

## **MEMORANDUM OF UNDERSTANDING**

**between**

**The Government of the Kingdom of Sweden**

**and**

**UNMIK**

This Memorandum of Understanding (hereinafter referred to as MoU) constitutes the framework for enhanced co-operation between The Government of the Kingdom of Sweden (hereinafter referred to as Sweden) and United Nations Interim Administration Mission in Kosovo (hereinafter referred to as UNMIK).

Sweden and UNMIK want to create the basis for a closely coordinated and humane process of return to Kosovo, which respects the right of persons to return to their homes in Kosovo.

Sweden and UNMIK agree on the following understanding:

1. Sweden and UNMIK agree to proceed with voluntary return on a primary basis. Sweden and UNMIK agree that voluntary return shall take precedence over forced return. Sweden and UNMIK agree that voluntary return means that a person decides to return freely, without coercion, and with full knowledge of the current situation in Kosovo. Sweden and UNMIK also agree that returns will take place in a manner that is safe, dignified and sustainable.

Sweden will cooperate with UNMIK to identify adequate activities for enhancing voluntary return of rejected asylum seekers.

2. Sweden and UNMIK agree that Kosovo Albanians, members of the Bosniak, Croatian, Gorani, Torbesh and Turkish minority communities, as well as members of the Ashkaelia and Egyptian minority communities can be returned from Sweden to Kosovo, provided that in individual cases there is no need for international protection. Kosovo Serbs originating from the northern municipalities in Kosovo can also be returned.

3. Sweden will inform UNMIK of the intended return of individuals referred to in paragraph 2 not later than 14 calendar days prior to the planned date of return in these cases. In exceptional cases this period may be extended by 7 days upon request by UNMIK. UNMIK will notify Sweden not later than 7 calendar days prior to the return of any well-founded reservation or request for additional information it may have to the planned return in these cases. In case of no objection the return will take place as planned.

Swedish authorities will inform UNMIK at least 3 working days in advance on the modalities of arrival in cases, which UNMIK has accepted for forced return.

4. Individuals of the Ashkaelia and Egyptian communities may only be returned depending on the results of an individual screening process conducted by UNMIK. UNMIK will assess the individual possibilities of the potential Ashkaelia/Egyptian returnee once identified and located, and determine the overall number of such returns.

In order to carry out a responsible and thorough screening on the ground, Sweden will provide UNMIK with information on the proposed cases 40 days prior to the planned date of return. UNMIK will respond at least 7 days in advance of the planned date of return. In addition to the information mentioned in paragraph 6 Sweden will endeavor to provide UNMIK with the names of the parents of the individual concerned and street address at the last place of residence, if any.

5. UNMIK agrees to the possibility of allowing the return of persons who have committed particularly serious crimes in Sweden and who have served their sentence, including persons belonging to communities that so far have not yet been included in the return process, irrespective of family members who choose to stay in Sweden and in line with international human rights standards.

6. Sweden agrees to provide UNMIK the following information when proposing a person for forced return, provided it is in accordance with Swedish national legislation or the consent of the person has been given:

-Standard personal information including ethnic group, language, last place of residence in Kosovo, and if available, the date of arrival to Sweden;

-If the person is an unaccompanied elderly or minor, the contact person in Kosovo;

-Existence of serious criminal record or indication of possible violent behavior/need for special security measures, if applicable;

-Information of a serious medical condition or disability of a person and whether the person is under treatment at the time of the proposed return, or has been prior to return.

7. Both parties agree to cooperate on the basis of the UNMIK policy regarding forced

returns and Swedish migration policy. Both parties will inform each other about adjustments or revisions of their policies. Sweden and UNMIK will discuss specific or complex cases in a spirit of good cooperation. Sweden and UNMIK have agreed to review the return process regularly and to evaluate developments and the possibility to include minority groups thus far exempted, in the return process. Sweden and UNMIK have also agreed to review the timelines agreed to in paragraph 3 and 4, and if necessary, to amend the MoU through negotiations between Sweden and UNMIK. The next meeting shall take place within a period of six months from the time of the entry into force of this MoU.

8. This MoU will enter into force immediately upon signature. Each party may renounce the MoU by written notification. In that case the renunciation shall take effect one month after the other party receives such notification.

The previous MoU signed between Sweden and UNMIK on 16 November 2004 is considered no longer valid.

Done in Pristina on ..... 2006 in two originals in English.

For the Government of the  
Kingdom of Sweden

For UNMIK

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