

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE ITALIAN REPUBLIC ON THE ASSISTED RETURN AND READMISSION OF PERSONS

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The Government of the Republic of the Philippines and the Government of the Italian Republic hereinafter referred to as "the Contracting Parties";

Desiring to facilitate the readmission of persons illegally entering or staying in the territory of the other Contracting Party and to ensure that these persons are treated in a dignified and human manner preserving their rights and protecting their interests;

Acting in a spirit of cooperation and on the basis of reciprocity; endeavoring to prevent illegal and irregular migration;

The Contracting Parties have agreed as follows:

ARTICLE 1

1. Each Contracting Party, upon written communication by the other Contracting Party, shall readmit into its territory any person who does not or who no longer meets the requirements in force for entry or stay in the territory of the requesting Contracting Party, when it is proved by competent authorities that the above mentioned person is a citizen of the requested Contracting Party.

2. The readmission procedures shall be implemented without delay when the person concerned is in possession of a passport or another internationally recognized and currently valid travel document. The return of the person concerned shall always be organized in coordination with the competent consular representation at all times.

3. If these documents are not produced, the consular representation of each country shall issue an internationally accepted travel document to the persons identified as nationals of their respective countries.

For the Philippines:

A travel document valid for a single direct journey to the Philippines

For Italy:

A travel document valid for a single direct journey to Italy

ARTICLE 2

1. The competent authorities of the Contracting Parties shall determine the citizenship of the persons in Article 1 paragraph 1 in accordance with their respective laws on citizenship.

2. If deemed necessary, the requesting Contracting Party may request the diplomatic and consular officers of the

requested Contracting Party to help ascertain the citizenship of the person liable to readmission. The latter shall be interviewed as soon as possible and, in any case, no later than three days as of the date of the request, at the place where the person is, or if this turns out to be unfeasible, at the nearest diplomatic-consular office of the requested Contracting Party.

3. The result of the interview shall be conveyed to the requesting Contracting party in writing within a period of fifteen (15) calendar days. If it is established that the above-mentioned person is a citizen of the requested Contracting Party, the same diplomatic-consular authorities shall immediately issue a travel document valid for his/her repatriation.

4. The provisions of this article shall also apply to persons whose applications for renouncement of citizenship are still pending before the competent authorities of the requested Contracting Party.

ARTICLE 3

The cost of transporting persons under this Agreement will be borne by the requesting party, according to its national legislation.

ARTICLE 4

1. The readmission procedures referred to in Article 1, 2 and 3 shall be agreed upon by the relevant authorities of the Contracting Parties.

2. The requested Contracting Party shall take charge of the person whose readmission has been agreed upon without delay and, in any case, within a period of ten (10) calendar days. Upon application by the requesting Contracting Party, this time limit may be extended, on meritorious grounds.

ARTICLE 5

The requesting Contracting Party shall readmit into its territory at its expense the person referred to in Article 1, whenever verification subsequent to the readmission reveals that he/she was not a citizen of the requested Contracting Party at the time of his/her departure from the territory of the requesting Contracting Party.

ARTICLE 6

1. Nothing in this agreement shall, in any way, affect the rights and obligations arising for either Contracting Party from other international agreements such as the Universal Declaration of Human Rights, adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948, the International Covenant of Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted by General Assembly resolution 2200 A (XXI) of 16 December 1966.

2. Expulsion under this Agreement shall not prejudice the consideration of visa application of the individuals concerned, if they are eligible to do so under the current legislation of the Party concerned.

ARTICLE 7

The competent authorities for the implementation of this Agreement are the Department of Justice of the Republic of the Philippines and the Ministry of Interior of the Italian Republic. The competent authorities shall agree on all practical arrangements required for the implementation of this Agreement.

ARTICLE 8

1. Any amendment to this Agreement shall be adopted upon the mutual consent of the Contracting Parties. Such amendment shall come into force in accordance with Article 9 of this Agreement.
2. Any dispute between the Contracting Parties arising out of the interpretation or of the implementation of this Agreement shall be settled by consultations of negotiations, through diplomatic channels.

ARTICLE 9

1. This agreement shall enter into force on the date of the later notification by the Contracting Parties, through diplomatic channels, indicating that their respective internal procedures for its entry into force have been completed.
2. The implementation of this Agreement may be temporarily suspended completely or partially by either Contracting Party on the grounds of national security, public order or public health, by means of written notification, through diplomatic channels. The suspension shall enter into force immediately.
3. This Agreement shall remain in force for a period of six (6) years and shall be automatically renewed for successive periods of six (6) years unless one of the Contracting Parties notifies its termination in writing, through diplomatic channels. The termination shall come into force ninety days (90) after the other Party has been notified.

DONE in Manila, Philippines on 26 February 2004 in two originals in the English and Italian language both texts being equally authentic. In case of divergence in interpretation, the English text shall prevail.

FOR THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES

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