

**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA
AND
THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM
ON THE READMISSION OF CITIZENS**

The Government of the Republic of Lithuania and the Government of the Socialist Republic of Viet Nam (hereinafter referred to as the “Parties”),

determined to strengthen their co-operation in order to combat irregular migration more effectively,

concerned about the increased activity of organized criminal groups involved in irregular migration,

seeking to establish, by means of this Agreement, rapid and efficient identification and readmission procedures for the persons who do not or no longer satisfy the conditions of entry, stay or residence in the territory of the States of the Parties, and to facilitate the transfer of such persons in the spirit of cooperation,

emphasising that this Agreement shall be without prejudice to the rights, obligations and responsibilities of the Parties arising from international law,

have agreed as follows:

**Article 1
Definitions**

For the purpose of this Agreement:

“**Returnee**” shall mean a person who has been found illegally entering, being present in or residing unlawfully in the territory of the State of the Requesting Party, in accordance with the provisions of this Agreement.

“**Readmission**” shall mean transferring and admitting of persons who have been found illegally entering, being present in or residing unlawfully in the territory of the State of the Requesting Party, in accordance with the provisions of this Agreement.

“**Requesting Party**” shall mean the Party submitting a readmission dossier pursuant to the provisions of this Agreement.

“**Requested Party**” shall mean the Party to which a readmission dossier is addressed pursuant to the provisions of this Agreement.

“Competent authority” shall mean the authority of either Party entrusted with the implementation of this Agreement.

Article 2

Conditions for Readmission

1. At the request of one Party, the other Party shall, on a case by case basis, readmit a person who does not satisfy or no longer satisfies the conditions of entry, stay or residence in the territory of the former State of the Party, if that person:

(1) is a citizen of the State of the Requested Party and is not a citizen of the State of the Requesting Party or any other country;

(2) had, at any time, a permanent residence in the territory of the State of the Requested Party and has no current residence in any other third country;

(3) has been served with a legal notice of removal from the territory of the State of the Requesting Party.

2. For those persons subject to this Agreement, but who came to the territory of the State of either Party from a third country and proved permanent residence there before coming to the territory of the State of the Requesting Party, the Requesting Party shall take into account the wish of these persons to be returned to a country where they want to be returned.

3. The Requested Party shall also readmit minor unmarried children bearing only the nationality of that State of the Party and being accompanied by their parents, provided that the parents are readmitted according to this Agreement, unless they have an independent right of stay or residence in the territory of the State of the Requesting Party.

Article 3

Rights of the returnees

1. The transfer and admission of returnees shall be arranged in conformity with the provisions of this Agreement, national legislation of the States of the Parties, international law and the principles of order, safety and respect for human dignity, taking into account humanitarian aspects and family unity of the returnees.

2. The Parties shall allow the returnees a reasonable period of time to settle their personal matters, including matters related to their properties.

3. The returnees are allowed to take or transfer to the territory of the State of the Requested Party any property, including any means of payment, legally acquired during the stay in the territory of the State of the Requesting Party, except for the commodities and vehicles prohibited for importation into the State of the Requested Party according to its laws.

Article 4

Readmission in Error

The Requesting Party shall take back any person readmitted by the Requested Party, if within 3 (three) months from the transfer to its territory of the person concerned, it is proved that the requirements stipulated in Article 2 of this Agreement have not been met, or if it becomes evident that the conditions required under this Agreement for the readmission of such person have not been satisfied. In such cases, the provisions of this Agreement regulating readmission procedures shall apply, and the Requested Party shall send, together with the returnee, all available information concerning the identity and citizenship of that person to the Requesting Party.

Articles 5

Readmission dossier

1. In accordance with this Agreement, any readmission of the person shall require the submission of a written readmission request by the competent authority of the Requesting Party (a scanned version of the dossier shall be sent by e-mail) to the competent authority of the Requested Party. The competent authority of the Requested Party shall confirm by sending an e-mail the receiving of the readmission dossier.

2. The readmission dossier shall contain the following documents and information:

(1) A readmission request;

- For readmission of Vietnamese citizens, such request shall include all available details of the returnee (e.g. name and surname, date and place of birth, sex, the last place of residence in the territory of the State of the Requested Party, 40x60mm colour photograph) and attached with a Self declaration of the relating person (provided in Annex 4 to this Agreement).
- For readmission of Lithuanian citizens, such request is to be made in the form of the Readmission Application provided in Annex 3 to this Agreement and all available details of the returnee (e.g. name and surname, date and place of birth, sex, the last place of residence in the territory of the State of the Requested Party, 40x60mm colour photograph).

(2) Evidence confirming or suggesting citizenship stipulated in Article 6 of this Agreement.

(3) Legal notice of removal from the territory of the State of the Requesting Party.

3. In cases where it is necessary, the readmission dossier shall also contain the following information:

- (1) a statement certifying that the returnee may need medical help or special care, provided that the returnee has given consent to such a statement;
- (2) information on any other protection or security measures, which may be necessary in the case of transfer.

4. The readmission dossier stipulated in this Article shall be translated into English or the official language of the State of the Requested Party. The translation of a readmission dossier shall be exempted from consular legalization and certification.

Article 6

Evidence Confirming or Suggesting Citizenship

1. Citizenship of the returnee may be:
 - (1) ascertained by any of the documents stipulated in Annex 1 to this Agreement. If such documents are presented to and recognized by the Requested Party, the Requested Party shall recognise the citizenship without further investigation;
 - (2) presumed on the basis of any of the documents stipulated in Annex 2 to this Agreement, even if its period of validity has expired.
2. Citizenship cannot be determined on the basis of non-authentic documents.

Article 7

Interview

1. If the competent authority of the Requesting Party cannot present any of the documents stipulated in Article 6 of this Agreement, or if the Requested Party fails to determine whether the relevant persons can be readmitted after reviewing the readmission dossier and relating documents within the time limit stipulated in Article 8(2) of this Agreement, both Parties shall arrange an interview with the returnee.
2. Upon the written request of the Requesting Party, the interview shall be arranged by competent authorities of the Parties stipulated in Article 14 of this Agreement. Each Party shall facilitate the arrival of representatives of the competent authorities of the other Party to conduct the interview.

In cases where competent authorities of Lithuania are unable to conduct the interview, the interview may be held by the officials of a diplomatic mission or a consular post of the Republic of Lithuania in the Socialist Republic of Viet Nam, or with concurrent accreditation in the Socialist Republic of Viet Nam.

3. In accordance with paragraph 1 of this Article, if the competent authority of the Requesting Party sends a request for interview, the competent authority of the Requested Party shall be allowed a period of time no longer than 30 (thirty) days for conducting the interview.
4. The competent authority of the Requested Party, as early as possible, but no later than within 10 (ten) days after the date of the concluded interview, shall send a written notification about the results of the interview to the competent authority of the Requesting Party.

Article 8

Time Limits

1. A readmission dossier may be sent to the competent authority of the Requested Party any time when a person has been found illegally entering, being present in or residing unlawfully in the territory of the State of the Requesting Party and has been served a legal notice on his removal from the territory of the State of the Requesting Party.
2. A written reply regarding the readmission dossier shall be sent (a scanned version shall be sent by e-mail) to the competent authority of the Requesting Party within 45 (forty five) days from the date of confirming by the Requested Party on the receipt of the readmission dossier. In case of any obstacle preventing the timely reply to the readmission dossier, the time limit for the reply shall, at the reasoned request by the competent authority of the Requested Party, be extended up to 30 (thirty) days.
3. In the event of the refusal of the readmission request, the refusal reasons shall be given to the competent authority of the Requesting Party in writing.
4. When the competent authority of the Requesting Party has been given a positive reply to the readmission request, the returnee shall, as soon as possible, be transferred in accordance with the procedure stipulated in Article 10 of this Agreement.

Article 9

Issuance of travel documents

If the returnee does not hold a valid passport of the Requested Party, the Requested Party shall, no later than 15 (fifteen) days after giving its consent to readmit a person according to Article 8(2) of this Agreement, irrespective of the will of the returnee, issue a travel document required for the readmission with a period of validity of no less than 60 (sixty) days. The travel document shall be issued by the competent authority or a diplomatic mission or consular post of the Requested Party free of charge. If, for legal or factual reasons, the returnee cannot be transferred within the period of validity of the travel document, the Requested Party shall, in accordance with the procedure set out in this paragraph, issue a new travel document with a period of validity of the same duration as the travel document that was initially issued to the returnee.

Article 10

Transfer Procedures

1. Before transferring a returnee, the competent authorities of both Parties shall agree, in advance and in writing (a scanned version shall be sent by email), on the transfer date, border crossing point, conditions of escort (if any) and other transfer-related information. Should the returnee be accompanied by an escorting officers, all personal details necessary for issuing visas of such officers will be made known to the other Party at least 7 (seven) working days ahead of the travel. Visas for such officers will be issued *gratis* without delay.
2. A notification of the date and venue for the transfer of the returnee shall be made in writing (a scanned version may be sent by e-mail) and sent to the competent authority of the Requested Party no later than 7 (seven) working days before the date of the transfer of the returnee. If, for legal or practical reasons, the transfer of the returnee is not possible

on the scheduled date, the competent authority of the Requesting Party shall, without delay, notify the competent authority of the Requested Party in writing of the obstacle and the proposed venue, time and date for the transfer, escort details and other information relevant to the transfer of the returnee.

3. Air transport shall be preferable in transferring the returnee.

Article 11

Costs

The Requesting Party shall cover all costs related to readmission under this Agreement in Euros prior to the conducting of such activities, which consist of:

- verifying fee;
- transportation of the returnee from the territory of the State of the Requesting Party to border crossing points of the territory of the State of the Requested Party;
- expenses related to arranging interview under Article 7 of this Agreement, including round trip travel, accommodation, insurance, local transportation and other related expenses for the representatives of the competent authority of the Requested Party;
- as well as the transport and other costs of the Requested Party relating to the transfer of persons in accordance with Article 4 of this Agreement.

Article 12

Data Protection

1. The transfer of personal data shall only take place if such transfer is necessary for the implementation of this Agreement by the competent authorities of the Parties. When transferring, using or otherwise processing personal data, the competent authorities of the Parties in each particular case shall carry out in accordance with its State's national laws and legislation and international obligations, the provisions of this Agreement and the following principles:

- (1) personal data must be processed fairly and lawfully;
- (2) personal data must be collected for the specified, explicit and legitimate purpose related to the implementation of this Agreement and may not be further processed by either collecting authorities or receiving authorities of the Parties in a way incompatible with the above-mentioned purpose;
- (3) personal data must only serve the purpose for which they are collected and/or further processed. The transferred personal data have to relate primarily to the following:
 - (a) the details of the returnee (e.g. name and surname, previous names, other names used/by which known or aliases, sex, civil status, date and place of birth, current and previous citizenship);
 - (b) identity documents, driving licence or travel documents (number, period of validity, date of issue, issuing authority, place of issue);
 - (c) stop-overs and itineraries;
 - (d) other necessary information to identify the returnee or to examine whether conditions for the readmission are met under this Agreement;
- (4) personal data must be accurate and, where necessary, kept up to date;

- (5) personal data must be kept in a form, which permits identification of the returnee and for no longer than is necessary for their collection and further processing;
- (6) both the transferring and the receiving authorities of the Parties shall take every reasonable step to ensure the rectification, destruction or blocking of personal data when the processing does not comply with the provisions of this Article, particularly when the data are not compatible with the purpose of their collection and/or further processing. The competent authorities shall notify each other of any rectification, destruction or blocking of the data;
- (7) the competent authority receiving the data shall, upon request, notify the transferring authority of the use of the transferred data and the results obtained therefrom;
- (8) personal data may only be transferred to the competent authorities. Further transfer to other bodies requires prior consent of the transferring authority;
- (9) the transferring and the receiving authorities must make a written record of the transfer and the receipt of personal data.

2. Upon request of the returnee, he shall be given information as to what personal data relating to him are available, and for what purpose they are used or intended to be used. The right of the returnee to receive such information is governed by national legislation of the State of the Party from whose territory the request comes. The request to provide such information may be refused, if such a refusal is necessary for the purpose of implementing this Agreement and ensuring the state security, public order, preventing crimes and protecting personal and third-party rights and freedoms. When it becomes evident that erroneous personal data or data for which transferring is not permitted have been transmitted, the receiving authority shall be immediately notified and shall, without delay, rectify or destroy them.

3. When transferring personal data, the Parties shall indicate the data retention deadlines as foreseen in their respective national legislation after which the data must be destroyed. Regardless of the retention deadlines, the personal data transferred shall be immediately destroyed as soon as it is determined that they are no longer necessary for the purpose for which they were supplied. The Party that transferred the personal data must be notified of their destruction as well as the reasons for such destruction. After expiration of the period of validity of this Agreement, the Parties shall immediately destroy all of the data received.

4. The competent authorities shall ensure the confidentiality of the information obtained from each other, if the information is sensitive or the Party transferring the information is unwilling to make it public. This shall similarly apply to technical means, equipment and materials.

Article 13

Other International Obligations

This Agreement shall be without prejudice to the rights, obligations and responsibilities of the Parties arising from international law, including from international conventions to which they are members.

Article 14

Competent Authorities and Border Crossing Points

1. The competent authorities having responsibility to implement this Agreement shall be:

(1) For the Republic of Lithuania:

Migration Department under the Ministry of the Interior of the Republic of Lithuania.

Address: Sapiegos str. 1, LT-10312 Vilnius

Tel: +370 5 2717112, +370 5 2719490, +370 5 2717284

Fax: +370 5 2718210

E-mail: mdinfo@vrm.lt

(2) For the Socialist Republic of Vietnam:

Immigration Department, Ministry of Public Security.

Address: 44-46 Tran Phu str., Ba Dinh dist., Ha Noi

Tel: +84-24-38260115;

Fax: +84-24-39387321; +84-24-38243287; +84-24-38243288;

E-mail: hh.xnc@immigration.gov.vn

2. For the purposes of this Agreement the following border crossing points shall be used:

1) In the Republic of Lithuania:

- Vilnius International Airport,
- Kaunas International Airport,
- Palanga International Airport.

2) In the Socialist Republic of Vietnam:

- Noi Bai International Airport,
- Tan Son Nhat International Airport.

3. Upon mutual agreement of the competent authorities of the Parties, the readmission can also be carried out through other border crossing points.

4. The Parties shall inform each other, through diplomatic channels, of any change of their competent authorities or their names or functions, of any changes or supplements to the list of the border crossing points no later than within 3 (three) working days from the emergence of such change.

5. To implement this Agreement, the competent authorities may use all the possible means of communication, as necessary.

6. To implement this Agreement, implementing protocols on co-operation in specific areas of activity of the competent authorities of the Parties may be signed.

Article 15

Amendments and Supplements to the Agreement

1. Competent authorities of the Parties may, by mutual consent, hold joint meetings of expert groups for the implementation of this Agreement and/or consideration of

proposals regarding its amendments and supplements.

2. This Agreement may be amended and supplemented by mutual agreement of the Parties. Such amendments and supplements shall form an integral part of this Agreement; they shall be drawn up as separate protocols and shall enter into force in accordance with the procedure stipulated in Article 18(1) of this Agreement.

Article 16

Resolution of Disputes

Disputes and disagreements that may arise in relation to the interpretation or application of the provisions of this Agreement shall be resolved by negotiations and mutual consultations between the competent authorities of the Parties.

Article 17

Annexes

Annexes 1 to 4 shall form an integral part of this Agreement.

Article 18

Entry into Force, Duration, Suspension and Termination

1. This Agreement shall be concluded for an indefinite period of time and shall enter into force 30 (thirty) days after the date of the receipt, through diplomatic channels, of the last written notification whereby the Parties have notified each other of the fulfilment of internal necessary procedures for its entry into force.

2. After the entry into force of this Agreement, the competent authorities may exchange the specimens of the documents specified in the Agreement.

3. The provisions of this Agreement shall not apply to persons entering the territory of the State of the Requesting Party before the date of entry into force of this Agreement.

4. Each Party may, by written communication through diplomatic channels addressed to the other Party, in whole or in part, temporarily suspend the validity of this Agreement, except Article 2, in order to ensure national security, public order, protection of public health or other national interests of their States as well as the interests of the people of the States of the Parties. The Agreement shall be suspended 30 (thirty) days after the date of the receipt of such notification. The Parties shall notify each other, through diplomatic channels, of the termination of suspension of this Agreement. The suspension of the Agreement shall be terminated 30 (thirty) days after the date of the receipt of such notification.

5. Each Party may terminate this Agreement by notifying the other Party in writing and through diplomatic channels. The Agreement shall be deemed terminated 60 (sixty) days after the date of the receipt of such notification.

Done in on 20..., in two originals, in the Lithuanian, Vietnamese and English

languages, each text being equally authentic.

If any disagreement arises concerning the interpretation of the provisions of this Agreement, the English text shall prevail.

**ON BEHALF OF THE GOVERNMENT
OF THE REPUBLIC OF LITHUANIA**

**ON BEHALF OF THE GOVERNMENT
OF THE SOCIALIST REPUBLIC OF
VIETNAM**

Common List of Documents Confirming Citizenship

(1) For the Republic of Lithuania:

- passport of the citizen of the Republic of Lithuania;
- passport of the Republic of Lithuania;
- personal identity card of the Republic of Lithuania;
- diplomatic passport of the Republic of Lithuania;
- service passport of the Republic of Lithuania;
- temporary passport of the Republic of Lithuania.

(2) For the Socialist Republic of Vietnam:

- Birth certificate (in case the birth certificate does not clearly state the Vietnamese nationality of the holder, papers proving his/her parents' Vietnamese nationality are required);
 - Vietnamese passport;
 - Personal identity card/ Citizen Identification;
 - Decision permitting the naturalization in Vietnamese nationality;
 - Decision permitting the restoration of Vietnamese nationality;
 - Decision recognizing the adoption of a foreign child;
 - Decision permitting a foreigner to adopt a Vietnamese child.
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Common List of Documents Constituting Grounds for Presumption of Citizenship

- Any copies of documents listed in Annex 1 of the Agreement;
 - Driving licenses or copies thereof;
 - Birth certificates or copies thereof (only for Lithuanian citizens);
 - Statements by witnesses;
 - Household registration;
 - Any expired document listed at Annex 1 to this Agreement;
 - Any other documents which may help to establish the citizenship of the person concerned.
-

[coat of arms of]

(name of the competent authority

of the Requesting Party)

(date and place

To: _____
(name of the competent authority of

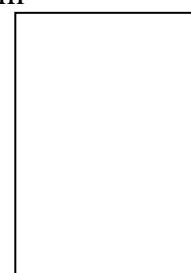
the Requested Party)

READMISSION APPLICATION

Pursuant to Article 5 of the Agreement between the Government of the Republic of
Lithuania
and the Government of the Socialist Republic of Viet Nam
on the Readmission of Citizens

A. Personal details

1. Full name (please underline surname): _____



Photograph

2. Previous surnames: _____

3. Date and place of birth: _____

4. Home address or place of permanent residence: _____

5. Citizenship and language: _____

6. Civil status: _____

☐ married ☐ single ☐ divorced ☐ widowed

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

8. Also known as (previous names and surnames, other names and surnames used/by which known or aliases): _____

Name and surname of spouse (if married): _____

Name, surnames and age of children (if any):

9. Last address in the Requested Party: _____

B. PERSONAL DETAILS OF SPOUSE (IF APPROPRIATE)

1. Full name (please underline surname): _____

2. Previous surnames: _____

3. Date and place of birth: _____

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

5. Also known as (previous names and surnames, other names and surnames used/by which known or aliases): _____

6. Citizenship and language:

C. PERSONAL DETAILS OF CHILDREN (IF APPROPRIATE)

1. Full name (please underline surname): _____

2. Date and place of birth: _____

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

4. Citizenship and language:

D. Means of evidence attached

(document name and number)

(date and place of issue)

(name of issuing authority)

(expiry date)

E. Special circumstances relating to the transferee

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

2. Indication of particularly dangerous person (e.g. suspected of legal offence; aggressive behaviour):

3. Type of transfer and state border crossing point:

F. Observations

Signature of
Representative of
the Requesting Party

Job title, full name

Seal/Stamp

Signature

Case number: ...

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

SELF DECLARATION

(For Vietnamese citizens not allowed by Lithuania to reside)

Photograph
 (Sized 4x6cm,
 straight view,
 bareheaded)

1. Birth name(*in capital letters*):
 - Other names(*if any*):
2. Date of birth:..... (date).....(month).....(year) Sex: Male ☐, Female ☐
 - Place of birth:
 - Homeland:
- 3- Ethnicity : Religion:
- 4- Education level:
- 5- Original nationality: Current nationality:
- 6- Before leaving Vietnam:
 - Resided at(*address number, name of street, ward, district, city or village, commune, district, province*):

 - Which job taken and where:
7. Left Vietnam on..... (date).....(month).....(year)
 - By which form(s) of transportation:
 - By which Vietnamese document(*passport or travel document*) No:.....
 Issued on..... (date).....(month).....(year) Issuing authority:
8. Before coming to Lithuania have resided in which country(ies), for what purpose (*please indicate each period of time*):

9. Entered(place)..... (date).....(month).....(year)
 - Purpose:
 - By which form(s) of transportation:
 - Holding what document(*passport or travel document*) numbered:.....
 Issued on..... (date)..... (month).....(year) Issuing authority:
 - Since then have taken what job(s) and where (*please indicate each period of time*):

 - Current address:
10. Relatives in Vietnam (*father, mother, spouse, children*):

Numerical order	Full name	Date of birth	Relationship	Permanent residence in Vietnam

11. Relatives overseas (*father, mother, spouse, children*):

Numerical order	Full name	Date of birth	Relationship	Permanent residence in Vietnam

12. After returning to Vietnam planning to reside with(*indicate full name, relationship, permanent residence*):

14. Relatives returning together to Vietnam (*father, mother, spouse, children*):

Numerical order	Full name	Date of birth	Relationship	Address wishing to reside at after returning to Vietnam

15. Other details to declare:

.....

I am affirming that above declared information are true and shall take full responsibility according to the legislations of the State of Vietnam./.

Taken at..... (place)..... (date).....(month)(year).

Declarant
(*signature and full name*)

Note:

- Each person is to fill 02 copies with 04 photographs;
- Information of children of below 16 years of age can be filled together with their parents', enclosing with 04 photographs (sized 4x6cm).