

中華民國內政部與甘比亞共和國內政部間有關 移民事務與防制人口販運合作協定

中華民國內政部與甘比亞共和國內政部(以下稱「締約雙方」)基於平等互惠之原則，促進兩國移民機關之合作；關切移民議題及跨國性犯罪，特別是防制人口販運；期能促進交流與合作，爰同意如下：

第一條 權責機關

- 一、執行本協定之權責機關為：
 - (一)在中華民國為內政部入出國及移民署。
 - (二)在甘比亞共和國為內政部移民署。
- 二、締約雙方本於國內法規範，基於職權，依據本協定各項條款，致力進行交流與合作。

第二條 合作範圍

- 一、反恐情資交流合作，共同防制人口販運及非法移民案件。
- 二、入出國管理相關技術之交流合作。
- 三、移民事務相關機制之交流合作。
- 四、人員訓練及經驗分享之交流合作。
- 五、其他經締約雙方同意之合作事項。

第三條 合作方式

為有效執行第二條之規定，締約雙方應基於平等互惠原則，合作如下：

- 一、交換犯罪資料。
- 二、從事公務上互訪。

- 三、於締約一方辦理移民領域訓練活動時，得邀請
 另一方一至三名移民官員接受訓練。
- 四、其他相互請求協助事項。

第四條 請求協助之提出

締約雙方同意以書面形式提出請求協助。但緊急情況下，經被請求方同意，得以其他形式提出，並於十日內以書面確認。

請求書應包含以下內容：請求部門名稱、請求目的、請求項目、案情摘要及執行請求所需其他資料等。如因請求書內容欠缺致無法執行請求，請求方應補充資料。

第五條 請求之拒絕

締約雙方同意因請求內容不符合雙方合作範圍或執行請求將損害被請求方之公共秩序或善良風俗等情形時，得向對方說明後拒絕協助。

第六條 請求之執行

- 一、被請求方應採取必要之措施，以確保迅速及安全的執行請求，並將執行請求之結果通知請求方。
- 二、如遇執行請求不屬於被請求方之權限範圍時，應立即通知請求方。

第七條 保密

締約雙方應確保維護彼此所提供之業務資料、文件或個人資料之機密性，如該等資料之使用有所限制

或使用在提供目的以外之其他用途或與第三者分享時，應事先取得提供方之同意。

第八條 費用

- 一、第三條第三款人員訓練經費之負擔，依個案協商定之。
- 二、依本協定受理締約一方請求時所產生之一般費用，除締約雙方另有議定外，由被請求方負擔；但如請求涉及巨額或額外之其他費用時，締約雙方應先進行磋商，以確認執行請求之條件及經費之負擔。

第九條 使用之語文

締約雙方權責機關依本協定進行合作時，應以英文作為溝通工具。

第十條 會議及諮商

締約雙方權責機關之首長或代表得舉行會議或進行諮商，以商討及改善依本協定所進行之合作。

第十一條 爭議之解決

因適用本協定所生爭議，締約雙方應儘速協商解決。

第十二條 生效、終止及修正

- 一、本協定自締約雙方最後簽署之日起生效。締約任何一方得以書面通知另一方三十天後終止其效力。
- 二、本協定得經締約雙方協商修正。

為此，締約雙方經各自政府充分授權，爰於本協定簽署，以昭信守。

本協定以中文及英文簽署並各繕製兩份，兩種文字約本同一作準。但本協定文義有歧異時，應以英文本為準。

中華民國內政部

甘比亞共和國內政部

李鴻源



部長 李鴻源

部長 HON. OUSMAN SONKO

日期：2012.8.8.

日期：17.10.2012

地點：台灣.台北

地點：BANJUL THE GAMBIA



AGREEMENT
BETWEEN
THE MINISTRY OF THE INTERIOR
OF THE REPUBLIC OF CHINA
AND
THE MINISTRY OF THE INTERIOR
OF THE REPUBLIC OF THE GAMBIA
CONCERNING COOPERATION IN IMMIGRATION
AFFAIRS AND HUMAN TRAFFICKING PREVENTION

The Ministry of the Interior of the Republic of China (ROC) and the Ministry of the Interior of the Republic of The Gambia, hereinafter referred to as “the Parties”, on the principle of equality and reciprocity, aiming at promoting cooperation between the national immigration agencies of both countries, being concerned about immigration issues and transnational crimes, especially human-trafficking prevention, and hoping to facilitate exchange and cooperation, have agreed as follows:

Article 1

Competent Authorities

1. The competent authorities that implement this Agreement are:
 - a. The National Immigration Agency of the Ministry of the Interior of the Republic of China.
 - b. The Gambia Immigration Department of the Ministry of the Interior of the Republic of The Gambia.
2. The Parties shall dedicate themselves to engaging in exchange activities and cooperation in accordance with their respective domestic laws, as set out in the provisions of this Agreement and as required by their official responsibilities and functions.

Article 2

Scope of Cooperation

1. Cooperation in the exchange of anti-terrorist intelligence and in the prevention of human trafficking and illegal immigration;
2. Cooperation in the exchange of skills related to entry and exit control;
3. Cooperation between immigration agencies;
4. Cooperation in personnel training and in the sharing of experience;
5. Other cooperative items agreed upon by the Parties.

Article 3

Forms of Cooperation

For the purpose of effectively enforcing the provisions of Article 2, the Parties shall, on the principle of equality and reciprocity, cooperate as follows:

1. To exchange criminal information;
2. To exchange visits for official business;
3. To invite one to three immigration officers from the other Party to participate in immigration training held by one of the Parties if possible;
4. To implement other mutual assistance that might be requested but not mentioned above.

Article 4

Request for Assistance

The Parties have agreed that requests for assistance shall be made in writing. In case that the situation is urgent and the requested Party has given its consent, the request for assistance may be made in some other form but shall be confirmed in writing within ten days after such a request is made.

The written request shall include the following content: The name of the department that is making the request, the purpose of the request, the particulars of the request, the summary of the case and other information necessary for meeting the request.

In case the request cannot be met due to inadequate information contained in the content, the requesting Party may be required to provide supplementary information.

Article 5

Request Refusals

The Parties have agreed that in case that the request is beyond the scope of their cooperation or that to meet the request will disrupt the public order or good practice of the country of the requested Party, it may refuse to grant the request along with an explanation.

Article 6

Meeting Requests

1. The Parties shall take necessary measures to ensure that the request can be quickly and safely satisfied and inform the requesting Party about the result of its actions to meet the request.
2. The Parties shall immediately inform the requesting Party in cases where it has no authority to satisfy the request.

Article 7

Confidentiality

The Parties shall ensure that mutually provided information, documents, and personal data are kept confidential. In case that the use of the aforementioned information is restricted or that it is not used for the purpose for which it was provided or that it is going to be shared with a third party, the consent of the Parties that provides it shall be secured in advance.

Article 8

Expenses

1. The expenses needed for personnel training as stated in subparagraph 3 of Article 3 shall be paid according to the result of negotiations conducted on a case by case basis.
2. Other expenses incurred by one of the Parties after granting a request made by the other Party in accordance with this Agreement shall be paid by the requested Party unless it is otherwise negotiated by the Parties; In cases where the request involves a large amount of expense or extra expenses, the Parties shall negotiate beforehand to affirm the conditions of the request and the defrayment of the expenses.

Article 9

Languages

The competent authorities of the Parties shall use English as the medium of their communication when they engage in cooperation in accordance with this Agreement.

Article 10

Meetings and Consultations

The leaders or representatives of the Parties may hold meetings or conduct consultations in order to discuss and improve the cooperation to be carried out in accordance with this Agreement.

Article 11

Settlement of Disputes

Disputes, arising from the application of this Agreement, shall be settled through negotiations as soon as possible by the Parties.

Article 12

Effectiveness, Termination and Amendments

1. This Agreement shall be effective on the date of the last signature by the Parties and terminate thirty days after one of the Parties notifies the other Party in writing of its termination.
2. This Agreement may be amended through negotiations by the Parties.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Government, have signed this Agreement.

Signed in duplicate in the Chinese and English languages, both texts being equally authentic. In case of divergence in the interpretation of this Agreement, the English text shall prevail.

FOR THE MINISTRY OF THE
INTERIOR OF THE REPUBLIC
OF CHINA

FOR THE MINISTRY OF THE
INTERIOR OF THE REPUBLIC
OF THE GAMBIA



Minister

Minister

LEE, HONG-YUAN

HON. OUSMAN SONKO

Date: 2012. 8. 8.

Date: 17.10.2012

Place: Taipei, Taiwan

Place: BANJUL, THE GAMBIA