EU-Pakistan readmission agreement

The Council adopted an agreement between the EU and Pakistan on the readmission of persons staying illegally in their respective territories (8793/09). The main objective of this agreement is to establish, on the basis of reciprocity, rapid and effective procedures for the identification and safe and orderly return of those persons.

The agreement will most likely enter into force on 1 December 2010. It will apply only to those persons who entered into the territories of Pakistan and of the EU member states after that date.\(^1\)

In accordance with the respective protocols to the Lisbon Treaty, the United Kingdom opted to take part in the agreement. Ireland and Denmark are not participating.

**Own nationals yes - third-country nationals only under certain conditions**

The agreement covers both readmission of own nationals of the two parties and of third-country nationals or stateless persons. For the latter, readmission can take place only under certain strict conditions. These include that the persons concerned:

- must hold a valid visa or residence authorisation from the state they are supposed to return to ('requested state'), or

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\(^1\) On this aspect (Art. 20.3), the Council and the Commission adopted a joint declaration. It states that this provision is "exceptional … and does not form a precedent" for other readmission agreements with third countries. In addition, "these provisions must be interpreted as laying the burden of proof on the parties which invoke them", i.e. Pakistan. The effects of the article would be closely monitored.
– unlawfully entered the territory of the state asking for readmission (‘requesting state’) coming directly from the territory of the requested state.

The obligation to readmit third-country nationals or stateless persons does not apply if:

– the person concerned has only been in airside transit via an international airport of the requested state; or

– the requesting state has issued to the person concerned a visa or residence authorisation that has a longer period of validity than the document the person might hold from the requested state.

On all aspects, the agreement is, of course, without prejudice to the obligations and responsibilities of EU member states and of Pakistan under international law.

**Other aspects of the agreement**

The agreement also includes a number of other procedural rules, such as the time-limits for the readmission applications, the modalities for the transfer of the returnees, the cost of the transfer and the protection of personal data of the returnees. A Joint Readmission Committee is established so as to monitor the application of the agreement and decide on certain technical arrangements.

Finally, a series of joint declarations is attached to the agreement, regarding among other things the effort that the parties have to do to return third-country nationals to their country of origin, the respect of maximum detention periods of EU member states, the possibility to encourage legal migration for Pakistani citizens, technical assistance from the EU towards Pakistan as well as commitment for dialogue with the aim of facilitating people-to-people exchanges.