislation of the Parties;

Noting that illegal migration, posing a treat to social and national security, economic stability, contributes to worsening of the criminogenic situation on the territories of the Parties;

Considering it a priority to secure their citizens' rights and legitimate interests;

Considering the co-operation in combating illegal migration an important direction in regulating migration processes on the territories of the Parties and with the purpose of taking joint measures to prevent illegal migration;

Striving to ensure a legal basis for co-operation of the Parties in the struggle with illegal migration;

Have agreed as follows:

Article 1

The terms used in this Agreement shall have the following meanings:

"illegal migrants" - citizens of third countries and stateless persons who have violated the rules of entry, exit, stay or transit through the territories of the Parties, as well as citizens of the Parties who have violated the rules of stay on the territory of one of the Parties, established by its national legislation;

"third countries" - states that are not parties to this agreement;

"country of exit" - the country of the illegal migrant's nationality (with regard to stateless persons, it is the country of his/her habitual residence) or the country from the territory of which the illegal migrant has arrived;

"country of entry" - country in the territory of which the illegal migrant has arrived.

Article 2

This Agreement shall not be applied to the persons who arrived in the territory of one of the Parties with the purpose of acquiring asylum or refugee status, if their applications for refugee status have been submitted to the respective bodies of the country of entry in line with the procedure provided by its legislation.

Article 3

Entry of citizens of third countries, stateless persons and citizens of the Parties to the territory of one of the Parties is possible only on condition of their fulfilment of requirements of its national legislation on the rules of entry, exit, stay or transit, as well as on the international treaties to which it is a party.

Persons who have been recognised refugees or received asylum on the territory of one of the Parties enter the territory of other Parties in accordance with paragraph one of this article.

Article 4

The Parties shall ensure interaction in the field of combating illegal migration in the following basic direction:

Migration control;

Record of citizens of third countries, stateless persons and citizens of the Parties who cross illegally borders of the states, who stay illegally on the territories of the Parties, as well as the ones who are prohibited to enter the territory of one of the Parties;

Elaboration of a mechanism of the deportation of illegal migrants;

Harmonisation of the national legislation of the Parties in the field of responsibility for illegal migrants and for all categories of persons contributing to illegal migration;

Exchange of information about illegal migration;

Training and improvement of qualification of officials of the Parties' respective bodies who deal with the issues of combating illegal migration.

Article 5

The illegal migrants discovered on the territory of one of the Parties shall be subject to deportation to the country of entry, in accordance with the legislation of the country of entry, unless otherwise is stipulated in the international treaties.

In case if illegal migrants have arrived in the territory of one Party from the territory of another Party, then, if the respective proofs are presented, they shall be handed over to the latter. In this case, the handing over of illegal migrants shall be carried out in accordance with the separate agreements of the Parties in this field.

Article 6

The Parties shall exchange information regarding:

The national legislation in the field of migration, as well as its modifications;

Specimen of the identity documents and the ones that entitle to cross state border, change of forms and requirements on the documents to enter, stay and exit from the territories of the Parties;

Discovery of channels of illegal migration, including acquisition of entry visas, other documents and their use, as well as other issues of application of this Agreement;

All the agreements on entry/exit and migration with third countries.

Article 7

After signing this Agreement, the Parties shall elaborate within a six-month term a Regulation regarding a common database of illegal migrants and persons, whose entry in the states parties to this Agreement is prohibited in accordance with the national legislation in force of the Parties, and shall also establish procedure of

exchange of information about illegal migration in accordance with Articles 4 and 6 of this Agreement.

Article 8

All the issues connected with the implementation and interpretation of this Agreement shall be settled by way of consultation and negotiations of the concerned Parties.

Upon mutual agreement of the Parties, this Agreement can be supplemented with modifications and additions, which shall be drawn up in the form of protocols and shall constitute the integral part of this Agreement.

Article 9

This Agreement is subject to ratification in accordance with the national legislations of the Parties and shall enter into force on the day of receipt by the depositary of the third instrument of ratification.

For the Parties that ratify it later, it shall enter into force on the day of receipt by the depositary of its instruments of ratification.

Article 10

Provisions of this Agreement shall not affect the obligations assumed by the Parties in accordance with other international agreements.

Article 11

Each Party, no later than one month following the day of entry into force of this Agreement, shall establish the list of authorised bodies for its implementation, and shall notify the depositary thereof.

Article 12

This Agreement is open for accession by the member-states of the Commonwealth of Independent States that share its provisions, with consent of all the Parties, by means of deposition of the accession documents. The accession shall be considered valid upon the receipt of the last notification about the accord to the accession by the depositary.

Article 13

This Agreement shall be in force for five years as of the day of its entry into force, and thereafter shall be automatically extended for consecutive periods of 5 years.

Each Party can pull out from this Agreement, by sending a written notification thereof to the depositary no later than 6 months before pulling out.

Done at Moscow on 6 March 1998 in one original copy in Russian. The original copy is kept with at the Executive Secretariat of the Commonwealth of Independent States that shall send an authenticated copy thereof to each Party to this Agreement.

On behalf of the Government
The Republic of Azerbaijan

On behalf of the Government
The Republic of Armenia

On behalf of the Government
The Republic of Belarus

On behalf of the Government
Of Georgia

On behalf of the Government
The Republic of Kazakhstan

On behalf of Government
The Republic of Kyrgyzstan

On behalf of Government
The Republic of Moldova

On behalf of Government
The Russian Federation

On behalf of Government
The Republic of Tajikistan

On behalf of Government
The Republic of Turkmenistan

On behalf of Government
The Republic of Uzbekistan

On behalf of Government
Of Ukraine

Reservation of Ukraine

To para. III-5 of the agenda of the sitting of the Council of Heads
Of Governments of the Member states of the CIS

"Regarding the Agreement on Co-operation of the States Members of the
Commonwealth of Independent States in Combating Illegal Migration"

6 March 1998

Entry and exit rules refer to citizens of the Parties (art. 1 para. 2)

Prime minister of Ukraine V. Pustovoitenko

SPECIAL OPINION

Of the Republic of Azerbaijan

Regarding the Agreement on Co-operation of the States Members of the
Commonwealth of Independent States in Combating Illegal Migration

The Republic of Azerbaijan wholly supports this Agreement, takes full part in the adoption of the national Law on Migration, which is presently under the consideration of the Parliament of the Republic. At the same time, it does not assume obligations of para. 5 of Art. 4 and para. 5 of Art. 6.

Prime minister of

The Republic of Azerbaijan A. Rasi-Zade