EC/China Hong Kong SAR agreement: readmission of persons residing without authorisation

2002/0092(CNS) - 17/12/2003 - Final act

PURPOSE : to conclude the Agreement between the EC and Hong Kong. laying down rules on the readmission of persons residing without authorisation. LEGISLATIVE ACT : Council Decision 2004/80 /EC concerning the conclusion of the Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation. CONTENT : This Decision states that the readmission Agreement between the EC and Hong Kong is concluded. The details of the Agreement are as follows: Council Regulation 539/2001/EC exempts holders of a "Hong Kong SAR" passport from the requirement for a visa when entering the EU, for stays of no more than three months in all. In order to combat illegal immigration, and on a reciprocal basis, the Agreement sets out measures for the identification and return of those people who do not, or no longer, fulfil the conditions for entry into or presence in either Hong Kong SAR or the Member States of the EU. The Agreement provides as follows: - the Hong Kong SAR will readmit people who are not entitled to be in a requesting Member State provided that they are permanent residents of Hong Kong. The SAR will also readmit people who, at the time of entry held a visa or residence authorisation from the Hong Kong SAR or who, after having entered the territory of the Hong Kong SAR, proceed to enter unlawfully one of the Member States, coming directly from Hong Kong SAR. The Agreement therefore covers own nationals as well as persons of another jurisdiction. This term includes third-country nationals and stateless persons. Exempted from this obligation are people in airside transit and all persons to whom the requesting Party has granted visa-free access or issued a visa or residence authorization with a longer period of validity. Readmission will take place without any formalities other than those specified in the Agreement. The Member States are under a similar obligation. - under certain circumstances, the Hong Kong SAR accepts the use of the EU's standard travel documents. - the agreement contains a section on transit operations. -there are also provisions on the readmission application, means of evidence, time limits, transfer modalities and modes of transportation. Some procedural flexibility is provided by the fact that in cases where the person to be readmitted is in possession of valid travel documents and willing to return voluntarily, only on a written communication - but no formal submission of a readmission application will be needed.