

**Agreement
between the Austrian Federal Government and
the Government of the Republic of Kazakhstan
on the Readmission and Transit of Persons Residing Unlawfully**

The Austrian Federal Government and the Government of the Republic of Kazakhstan – hereinafter referred to as “the Parties”,

FOR THE PURPOSE OF IMPROVING of effectiveness of measures to combat irregular migration by strengthening cooperation;

AWARE of the significant increase in the smuggling of migrants by organized crime,

DESIRING to establish, on the basis of this Agreement and reciprocity, rapid and effective procedures for the identification and safe and orderly return of all persons who do not, or who no longer, fulfil the conditions in force for entry to, stay in the territories of the states of the Parties, and to facilitate the transit of persons in the spirit of cooperation,

REFERING to Article 238 of the Enhanced Partnership and Cooperation Agreement between the Republic of Kazakhstan, of the one part, and the European Union and its Member States, of the other part,

CONSIDERING that the Parties should make every effort to returning third-country nationals and stateless persons who illegally entered their territories back to the countries of origin or last residence,

ACKNOWLEDGING human rights and freedoms, and emphasizing that this Agreement shall be without prejudice to the rights and obligations of the Parties arising from the international law, in particular the Convention of 28 July, 1951 on the Status of Refugees, the International Covenant on Civil and Political Rights of December 16, 1966, as well as international extradition treaties, the United Nations Convention against Transnational Organized Crime and its Additional Protocols of November 15, 2000, namely the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol Against the Smuggling of Migrants by Land, Sea and Air, and the Convention on International Civil Aviation dated December 7, 1944,

Have agreed as follows:

Article 1 Definitions

For the purpose of this Agreement, the following definitions are used:

1. 'National' shall mean any person who holds the nationality of one of the State of the Parties.
2. 'Third-country national' shall mean any person who holds a nationality other than that of the Republic of Kazakhstan or one of the EU-Member States.
3. 'Stateless person' shall mean a person who is not a citizen of the states of the Parties and have no evidence being a citizen of another state.
4. 'Person Residing Unlawfully' is a person who does not, or who no longer, fulfil the conditions in force for entry to, stay in or residence in the territory of the State of one of the Parties.
5. 'Requesting Party' shall mean the Party submitting a readmission or transit request pursuant to this Agreement.
6. 'Requested Party' shall mean the Party to which a readmission or transit request pursuant to this Agreement is submitted.
7. 'Transit' or 'transit operation' shall mean the passage of a third country national or a stateless person through the territory of the State of the Requested Party while travelling from the territory of the State of the Requesting Party to the country of destination.
8. 'Permanent residence permit' shall mean a permit entitling a person to permanently reside in the territory of the states of the Parties.
9. 'Visa' shall mean an authorization issued by the Competent Authority of the state of the Party granting the right to entry or transit through its territory. This shall not include the airport transit visa;
10. Readmission shall mean the return according to this Agreement by the Competent Authority of the Requesting Party and admission by the competent authority of the Requested Party of citizens of the state of the Requested Party, foreign nationals and stateless persons who illegally entered, stay or reside in the territory of the State of the Requesting Party.
11. 'Competent authority' shall mean the national authority of a Party entrusted with the execution of this Agreement in accordance with Article 1 of the Annex 1 to this Agreement.

Article 2

Readmission of own nationals

1. The Requested Party shall admit, on the request of the Requesting Party and without further formalities other than those provided for by this Agreement, all persons who do not, or who no longer, fulfil the conditions in force for entry to, stay in, or residence in the territory of the state of the Requesting Party provided that it is proven by any document listed in the Annex 3 of this Agreement or may be validly assumed on the basis of prima facie evidence listed in the Annex 4 hereto that a person concerned is a national of the State of the Requested Party.

2. Together with the readmission of the persons referred to in paragraph 1 of this Article, the Requesting Party shall also readmit:

a) minor unmarried children under the age of 18 years of the persons mentioned in paragraph 1 of this Article, regardless of their place of birth or their nationality, unless they have an independent right of residence in the territory of the state of the Requesting Party;

b) spouses of the persons mentioned in paragraph 1 of this Article, who are of another nationality, provided they have the right to enter and stay or receive the right to enter and stay in the territory of the state of the Requested Party, unless they have an independent right of residence in the territory of the state of the Requesting Party.

Article 3

Readmission of the third country nationals and stateless persons

1. The Parties shall proceed from the principle that a third-country national shall, as a rule be readmitted to the state of which he or she is a national.

2. Furthermore, the Parties shall proceed on the basis of the principle that a stateless person shall be returned to the state, where he or she last had a permanent place of residence or which issued a travel document to him or her.

3. The Requested Party shall admit in the territory of its State, on the request of the Requesting Party and without further formalities other than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in or residence in the territory of the state of the Requesting Party, provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that such persons:

a) hold at the time of submission of the readmission request a valid visa or a valid residence permit of the Requested Party; or

b) illegally and directly entered the territory of the State of the Requesting Party after having stayed on, or transited through, the territory of the state of the Requested Party.

4. The readmission obligation in accordance with paragraph 2 of this Article shall be proven by any document listed in the Annex 5 to this Agreement or may be validly assumed on the basis of prima facie evidence furnished by any document listed in the Annex 6 to this Agreement. Such evidences shall be mutually recognized by the Parties without further formalities.

5. The readmission obligation in accordance with paragraph 2 of this Article shall not apply if:

a) the third-country national or stateless person has only been in transit via an international airport of the Requested Party; or

b) the Requesting Party has issued a visa or a temporary residence permit to the third-country national or stateless person before or after entering its territory, unless:

- the person holds a visa or a temporary residence permit of the Requested Party with a longer period of validity; or

- the visa or the temporary residence permit has been obtained by using forged or falsified documents, or by making false statements, and the person concerned has stayed in, or transited through, the territory of the state of the Requested Party, or the person does not or no longer, fulfill the conditions attached to the visa and resided on or transited through the territory of the Requested Party.

6. This Article shall also apply to persons, who, upon entry to, stay in, or residence in, the territory of the State of the Requesting Party, have been deprived or renounced the nationality of the State of the Requested Party and have not acquired the nationality of the State of the Requesting Party or a third country.

Article 4

Readmission request

A readmission request on the basis of Article 2 or 3 of this Agreement shall be submitted in writing to the competent authority of the Requested Party. A readmission application is not required, if the person concerned is in possession

of a valid travel document, and, in the case of the third country nationals or stateless persons, a valid visa or a temporary residence permit of the Requested Party.

1. Each readmission request shall contain the following information, to the extent possible:

a) information about the person subject to readmission (name, surname, date of birth, sex, and if possible, place of birth and last place of residence), and where applicable, detailed information about his/her minor unmarried children, and/or spouses;

b) biometric data, such as a photograph and fingerprints of the person subject to readmission;

c) in case of presumed nationals of the State of the Requested Party, indication of the means, with which proof or prima facie evidence of nationality as set out in by Annexes 3 and 4 to this Agreement respectively will be provided;

d) in case of the third country nationals and stateless persons, indication of the means, with which proof or prima facie evidence of the readmission conditions of the third country nationals and stateless persons as provided for in by Annexes 5 and 6 to this Agreement respectively will be provided;

e) if applicable, reference to any special needs of the person subject to readmission, which are to be satisfied upon arrival by the Requested Party;

f) if applicable, any other references to safety, security measures or information concerning the health of the person, which may be necessary in individual cases during readmission.

2. The Requesting Party shall send the readmission request to the Requested Party by any means of communication including electronic ones.

Article 5

Readmission procedure

1. Readmission in accordance with Articles 2, 3 and 4 of this Agreement shall be carried out if the nationality of the person to be readmitted has been conclusively established.

2. Nationality shall be deemed to be established without further investigation being required if one of the documents listed in the Annex 3 to this Agreement is provided. Proof of nationality cannot be furnished through false documents.

3. Evidence of nationality can be particularly furnished through the documents listed in the Annex 4 to this Agreement. If such documents are

submitted, the Parties shall deem the nationality to be established unless they can prove otherwise.

4. If none of the documents listed in the Annex 3 or 4 to this Agreement can be provided, the readmission request shall contain a request for the person concerned to be interviewed by the diplomatic or consular representation of the Requested Party to establish his or her nationality.

- Such interview shall take place as soon as possible, but not later than within five (5) calendar days from the date of submission of the readmission request, in premises of the diplomatic representation or consular institution of the Requested Party.

- Upon consent of the competent authorities of the Parties, at another suitable place or by means of video and audio technology.

- In case of an imminent or actual rejection of the readmission request due to insufficient evidence for identification of the person concerned, an additional interview shall be arranged accordingly upon request of either Party for facilitation of identification.

5. The Requested Party shall inform the Requesting Party in writing of the result of the interview without delay but not later than within three (3) days from the date of the interview.

6. The readmission request shall be replied to in writing as soon as possible, but not later than within ten (10) calendar days from the date of receipt of the readmission request by the competent authority of the Requested Party. Replies to readmission requests shall be submitted by secure electronic means of communication.

- If there are legal or factual obstacles to timely reply to the readmission request, the time limit shall, upon request of the Requested Party, be extended but by no more than 1 (one) month.

- If the Requested Party fails to reply within these time limits, the readmission request shall be deemed to be accepted.

- If the readmission request is rejected, justification shall be given in writing.

7. After the Requested Party has given a positive reply to the readmission request it shall, irrespective of the will of the person -to be readmitted, immediately and free of charge and at the latest within three (3) calendar days, issue the travel document necessary for the return of the person concerned with a validity period of at least 6 (six) months.

- If, for legal or factual reasons it is not possible to transfer the respective person within the period of validity of the travel document issued, the Requested Party shall issue a new travel document pursuant to the procedure stipulated in

this paragraph with the same period of validity as the earlier issued travel document.

- If the Requested Party does not issue the original or a new travel document within 3 (three) calendar days, the Requested Party shall be deemed to accept a travel document issued by the Requesting Party for readmission. If the Requesting Party is the Republic of Austria, this travel document shall be the Standard European Union Travel Document for Expulsion purposes.

8. Prior to the readmission of a person, the competent authorities of the Requesting Party shall notify in writing (Annex 2 to this Agreement) the competent authorities of the Requested Party regarding the date of transfer, the border control post, possible escorts, and the modes of transportation (following Article 3 Annex 1 to this Agreement) at least two (2) calendar days in advance. Any changes to this notification data shall be communicated without delay.

9. Without prejudice to paragraph 1 of this Article, if a person has been apprehended after illegally crossing the border coming directly from the territory of the State of the Requested Party, the Requesting Party may transmit a readmission request within 2 (two) calendar days of the apprehension of such person.

Article 6

Means and modes of transport

Transportation may take place by any means or modes including by air or land. Air transport shall be used as a rule to transfer the person subject to readmission. For these purposes, both regular and charter flights may be used. The means of transportation shall not be restricted to national carriers.

Article 7

Readmission in error

The Requesting Party shall take back any person readmitted by the Requested Party if within 2 (two) weeks after the transfer of such person it is established that the requirements laid down in Articles 2 and 3 of this Agreement were not met. In such cases, Article 5 of this Agreement shall be applied *mutatis mutandis*, and all available information relating to the actual identity, nationality or transit route of the person concerned, including all the documents originals relating to this person shall be provided.

Article 8

Transit

1. The Requested Party shall allow the transit of third-country nationals and stateless persons, if the Requesting Party so requests, if the onward journey to any transit states and admission by the state of destination is assured.

2. The Parties strive to restrict the transit of third-country nationals or stateless persons to cases where such persons cannot be returned to the state of destination directly.

3. Transit shall be refused by the Requested Party:

– if the Requested Party can establish that the third-country national or the stateless person runs the real risk of being subjected to torture or inhuman or degrading treatment, or punishment, or the death penalty, or persecution because of his/her race, religion, nationality, membership of a particular social group, or political conviction in the state of destination or another state of transit; or

– if the third-country national or the stateless person shall be subject to criminal sanction or prosecution in the state of the Requested Party or in the state of destination or another state of transit; or

– on grounds of public health, domestic security, public order or other national interests of the Requested Party.

4. The Requested Party may revoke any authorization of transit issued if circumstances referred to in paragraph 3 of this Article subsequently arise or come to light, which prevent the transit, or if the onward journey to any possible states of transit or the admission by the state of destination is no longer assured. In these cases, the Requesting Party shall take back the third-country national or stateless person, as necessary.

Article 9

Transit procedures

1. A transit request must be submitted to the competent authority of the Requested Party in writing no later than 10 (ten) calendar days before the planned transit and shall contain the following information:

– the transit route, states of transit, if any, and the destination state;

– the particulars of the person concerned (name, surname, date of birth, and, where possible, place of birth, nationality, type and number of a travel document);

– about the envisaged border control point, time of transfer of the person in transit, and possible use of escorts;

– a declaration that, in the view of the Requesting Party, the conditions pursuant to paragraph 2 Article 8 of this Agreement are met, and no grounds for refusal pursuant to paragraph 3 Article 8 of this Agreement are known

2. Transit requests shall be made using the shared transit request form contained in the Annex 8 to this Agreement, which may be transmitted by any secured means of communication, including electronic ones.

3. The Requested Party shall immediately, but no later than 5 (five) calendar days after receipt of the request, inform in writing the Requesting Party of the transit, confirming the border control points and the envisaged time of transit, or inform the Requesting Party of the transit refusal and the reasons for such refusal. If the Requested Party does not provide a response within five (5) calendar days, the transit shall be deemed to have been agreed to. The response to the transit request may be submitted by any means of communication including electronic ones.

4. The person to be readmitted and possible escorts shall be exempted from having to obtain an airport transit visa

Article 10

Support during readmission or transit

1. The competent authorities of the Requested Party shall, by mutual agreement, facilitate the readmission or transit operations by placing under surveillance the person concerned and by providing appropriate facilities for that purpose.

2. The escorts shall perform their duties without weapons and in civilian clothes and must not undertake any act of sovereign power within the territory of the State of the Requesting Party. The escort personnel may only act in self-defense and provide emergency assistance.

Article 11

Costs

1. All transport costs incurred in connection with readmission in accordance with this Agreement up to the state border of the territory of the state of the Requested Party shall be borne by the Requesting Party. The costs

relating to return of persons in accordance with Article 7 of this Agreement shall also be borne by the Requesting Party.

2. All transit costs shall be borne by the Requesting Party.

Article 12

Personal Data Protection

1. To the extent necessary for the readmission of the person concerned to the territory of the State of one of the Parties by the competent authorities and on a case-by-case basis, the Parties may mutually exchange personal data. The mutual transfer of personal data by the Parties as well as the further processing of such data shall take place in accordance with the respective national legislation as well as the conditions imposed by the Party transmitting the data and shall be governed by the following principles, which apply equally to automated and non-automated data processing:

a) Personal data shall be processed lawfully, in good faith and in a manner that is transparent for the person to be readmitted. Personal data shall be processed only for the specified, explicit and legitimate purposes of this Agreement. There must be a reasonable relationship between the nature of the data requested and the purpose, for which they are requested, and the data shall be limited to the extent necessary for achieving the purpose of its processing. In any case, only the following personal data may be transmitted:

- the particulars of the person to be readmitted (name, surname, where applicable former name, nickname or pseudonym, date and place of birth, sex, current and former nationalities);

- information regarding the identity card, foreign passport, driver's license (number, period of validity, date of issue, issuing authority, place of issue), or other documents listed in the Annexes 3-6 to this Agreement;

- the places of residence and the itineraries, insofar as these are necessary to establish the existence of the conditions for admission pursuant to this Agreement;

- in cases where the person subject to readmission cannot be identified using any of the above mentioned means, other information necessary for the identification of the person subject to readmission or for the examination of the conditions of readmission pursuant to this Agreement.

b) The personal data transmitted shall be processed only for the purposes for which they were transmitted, unless the transmitting Party has explicitly authorized the processing of the data for any other purpose.

c) Personal data must be accurate and, where necessary, up to date; all reasonable measures shall be taken for modification, destruction or blocking of personal data. Personal data shall be kept in such a way that the relevant person can only be identified for as long as the purpose of the processing requires it.

2. Personal data shall be processed and stored in such a way that ensures adequate security of the personal data, including protection against unauthorized or unlawful processing and accidental loss, accidental destruction or accidental damage, through appropriate technical and organizational measures.

3. The Parties are obligated to document every transmission or receipt of the personal data. This documentation includes the purpose, content and time of the transmission or receipt, as well as the transmitting and receiving authority. The same applies to the destruction of data. The documentation shall be protected through suitable precautions against inappropriate use and other forms of misuse and kept for three (3) years. After this period, it shall be destroyed immediately. The documentation may only be used to verify that the relevant data protection legislation has been complied with.

4. Any person concerned has the right, upon presentation of an identity card and upon request, to be informed, in a comprehensible manner, without undue delay and free of charge by the competent authority responsible for the processing, of the personal data transmitted or processed under this Agreement, its origin, any recipients or categories of recipients, the intended use and the legal basis. Furthermore, every person concerned has the right to correction of inaccurate and deletion of unlawfully processed data.

Any person has the right of recourse to the courts in case of violation of the rights granted by the national legislation of his/her Party.

5. Further transmission of personal data transmitted in accordance with this Agreement to other bodies shall only be carried out with the prior written consent of the transmitting Party. Consent shall only be given if and as far as the national law of the transmitting Party allows it. The personal data received is confidential.

6. Transmitted personal data shall be deleted as soon as they no longer serve the purpose of the transmission or the reason for the transmission ceased. The transmitting Party shall be notified about the deletion of the personal data.

7. Upon request, the receiving Party shall notify the transmitting Party of the processing of the data transmitted and of the results obtained.

Article 13

Agreement Execution Protocol

1. The Parties conclude the Protocol on the Execution of this Agreement (Annex 1 to this Agreement), which includes all practical provisions for the implementation of this Agreement, among others:

- 1) determination of the competent authorities of the states of the Parties,
- 2) determination of border control points,
- 3) the conditions and procedures of readmission or transition of persons with possible escorts.

2. The Protocol on the Execution of this Agreement (Annex 1 to this Agreement) shall be concluded along with this Agreement and shall be an integral part hereof.

Article 14

Language

The correspondence between the Parties and their competent authorities, in particular for transmission of requests and applications, documents and records shall be in English.

Article 15

Dispute Resolution

Disputes concerning interpretation, implementation or application of provisions of this Agreement shall be resolved through consultations or negotiations between the Parties.

Article 16

Relationship to other international obligations

This Agreement shall be without prejudice to the rights and obligations of the Parties arising from other international agreements, to which their states are parties, international legal obligations or membership to supranational and international organizations.

Article 17

Amendments and Additions

All Annexes to this Agreement shall form an integral part of this Agreement.

This Agreement and its Annexes may be amended and supplemented by mutual consent of the Parties.

Article 18

Entry into Force, Duration, and Termination

1. This Agreement is concluded for an indefinite period and shall enter into force on the first day of the second month following the date of receipt through diplomatic channels of the last written notification on the implementation by the Parties of the internal procedures necessary for its entry into force.

2. Either Party may temporarily suspend, in part or in whole, the implementation of this Agreement, except for Article 2 of this Agreement, for reasons of national security, public order, or public health and other national interests by written notification through diplomatic channels. In this case, the suspension of this Agreement shall take effect on the second day following the date of such notification. The Parties, upon mutual agreement, shall notify each other through diplomatic channels about resumption of this Agreement.

3. Either Party may terminate this Agreement by written notification through diplomatic channels. In this case, the Agreement shall be terminated six (6) months after the receipt of such notification by the other Party.

Done in _____ on _____, 20__ in two originals, each in Kazakh, German, and English languages, all texts being equally authentic.

In case of any disagreements when interpreting the provisions of this Agreement, the English text shall prevail.

**For the Austrian Federal
Government:**

**For the Government
of the Republic of Kazakhstan:**

ANNEX 1

To the Agreement between the Government of the Republic of Kazakhstan and the Austrian Federal Government on the Readmission and Transit of Persons Residing Unlawfully

Agreement Execution Protocol (Article 13)

Article 1

Competent Authorities and Means of Communication

1. The competent authorities for the implementation of the Agreement, including direct interaction:

For the Government of the Republic Kazakhstan:

The Ministry of Internal Affairs of the Republic of Kazakhstan

For the Government of the Republic of Austria:

The Federal Office for Immigration and Asylum of the Federal Ministry of Interior of the Republic of Austria.

2. The competent authorities shall notify each other of their contact details no later than thirty (30) days from the date of entry into force of this Agreement.

3. The Parties shall inform each other through diplomatic channels about changes that occur with regard these competent authorities, or their names or functions.

Article 2

Border control points

1. The following points of entry shall be used for readmission by air for the purpose of execution of this Agreement:

For the Republic of Kazakhstan:

- Astana International Airport.
- Almaty International Airport.

For the Republic of Austria:

- Vienna International Airport.

2. The readmission or transit of persons may be carried out through other points of entry open for international traffic by mutual consent of the competent authorities of the Parties.

Article 3

Conditions of Transfer and mode of Transport

1. Pursuant to paragraph 3 Article 5 of this Agreement, the Requesting Party shall notify in writing the competent authorities of the Requested Party and provide the following data:

- mode of transportation (by air or land),
- date of transfer,
- exact time of transfer,
- place of transfer (Border control point),
- health status of the person to be transferred,
- whether readmission is carried out with possible escorts including information following Article 5 of this Annex.

2. The notification as per Annex 2 to this Agreement shall be sent by any means of communication including electronic ones to the Requested Party no later than 3 (three) business days before to the day of readmission.

3. Should the time limit be extended due to obstacles preventing the transfer, the Parties shall immediately notify each other of the removal of such obstacles indicating the intended place and date of transfer of the readmitted person .

Article 4

Transit request

1. The transit request shall be made by transmitting the form according to Annex 8 to this Agreement subject conditions stipulated in Article 9 of this Agreement. The Requested Party shall immediately confirm the receipt of the transit request by any means of communication including electronic ones. If the request is transmitted by facsimile or e-mail, the transmission report shall be deemed to be a confirmation of receipt of the transit request.

2. The Requesting Party shall notify the competent authorities of the Requested Party in writing, using secured communication channels, including electronic means such as facsimile and e-mail, of changes in the date of transfer and/or the intended place of transfer at least one (1) day before the scheduled transit.

Article 5
Conditions of escorted readmission and transit

1. If the readmission or transit is carried out with escorts, the Requesting Party shall provide the following information regarding the escorts: names and surnames, passport number, date of issue, and validity period; flight number; date and time of arrival and departure.

2. The escorts of the Requesting Party shall be able to show identification documents during the readmission or transit, as well as in order to verify their authorization and the nature of their task concerning the readmission or transit.

ANNEX 2

**To the Agreement between the Government of the Republic of
Kazakhstan and the Austrian Federal Government on the Readmission
and Transit of Persons Residing Unlawfully**

Notification (according to Article 3.2 of Annex 1)

.....
.....
.....
.....

.....
(Name of the Requesting Authority) (Place and date)

Document Number:

Attn.:

.....
.....
.....
.....
.....

(Name of the Requesting Authority)

TRANSFER DETAILS

pursuant to paragraph 3 Article 5 of the Agreement between the Government of
the Republic of Kazakhstan and Federal Government of the Republic of Austria
on the Readmission and Transit of Persons Residing Unlawfully

Information about the person and the readmission

Full name (surnames to be underlined):

.....

1. Date of birth:

.....

2. Means of readmission (by air or land);

.....

3. Date:

.....

4. Exact time:

.....

5. Place of transfer (Border control point):

.....

6. Health status:

.....

7. Escorted readmission:

yes no,

if yes, escort details:

.....

.....

8. Security measures to be taken at place of destination:

.....

.....

.....

(Signature of the Requesting Authority) (Seal/stamp)

ANNEX 3**To the Agreement between the Government of the Republic of Kazakhstan and the Austrian Federal Government on the Readmission and Transit of Persons Residing Unlawfully**

The list of documents confirming nationality of the states of the Parties, in accordance with paragraph 1 Article 2 and paragraph 2 Article 3 of the Agreement:

For the Republic of Kazakhstan:

- 1) National passport of the Republic of Kazakhstan;
- 2) Diplomatic passport of the Republic of Kazakhstan;
- 3) Service passport of the Republic of Kazakhstan;
- 4) Identity card of the Republic of Kazakhstan;
- 5) Military ID card of the Republic of Kazakhstan;
- 6) Seaman's identity card of the Republic of Kazakhstan;
- 7) Certificate of return;
- 8) Birth certificate of a child

For the Republic of Austria:

- 1) Austrian passports of any kind (national passports, diplomatic passports, service passports, and emergency passports);
- 2) Travel document issued by Austria; Identity cards (including temporary identity cards);
- 3) Military ID cards;
- 4) Citizenship certificates and other official documents, that mention or indicate citizenship clearly;

ANNEX 4**To the Agreement between the Government of the Republic of Kazakhstan
and the Austrian Federal Government on the Readmission and Transit of
Persons Residing Unlawfully**

Comprehensive list of documents considered as prima facie evidence of nationality of the States of the Parties in accordance with paragraph 1 Article 2 and paragraph 2 Article 3 of the Agreement:

- Copies of documents listed in the Annex 3;
- Documents listed in the Annex 3, validity of which has expired more than six (6) months;
- Military ID cards or copies thereof;
- Driver's licenses or copies thereof;
- Birth certificates or copies thereof;
- Any other documents or expert's reports or copies thereof, which may help to establish the nationality of the person concerned;
- Personal data and statements of the relevant person;
- Fingerprints or other biometric data,
- Language spoken by person concerned, including the results of any official examination;
- Credible witness statements,
- The result of the interview of the person concerned by the Requested Party, to be conducted upon request.

ANNEX 5**To the Agreement between the Government of the Republic of Kazakhstan and the Austrian Federal Government on the Readmission and Transit of Persons Residing Unlawfully**

Comprehensive list of documents considered as proof of requirements for the readmission of the third-country nationals and stateless persons pursuant to paragraph 3 Article 3 of this Agreement:

- Entry/exit stamps and similar endorsements in the travel document of the person concerned, as well as other (e.g. photographic) evidences of entry/exit;
- Valid documents, e.g. a visa, a permanent residence permit issued by the Requested Party for lawful stay in the territory of the state of the Requested Party.
- Travel documents of the Requested Party issued to a person who is not a national of the State of the Requested Party.
- Documents, certificates, and invoices of any kind (e.g. hotel bills, doctor/dentist appointment slips, entrance tickets to state/private institutions, car rent agreements or credit card statements) that clearly indicating that the person was present in the territory of the state of the Requested Party.
- Named tickets and/or passenger lists for e.g. air, rail, bus or boat travels indicating the presence and itinerary of the person concerned in the territory of the State of the Requested Party.
- Information showing that the person concerned addressed to a courier service or a travel agency.
- Official statements of the border guards or other witnesses who can testify to the crossing of the border by person concerned.
- Official statements of the person concerned in judicial or administrative proceedings.
- Identity authentication as a result of a search in the Visa Information System¹.

¹ Regulation (EC) No 767/2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-term visas (VIS Regulation) OJ No L 218, 13.8.2008, p. 60, as last amended by Regulation (EU) 2226/2017, OJ No L 327, 9.12.2017, p. 20.

ANNEX 6**To the Agreement between the Government of the Republic of Kazakhstan and the Austrian Federal Government on the Readmission and Transit of Persons Residing Unlawfully**

Comprehensive list of documents considered as prima facie evidence for the readmission of the third-country nationals and stateless persons pursuant to paragraph 4 Article 3 of the Agreement:

- Credible witness statements.
- Copies of documents as stated in the Annex 5.
- Statements made by the Requesting Party concerning the place and circumstances, under which the person concerned was apprehended after entering the territory of the State of the Requesting Party.
- Other documents or information, agreed upon by mutual agreement of the Parties.
- Statements of the person concerned.
- Information on the identity and location of the person concerned provided by an International Organization.

ANNEX 7

To the Agreement between the Government of the Republic of Kazakhstan and the Austrian Federal Government on the Readmission and Transit of Persons Residing Unlawfully

.....
(Name of the Requesting Authority)	(Place and date)

Document Number:

Attn.:

.....
..... (Name of the Requested Authority)

Application for Interview (paragraph 5 Article 2 of the Agreement between the Government of the Republic of Kazakhstan and the Austrian Federal Government on Readmission and Transit of Persons Residing Unlawfully)

READMISSION REQUEST

Pursuant to Article 4 of the Agreement between the Government of the Republic of Kazakhstan and Federal Government of the Republic of Austria on the readmission and transit of persons residing unlawfully

A. PERSONAL INFORMATION 1. Full name (underline surname):	Photograph
2. Surname at birth:	

<p>.....</p> <p>3. Date and place of birth:</p> <p>.....</p> <p>.....</p>	
---	--

4. Sex and description of physical features (height, colour of eyes, distinct features,etc.):

.....
.....

5. Pseudonym (former surnames, other surnames used/by which the person is known):

.....
.....

6. Nationality and language:

.....
.....

7. Marital status: married single divorced widower

If married, name of a spouse:

.....

Name and age of children, if any:

.....
.....
.....
.....

8. Last place of residence :

.....
.....

B. DETAILS OF SPOUSE (IF APPLICABLE)

1. Full name (underline the surname):

.....
.....

2. Surname at birth:

.....

3. Date and place of birth:

.....

4. Sex and description of physical features (height, colour of eyes, distinct features, etc.):

.....
.....

5. Pseudonym (former surnames, other surnames used/by which the person is known):

.....

6. Nationality and language:

.....

C. DETAILS OF CHILDREN (IF APPLICABLE)

1. Full name (underline surname):

.....

2. Date and place of birth:

.....

3. Sex and description of physical features (height, colour of eyes, distinct features, etc.):

.....

4. Nationality and language:

.....

D. SPECIAL CIRCUMSTANCES CONNECTED TO THE TRANSFER

1. Health status (e.g., reference to special medical care; Latin name of an infectious disease):

.....

2. Indication of an extremely dangerous person (e.g. suspicion of commission of serious crimes; violent behavior):

.....

E. MEANS OF EVIDENCE ATTACHED

<p>1.</p>	<p>..... (Date and place of issue)</p>
-------------------------------	--

..... (Foreign Passport No.)	
.....
.....

..... (Issuing authority)	.....
2. ..... .....	..... .....
..... (Identity card No.)	..... (Date and place of issue)
.....
..... (Issuing authority)	.....
3. ..... .....	..... .....
..... (Driver's licence No.)	..... (Date and place of issue)
.....
..... (Issuing authority)	.....
4. ..... .....	..... .....
..... (Other official document No.)	..... (Date and place of issue)
.....
..... (Issuing authority)	.....

F. INTERVIEWING PURSUANT TO PARAGRAPH 5 ARTICLE 2 of the Agreement

- Since none of the documents listed in the Annex 3 or 4 to the Agreement can be attached, the request for an interview for determination of his/her nationality shall be submitted.
- In case of any doubt in the accuracy of the enclosed documents, the request for an interview for determination of nationality shall be submitted.

G. Remark

.....
.....
.....

.....
(Signature) (Seal/Stamp)

ANNEX 8

To the Agreement between the Government of the Republic of Kazakhstan and the Austrian Federal Government on the Readmission and Transit of Persons Residing Unlawfully

.....
(Name of the Requesting Authority)	(Place and Date)

Document Number:

Attn.:

.....
..... (Name of the Requested Authority)

TRANSIT REQUEST

Pursuant to Article 8 of this Agreement between the Government of the Republic of Kazakhstan and Federal Government of the Republic of Austria on the Readmission and Transit of Persons Residing Unlawfully

<p>A. PERSONAL DATA</p> <p>1. Full name (underline surname):</p> <p>.....</p> <p>.....</p> <p>2. Surname at birth:</p> <p>.....</p> <p>.....</p>	<p>Photograph</p>
--	-------------------

<p>.....</p> <p>3. Date and place of birth:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>...</p>	
---	--

4. Sex and description of physical features (height, colour of eyes, distinct features, etc.):

.....

.....

5. Pseudonym (former names, other surnames used/by which known):

.....

.....

6. Nationality and language:

.....

7. Type and number of travel document:

.....

B. SPECIAL CIRCUMSTANCES CONNECTED TO THE TRANSFER

1. Health status (e.g., reference to special medical care; Latin name of an infectious disease):

.....

.....

2. Indication of an extremely dangerous person (e.g. suspected of serious offence; violent behavior):

.....

.....

C. TRANSIT

1. Type of transit:

<input type="checkbox"/> By air	<input type="checkbox"/> by land or sea
---------------------------------	---

2. Country of destination:

.....

.....

3. If necessary, other transit states:

.....
.....

4. Intended border control point, date and time of transfer, and any escorts:

.....
.....
.....
.....

5. Is the admission in any other transit states and in the state of destination is warranted?

(Article 8 paragraph 2)

<input type="checkbox"/> Yes	<input type="checkbox"/> No
------------------------------	-----------------------------

6. Are the reasons for refusal in transit known? (Article 8 paragraph 3)

<input type="checkbox"/> Yes	<input type="checkbox"/> No
------------------------------	-----------------------------

7. IS THE TRANSIT IMPLEMENTED ESCORTED OR UNESCORTED?

<input type="checkbox"/> Escorted*	<input type="checkbox"/> Unescorted
------------------------------------	-------------------------------------

*IF ESCORTED, SPECIFY NAME OF ESCORTS IN REMARKS TO POINT

D. REMARKS

.....
.....
.....
.....
.....

(Signature) (Seal/Stamp)