

Agreement
between
the Austrian Federal Government
and
the Government of the Republic of India
on a
Comprehensive Migration and Mobility Partnership

The Austrian Federal Government

and

The Government of the Republic of India,

both hereinafter referred to as the "Parties", -

Having regard to the historic links of friendship and cooperation that unite the two Parties and to give a new impetus to the Austrian-Indian Strategic Partnership in the interests of fair globalization,

Bearing in mind the benefits which migration managed within the meaning of the Agenda 2030 and migration policy cooperation in a spirit of partnership have for both Parties and for their mutual economic, social and cultural relations where a special focus is set on promoting economic, social and cultural rights, as well as the benefits for the persons concerned,

Recognizing the intensification in bilateral relations in recent years in political, economic, institutional and people-to-people exchanges, reaffirming their determination to strengthen the cooperation regarding the migration of students, researchers and other qualified workers to each other's country, depending on opportunities available, and the combat of irregular migration,

Acknowledging the growing number of Indian students and professionals in Austria, convinced that such human exchanges and migratory movements help to bring people together and that the management of mobility in partnership is a factor of economic, social and cultural development for both countries,

Resolved to facilitate temporary migration based on fair mobility,

Committed to strengthening the transfer of skills to the country of origin in the interests of fair globalization and decent work,

Determined to jointly take appropriate steps to prevent and suppress irregular migration, smuggling of migrants and trafficking in human beings, in accordance with international and national law,

Desiring to establish, by means of this Agreement and on the basis of reciprocity, rapid, transparent and effective procedures for the identification and return as well as readmission of persons who do not, or no longer, fulfill the conditions for entry to, presence in, or residence on the territory of the other Party, and to facilitate the return of such persons in spirit of cooperation,

Bearing in mind **the EU-India High Level Dialogue on Migration** Issues and Visa Policy which led to the Joint Declaration on **Common Agenda on Migration and Mobility** between India and EU and the Member States, signed on 29 March 2016;

Respecting the rights and guarantees set forth in their respective national law and the relevant international treaties and conventions,

Have agreed as follows:

Part 1

General Objectives

Article 1

Scope of the Agreement

(1) This Agreement aims to establish and develop cooperation between the Parties in the following areas:

1. Promoting the effective management of migration and mobility, recognizing the value of people-to-people ties between Austria and India;
2. Promoting the facilitation of mobility of nationals of either Party by sharing information on relevant procedures;
3. Promoting longer term residence of nationals of either Party for the purpose of gainful employment.
4. Preventing and fighting irregular migration and human smuggling and trafficking, and its consequences;
5. Facilitating the return of nationals of either Party residing in either country, who are in violation of respective national immigration or residence laws and/or such laws of the European Union;
6. Establishing a joint working group on migration, return and mobility issues; and
7. Exchanging migration data and statistics, especially visa statistics.

(2) This Agreement establishes a partnership for migration and mobility between the Parties within the limits of their respective competences and in accordance with their respective national law, procedures and resources, and in full respect of applicable international law and standards.

(3) All actions pursuant to this Agreement will be consistent with the Parties' obligations under relevant international law.

Part 2

Cooperation on temporary migration

Article 2

Short-stay multiple-entry visas

(1) Both Parties issue, in compliance with their respective obligations and within the framework of the applicable rules of national and European Union law, short-stay, multiple-entry visas to the other Party's nationals if the relevant conditions for entry, stay and work of foreigners are met.

(2) This includes inter alia the following categories of persons:

Business visitors, journalists, academics, scientists, researchers, intellectuals, and specialists.

(3) For Austria, applying the Schengen acquis in full, Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.9.2009, p. 1), which establishes the procedures and conditions for issuing visas for intended stays in the territory of the EU Member States not exceeding 90 days in any 180-day period and multiple entry visas with a validity of up to 5 years, is legally binding.

(4) The Indian Party is willing, in accordance with the applicable national law, to favourably consider the facilitated issuance of such multiple-entry visas which allow for stays of up to six months on each visit and are valid for one to five years. These multiple-entry visas are issued with validity between one year and five years, depending on the documents presented, the length of activities planned in the Republic of India and the length of validity of the passport. Persons travelling on a visa referred to in paragraph 1 with a validity of up to 180 days are not required to accomplish any registration formality upon their arrival in the Republic of India. In case the stay is going to exceed 180 days, prior registration will be required.

Article 2a

Austrian Programme „Red White Red Carpet“

The Austrian Party agrees to promote the Austrian Programme „Red White Red Carpet“ for regular business visitors providing for visa facilitations such as the issuance of multiple entry visas, declared as well-known and “bona fide”. The facilitations available for Indian nationals under the “Red White Red Carpet” are

outlined in a non-binding Explanatory Letter of the Austrian Party provided to the Indian Party.

Part 3

Cooperation to facilitate fair mobility

Article 3

Admission of students; acquisition of initial professional experience

(1) Both Parties undertake to strengthen Indian-Austrian cooperation by exchanging students who are registered in a recognized higher education institution and wish to start or continue their studies in India or Austria within the framework of applicable national and European Union law. To this end, a residence permit for students, to date, enables Indian nationals to temporary residence for the purpose of study at recognized higher education institutions. The temporary residence may be prolonged within the framework of applicable national and European Union law if progress towards the degree is shown.

(2) The opportunities available for Indian nationals regarding higher education possibilities including study-related internships in Austria at the date of signature of this Agreement are outlined in a non-binding Explanatory letter of the Austrian Party provided to the Indian Party.

(3) The Parties keep each other regularly informed, within the Joint Working Group referred to in Article 15, of the conditions for entry and residence for students and establish a bilateral exchange on the possibilities within their respective immigration laws.

(4) The Austrian Party, within the framework of applicable national and European Union law, issues residence permits in the Republic of Austria to eligible Indian nationals for the purposes of study. The Austrian Party shall explore ways and means to see that the student residence permits are issued as quickly as possible while taking into account the academic exigencies.

(5) Both Parties endeavor to inform students about the possibilities of seeking employment upon completing academic education, within the framework of applicable national and European Union law. Indian students wishing to gather initial professional experience after completing their academic education at a recognized university or other recognized tertiary education institution in the Republic of Austria may be granted permission to continue their temporary residence in the Republic of

Austria for the purpose of seeking employment for up to 12 months, in the framework of applicable national and European Union law, corresponding to the qualification obtained in the Republic of Austria.

(6) After the successful search for employment in Austria, a residence permit for the purpose of qualified employment may be granted within the framework of applicable national and European Union law. Further information for Indian nationals regarding duration of stay, requirements at the date of signature of this Agreement is outlined in a non-binding Explanatory letter of the Austrian Party provided to the Indian Party.

Article 4

Exchange of Students

(1) Both Parties, within the framework of applicable national and European Union law, consider to facilitate the arrival of students from the other Party who wish to continue their studies in India or Austria and are registered at a recognized higher education institution.

(2) The opportunities available for Indian nationals regarding higher education possibilities in Austria at the date of signature of this Agreement are outlined in a non-binding Explanatory letter of the Austrian Party provided to the Indian Party. Austria explicitly informs the Indian Party on the possibility of the exchange of students and recipients of scholarships in the context of national and EU-financed projects.

(3) The Parties agree to keep each other regularly informed of the respective conditions for entry and stay of students, within the Joint Working Group referred to in Article 15.

(4) Austria undertakes efforts to step up activities in India in order to enhance and promote possibilities for higher education in Austria.

(5) For Austrian students who wish to pursue internships in India, the Indian authorities issue an "S-6 Visa" valid for more than three months but no longer than 12 months according to applicable national law.

Article 5

Immigration for the purpose of taking up employment

(1) Both Parties undertake to encourage the safe, orderly and regular mobility of qualified workers between the two countries in accordance with their respective rules on entry, residence and work of foreigners and towards this end create optimal conditions for establishing contacts and the exchange of knowledge between employers' and workers' organizations in different sectors of the economy and expand pre-integration services.

(2) The opportunities available for Indian nationals regarding residence and work in Austria at the date of signature of this Agreement are outlined in a non-binding Explanatory letter of the Austrian Party provided to the Indian Party. The Austrian Party states that there are many opportunities for qualified Indian workers to access the Austrian labor market under the applicable conditions of its rules on entry, stay and work.

(3) Both Parties will endeavor to encourage qualified workers to use available opportunities within the framework of the applicable national legislation. To this end, they agree to keep each other regularly informed, within the Joint Working Group referred to in Article 15, of the conditions for entry, residence and work in their country and of the situation on their respective labor markets, and establish a bilateral exchange on the possibilities and the improvement of procedures for immigration and pre-integration of qualified workers. The Austrian Party agrees to keep the Indian Party informed on the concrete numbers of valid residence permits, pointing out that, if the conditions for a permit are fulfilled there are no limits in application numbers. If within one calendar year the number of Indian nationals issued for the first time a residence permit under the Red-White-Red and Red-White-Red-Plus scheme for the Republic of Austria lies below 800, the Joint Working Group shall analyse the situation and endeavor to find possibilities to enhance the information exchange on mobility of qualified workers. An adjustment in that number may be decided by the Joint Working Group and will not be considered a formal modification of this Agreement.

(4) The Austrian Party will endeavor to post information about offers for pre-integration and possible immigration by qualified workers to the Government internet portal/website for qualified workers from abroad. The Austrian Federal Ministry of Labour and Economy will offer up-to-date information to the National Skills Development Corporation (NSDC) of the Government of India on the annual list of shortage occupations in Austria as established by the relevant ordinance of the Austrian Federal Minister of Labour and Economy.

(5) Both parties recognize the added value that the activities of state agencies or state-funded partner organizations can bring in assisting the recruitment of qualified professionals. The National Skills Development Corporation (NSDC) of the Government of India and the Austrian Business Agency (ABA - Work in Austria Services) of the Government of Austria shall explore possibilities of cooperation on information exchange related to this issue.

(6) The Parties endeavor to swiftly process applications for entry and residence submitted by the other Party's nationals under this Article.

(7) The persons to whom the provisions of this Article apply benefit from equal treatment as accorded to host state nationals in all matters relating to the enforcement of laws, regulations, collective wage agreements and customs governing working conditions, national insurance, health, hygiene and workplace safety, within the framework of applicable national and European Union law. Their employer shall at least pay them a salary equivalent to the salary paid to host state nationals working under the same conditions.

(8) The Parties mandate the Joint Working Group established under Article 15 of this Agreement to examine possibilities, in favor of pre-integration, of expanding the range of German language courses offered in the Republic of India by entities like the Goethe Institute, including language courses aimed at certifying the language skills necessary for the immigration of family members of qualified workers.

(9) Both Parties are prepared to consider favorably the further development of offers for the purpose of pre-integration.

Article 6 Working Holiday

The Parties intend to agree in parallel on a reciprocal Working Holiday Programme between Austria and India to give young citizens the opportunity to appreciate the culture and way of life of the other in the context of a holiday stay in each other's countries, with employment and study being incidental rather than primary reasons for the visit.

Article 7 Cooperation in vocational education and training

(1) The Parties are willing to cooperate in the field of vocational education and training and share the view that the Austrian-Indian cooperation will foster the

Indian Party's efforts to establish an innovative system of skills development and vocational education and training.

(2) The cooperation may include, in particular, the following activities:

1. Sharing information on the vocational education and training systems the Parties have in place;
2. Holding regular consultations at political and expert level between the responsible bodies of the two Parties;
3. Carrying out joint projects in India in the field of vocational education and training with the focus on a dual system of vocational training and skill development in new, innovative and sustainable technologies;
4. Organizing joint conferences, symposiums and workshops; and
5. Organizing study visits.

(3) The Austrian Party underlines the continuing commitment of promoting dual vocational education and training in India according to Austrian standards and information on the recognition of Indian vocational and academic qualifications, thereby facilitating mobility of qualified workers.

Article 7a

School pupils

- (1) The opportunities available for Indian nationals regarding residence for the purpose of attending a school recognized under Austrian law (e.g. public school, private school or public or private adult educational institution under public law) at the date of signature of this Agreement are outlined in a non-binding Explanatory letter of the Austrian Party provided to the Indian Party.
- (2) The Austrian Party states that in general, a residence permit for pupils enables temporary residence for the purpose of attending a school in Austria.

Article 8

Intra-corporate transfer and in-house training

- (1) Both Parties shall endeavor to encourage the fair international mobility of qualified intra corporate transferees (managers, specialists, graduate trainees) on

secondment between enterprises of the same group, including on qualified in-house training programme for up to three years, within the framework of applicable national and European Union law.

(2) To this end both Parties shall endeavor to streamline the processing of applications for the international mobility of qualified intra-corporate transferees (managers, specialists, graduate trainees) on secondment between enterprises of the same group within the framework of applicable national and European Union law.

(3) The opportunities available for Indian intra-corporate transferees regarding applicable procedures and requirements for the mobility in Austria at the date of signature of this Agreement are outlined in a non-binding Explanatory letter of the Austrian Party provided to the Indian Party.

(4) The Parties agree to keep each other regularly informed within the Joint Working Group under Article 15 and the India-Austria Joint Economic Commission on the conditions for entry, residence and work in their country and about further developments in this regard.

(5) The Austrian Party undertakes to issue a residence permit to Indian nationals fulfilling the requirements for qualified intra corporate transferees seconded by their employer to the Republic of Austria as soon as possible, in the framework of applicable national and European Union law.

(6) The Indian Party undertakes to facilitate the issuance to Austrian employees seconded to the Republic of India between enterprises of the same group of an "employment visa" giving rise to the granting of a temporary residence permit valid for two years, renewed in the Republic of India for a maximum period of five years from the date of issue of the initial employment visa, on a year to year basis, on production of the necessary documents in support of continued employment and income tax compliance by the individual concerned.

Article 9

Family Members

(1) Spouses and registered partners as well as their minor unmarried children of qualified workers or researchers, subject to the prerequisites defined by applicable national and European Union law, receive a residence permit allowing the exercise of a professional activity under the conditions set forth in the respective laws. An application in Austria for a residence permit for family members has to be submitted to the competent Austrian diplomatic or consular authority. An application may also be possible after an entry with the necessary visa and during legal stay. Further

information for family reunification of Indian nationals in Austria at the date of signature of this Agreement are outlined in a non-binding Explanatory letter of the Austrian Party provided to the Indian Party.

(2) Depending on the specific kind of residence permit, language skills may be required. The language requirement for a residence permit may be waived, subject to the prerequisites defined by applicable national and European Union law.

(3) The Parties commit to explore the provision of pre-integration services to facilitate family unification under the conditions of this Article.

Article 10

Researchers and doctoral students

(1) Both Parties undertake to encourage the mobility of researchers and doctoral students with an appropriate contract or scholarship between the two countries within the framework of applicable national and European Union law.

(2) The opportunities for Indian researchers and doctoral students regarding applicable procedures and requirements in Austria at the date of signature of this Agreement are outlined in a non-binding Explanatory letter of the Austrian Party provided to the Indian Party.

(3) Both Parties keep each other regularly informed, within the Joint Working Group referred to in Article 15, of the conditions for entry and residence for researchers and doctoral students and establish a bilateral exchange on the possibilities and the improvement of procedures for pre-integration and immigration of researchers and doctoral students.

(4) For Austrian and Indian nationals wishing to carry out research or university level research-related teaching in a public or private research or higher education institution in the country of the other Party under a hosting agreement, the Parties shall facilitate the issuance of a residence permit valid for up to two years under the conditions set forth in the applicable rules of national and European Union law. The residence permit may be extended under applicable rules of national and European Union law for the duration of their research or teaching activities for up to two years at a time.

Part 4

Cooperation on returns of persons required to leave the country and in the fight against irregular migration, human trafficking and document fraud

Article 11

Return of persons required to leave the country

(1) Both Parties shall accept the return of their nationals who do not or no longer meet the conditions for legal entry into, or legal residence in, the territory of the other Party, and agree to simplify the procedures to be followed in such cases. The Parties acknowledge that those who are lawfully in their country do not fall within the scope of this Article and that the provisions in this article shall only cover those nationals residing in either country who are in violation of applicable national and European immigration or residence laws in case of Austria and national immigration or residence laws in case of India.

Persons irregularly staying in the territory of one Party whose nationality has been conclusively verified by the requested Party shall immediately be returned by the requesting Party in accordance with procedures set out in national and international law and, irrespective of the will of the persons to be returned, with the modalities agreed between the Parties, using both scheduled and non-scheduled flights. Any forced return shall only be carried out after the nationality is conclusively verified by the requested Party. Parties shall make use of the procedures referred to in paragraphs 3, 4 and 5 of this Article for this purpose. Proof of nationality may not be furnished through false documents.

(2) Both Parties recognize that prompt timelines are useful as regards the legal situation of a person irregularly staying in the territory of one Party and must be observed both for the reply to the readmission application and the issuance of the Emergency Travel Document (ETD)/consular laissez-passer.

(3) For verification of nationality of a person being returned who is in an irregular situation in either Party's territory, the requesting Party shall submit a readmission application along with a copy of the person's passport or a copy of the person's expired passport and where available any one of the documents listed in Annex 1 which can serve as a basis to establish the nationality, subject to their verification by the requested party. In such cases, the requested Party shall make best effort to communicate if the nationality of the person is conclusively established to its satisfaction as far as feasible within 30 days but not beyond 45 days of the receipt of the request.

(4) Where any document in Annex 1 is not available, any two documents listed in Annex 2 can serve as a basis to validly assume the nationality of a person in an irregular situation by the requested Party to be that of the said country, even if the validity of these documents has expired. If any two such documents are presented with the readmission application, the requested Party shall make best efforts to swiftly verify the nationality of the person irregularly staying in the territory of the other Party as far as feasible within 60 days but not beyond 90 days of the receipt of request.

(5) In cases where paragraphs 3 and 4 are not applicable and it is assumed that a person irregularly staying in the territory of one Party is a national of the requested Party, the requesting Party shall approach the requested Party for verification of nationality with a view to the possible issuance of an ETD/consular laissez-passer by the requested Party. To this end, the person shall be interviewed without undue delay by the respective diplomatic or consular representation of the requested Party, in order to facilitate the verification of their nationality. In case physical meetings are not feasible or not permitted by public health authorities, secure electronic means may with the mutual consent of both parties, be used to conduct such interviews by the diplomatic or consular authorities of the concerned Parties.

(6) Where the requested Party has given a positive reply to the readmission application, and where the person to be readmitted has no valid travel document, the competent diplomatic mission of the requested Party shall issue upon request, within seven calendar days, an ETD/consular laissez-passer with a period of validity of at least six months. In cases where the person concerned is not cooperating, the requesting Party shall submit the request signed by the competent authority along with a declaration that the person has no legal basis to reside in the country of the requesting Party and any action under this provision shall be without prejudice to any legal option available to the person concerned.

(7) The requesting Party shall make reasonable effort to return the person using the ETD/consular laissez-passer provided, before its expiry. If, for reasons beyond the immediate control of the requesting Party, such as new legal proceedings, refusal to

comply and absconding, the person to be returned cannot be transferred within the period of validity of the ETD/consular laissez-passer that was initially issued, the competent diplomatic mission of the requested Party shall issue, within seven calendar days of a corresponding informal request, a new ETD/consular laissez-passer for a further period of six months if there is no reason to suppose that the circumstances of the person have changed.

(8) Where the requested Party does not approve an application for readmission of the person, it shall share the relevant reasons within the abovementioned time frames. The decision of the requested Party is final, but it may agree to consider any reasonable request to review its decision, where the requesting Party has new evidence or considers there has been a misunderstanding of the evidence.

(9) Where the Austrian Party has evidence that an Indian national is in an irregular situation on its territory, and this person is the parent of a minor child born in Austria who is also in an irregular situation under the applicable law in Austria, but whose birth has not been registered with the relevant Indian diplomatic mission, India shall accept an Austrian birth certificate as evidence for securing an ETD/consular laissez-passer for the child only if the nationality of both the parents and their relationship with the child is conclusively established by the Indian Party. Any action under this provision shall be without prejudice to any legal option available to the child or to its parents. Minor child means a child who has not attained the age of 18 years on the date of submission of the request by the requesting Party.

(10) In accordance with their wish for effective cooperation, both Parties agree that e-mail or any other modern means of communication allowing the fastest possible data transmission can be used for communication between the competent authorities involved in the return procedures. They further agree to the use of biometric identification, as far as possible.

(11) Both Parties agree that the requesting Party shall cover the costs associated with the return.

(12) Any person who has been returned from the territory of the requesting Party will be readmitted by the requesting Party at the request of the requested Party where it is established within a period of time not exceeding six weeks that the conditions for the person's return under paragraph 1 of this Article were not fulfilled at the time they left that territory. On an exceptional basis and on the demand of the requested Party, this period may be extended to a maximum of twelve weeks.

(13) Both parties agree to decide on modalities for submission of information related to readmission to be discussed during the first meeting of the Joint Working Group established under this Agreement. The existing readmission form used by the Austrian side is provided in the Explanatory Letter attached to this Agreement.

(14) Details of the authorities responsible for implementing this Article are given in Annex 3 to this Agreement.

Article 12

Voluntary return and reintegration

(1) Both Parties shall promote the voluntary return for nationals of the other Party who are subject to a return decision as the preferred option.

(2) Without prejudice to Article 11, the Austrian Party emphasizes its willingness to provide return counselling as well as financial support in case of need for voluntary return. Moreover, information shall be provided on post-arrival and post-return assistance as well as reintegration assistance to returnees to the Republic of India.

Article 13

Fighting irregular migration and human trafficking

(1) The Parties shall develop a common programme of action to share experience and to strengthen capacities to fight irregular migration, human smuggling and human trafficking and to enhance cooperation in this field including through mutual visits.

(2) Both Parties agree to exchange contact addresses for the responsible authorities and to promote the exchange of experts and training for officers to fight irregular migration networks.

(3) Both Parties agree that the responsible authorities share information related to human trafficking, irregular migration networks and the individuals caught up in them as well as on organized crime related to migration within the limits of their respective competences and in accordance with their national law, procedures and in full respect of international rules and standards. In the case of a significant increase or amount of irregular migration of nationals of a Party to the territory of the other Party, the Joint Working Group shall analyse the situation and endeavor to find concrete measures to reduce the number of irregular migrants and prevent further streams of irregular migration.

(4) This Agreement does not establish any right to use the information provided in accordance with this Agreement as evidence in judicial proceedings.

Article 14

Fighting document fraud

(1) With regard to fighting the fraud of identity and travel documents, both Parties shall promote exchange of sample documents to fight forged and falsified documents and provide training in the specific area of identifying forged and falsified documents.

(2) Within the limits of available resources, the Austrian Party offers to share its expertise to train specialists in the fight against document fraud and to provide its expertise in the field of detection equipment.

Part 5

Final Clauses

Article 15

Joint Working Group on migration and return issues

(1) A Joint Working Group comprising representatives of both Parties is created. The Joint Working Group shall monitor the implementation of the provisions set forth in this Agreement, decide on implementing arrangements necessary for the uniform application of this Agreement and discuss all appropriate proposals to improve it, as necessary. The Joint Working Group shall further allow for a regular exchange of information in particular as to the conditions of entry and residence in relation to the specific groups mentioned in the Agreement.

(2) The establishment of the Joint Working Group shall be without prejudice to the agreed Austrian-Indian consular consultations.

(3) The Joint Working Group shall, as necessary, meet regularly, at least once a year in the territory of either Party alternately, or as necessary at the request of either Party. The agenda and the composition of the Joint Working Group shall be set for each meeting by mutual consultations.

(4) The Joint Working Group shall submit proposals to the Parties for amendments and additions to the Annexes to this Agreement, if deemed necessary.

(5) The Joint Working group shall explore possibilities for pilot projects for the purpose of pre-integration in India.

Article 16

Difficulties regarding the interpretation and application of the Agreement

Any difficulties relating to the interpretation or application of this Agreement shall be settled within the Joint Working Group referred to in Article 15 or otherwise through diplomatic channels.

Article 17

Entry into force

This Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other through diplomatic channels that their respective national requirements for entry into force of this Agreement have been fulfilled. The relevant date shall be the day on which the last notification is received.

Article 18

Duration, termination and amendment of the Agreement

(1) This Agreement shall remain in force for an indefinite period of time from the date of its entry into force.

(2) This Agreement may be terminated in writing by either Party subject to six months prior notice communicated through diplomatic channels. Such termination of this Agreement shall not affect the Parties' rights and obligations resulting from the implementation of this Agreement, unless otherwise agreed by the Parties.

(3) This Agreement may be amended or supplemented by mutual consent of the Parties. Amendments and additions shall be laid down in the form of separate protocols, which shall form an integral part of this Agreement and shall enter into force in accordance with the procedure laid down in Article 17.

Article 19

Annexes

(1) The Annexes shall form an integral part of this Agreement. Without prejudice to paragraphs 2, 3 and 4 of this Article, the Annexes may be amended or supplemented in accordance with Article 18, paragraph 3.

(2) Following consultations, other documents than those listed in Annexes 1 and 2, such as specific forms, may be agreed upon through an exchange of diplomatic notes.

(3) Both Parties shall inform each other through diplomatic channels about the direct contact details of the competent authorities contained in Annex 3 and of any subsequent changes thereto. Following consultations, other border crossing points than those listed in Annex 3 may be designated through an exchange of diplomatic notes.

(4) Amendments according to paragraphs 2 and 3 of this Article shall enter into force 15 days following the receipt of the affirmative diplomatic note.

Article 20

Data protection clause

The transfer of personal data to the extent necessary for the readmission of a person concerned by the competent authorities and on a case-by-case basis shall only take place in accordance with the national laws and regulations of the Parties.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Agreement.

Done at Stockholm on 13 May 2023 in two originals each in the German, Hindi and English languages, all texts being equally authentic. In case of any divergence in the interpretation, the English text shall prevail.

For the Austrian Federal Government **For the Government of the
Republic of India**

Alexander Schallenberg

Subrahmanyam Jaishankar

**Annexes
to the
Agreement
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Annex 1

Documents serving as a basis to establish the nationality of a person by the requested Party

(Reference Article 11(3))

Nationality will be deemed to be clearly determined on the basis of the following documents subject to their authenticity, verified by the requested Party:

- 1) an expired national passport; and where relevant, a reference to a valid Indian passport number extracted from the European Visa Information System (VIS);
- 2) and where available any one of the documents listed below:
- 3) a national identity card, valid or expired;
- 4) a certificate of nationality;
- 5) an expired ETD/consular laissez-passer;
- 6) where relevant, an expired European travel document (European laissez-passer) or an international travel document issued by the Indian authorities;
- 7) a certificate of naturalisation or of restoration of nationality;
- 8) a military passbook;
- 9) a seaman's book or seafarer's identity document issued under the Geneva Convention of 19 June 2003 and the London Convention of 9 April 1965;
- 10) any government document, issued by another government, bearing a photograph and stating or clearly indicating the citizenship such as a driving license and a birth certificate.

Annex 2

Documents concerning nationality validly - assumed

(Reference Article 11(4))

Where a passport copy of the person is not available, the nationality validly assumed to be that of the requested Party subject to their authenticity, verified by the requested Party, may be based on any two of the following documents:

- 1) a reference to a valid Indian passport number extracted from the European Visa Information System (VIS);
- 2) a national identity card, valid or expired;
- 3) a certificate of nationality or citizenship;
- 4) an expired ETD/consular laissez-passer;
- 5) where relevant, an expired European travel document (European laissez-passer) or an international travel document issued by the Indian authorities;
- 6) a certificate of naturalization or of restoration of nationality;
- 7) a military passbook;
- 8) a seaman's book or seafarer's identity document issued under the Geneva Convention of 19 June 2003 and the London Convention of 9 April 1965;
- 9) any government document, issued by another government, bearing a photograph and stating or clearly indicating the citizenship such as a driving license and a birth certificate;
- 10) photographic and digital copies of the documents listed above;
- 11) a positive response to a return application;
- 12) a statement obtained from the concerned person by the judicial or administrative authorities of the requesting Party.

Annex 3

Responsibilities and return modalities

(Reference Article 11, 12,13 & 14)

The competent authorities for implementing this article of the Agreement shall be:

- for the Austrian Party:

Filing of readmission applications and all related operative matters: the competent foreigners authorities, the Federal Office for Immigration and Asylum

Processing of readmission applications by the Indian side: the Federal - Ministry of the Interior.

Settling difficulties relating to the interpretation of this Agreement: the Federal Ministry of the Interior.

- for the Indian Party:

Filing of readmission applications: the competent state governments.

Processing of readmission applications: the competent diplomatic or consular authority.

Settling difficulties relating to the interpretation of this Agreement: the Ministry of External Affairs.

For Articles 13 and 14, the Ministry of Home Affairs will be the competent authority.

The competent authorities of the Parties shall use their national official language(s) or the English language when implementing the return procedure. Where a language other than the English language is used, an English translation is to be provided.

For the purposes of return, the Parties have designated the following border crossing points:

- for the Austrian Party: All international airports.
- for the Indian Party: International airports at Delhi, Mumbai and Bengaluru.

The date, time, border crossing point and other return arrangements shall be decided upon by mutual agreement between, and notified to, the competent authorities of the Parties.

Before transferring a person, information on the transfer date, the border crossing point and possible escorts shall be transmitted to the competent authorities of the requested Party via e-mail or any other modern means of communication allowing the fastest possible data transmission, subject to general arrangements on these issues which may be agreed on at any time through diplomatic channel.

Both Parties agree that escorts accompanying return operations are not required to be in possession of a visa unless they intend to disembark and leave the direct transit area of the airport. Where necessary, both Parties assure their support in issuing visas to escorts.

Escorts of either contracting Party must not undertake any act of sovereign power within the territory of the other contracting Party.
