

法規名稱：AGREEMENT BETWEEN THE MINISTRY OF THE INTERIOR OF THE REPUBLIC OF CHINA (TAIWAN) AND THE MINISTRY OF JUSTICE AND PUBLIC SECURITY OF THE REPUBLIC OF EL SALVADOR ON COOPERATION IN MIGRATION AFFAIRS AND HUMAN TRAFFICKING PREVENTION

簽訂日期：民國 105 年 01 月 21 日

生效日期：民國 105 年 01 月 21 日

The Ministry of the Interior of the Republic of China (Taiwan) and the Ministry of Justice and Public Security of the Republic of El Salvador, hereinafter referred to as “ the Parties, ”

Based on the principle of equality and reciprocity,

With the objective to promote cooperation between the national migration agencies of both countries,

Concerned about migration issues and transnational crimes, especially human trafficking prevention, and

Desirous of facilitating exchange and cooperation,

Have agreed as follows:

Article 1

Objective

This Agreement aims to carry out coordination and joint cooperation to protect victims of human trafficking and migrant smuggling, especially women, children and adolescents.

Article 2

Competent Authorities

1. The competent authorities that conclude and implement this Agreement are:
 - a. The Ministry of the Interior of the Republic of China (Taiwan), through the National Immigration Agency;

- b. The Ministry of Justice and Public Security of the Republic of El Salvador, through the General Directorate of Migration and Foreignness.
2. The Parties shall dedicate themselves to 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 3

Scope of Cooperation

1. Cooperation in prevention of human trafficking and migrant smuggling;
2. Cooperation in the exchange of skills related to entry and exit control;
3. Cooperation between migration agencies;
4. Cooperation in personnel training and experience sharing;
5. Other cooperative items agreed upon by the Parties.

Article 4

Forms of Cooperation

For the purpose of effectively enforcing the provisions of Article 3, the Parties shall, on the principle of equality and reciprocity, cooperate as follows:

1. Exchange of relevant information on human trafficking and migrant smuggling;
2. Exchange of official visits;
3. Invitations for one to three migration officers from one Party to participate in migration training held by the other Party, to the largest possible extent;
4. Establishment of mechanisms for the assisted repatriation of victims of human trafficking and migrant smuggling. In a case of human trafficking, a psychosocial summary of the victim may be included;
5. Establishment of protection mechanisms and immediate care of

- victims of human trafficking and migrant smuggling;
6. Establishment of other forms of mutual assistance that are requested but not mentioned above.

Article 5

Request for Assistance and Information

The Parties agree that requests for assistance shall be made in writing. In the event that a situation is urgent and the requested Party has provided 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 making the request, the purpose of the request, the particulars of the request, a summary of the case and other information necessary for meeting the request.

In the event that the request cannot be met due to inadequate information, the requesting Party may be required to provide supplementary information.

Article 6

Request Refusals

The Parties agree that, in the event that the request is beyond the scope of their cooperation or that the meeting of the request will disrupt the public order or good practices of the country of the requested Party, the requested party may refuse to grant the request, but must provide an explanation.

Article 7

Request Fulfillment

1. The requested Party 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 requested Party shall immediately inform the requesting Party in cases where it lacks authority to satisfy the request.

Article 8

Confidentiality

The Parties shall ensure that mutually provided information, documents, and personal data are kept confidential. In the event that a) the use of the aforementioned information is restricted, b) such information is not used for the purpose of this agreement, or c) such information will be shared with a third party, the written consent of the Party that provides it shall be secured in advance.

Article 9

Expenses

1. The expenses needed for personnel training as stated in subparagraph 3 of Article 4 shall be paid according to the result of negotiations conducted on a case by case basis.
2. Other expenses incurred by the requested Party in accordance with this Agreement shall be paid by the requested Party unless otherwise negotiated by the Parties.
3. In cases where the request involves a considerable expense or extra expenses, the Parties shall negotiate beforehand to affirm the conditions of the request and the defrayment of the expenses.

Article 10

Languages

The competent authorities of the Parties may use the Chinese, Spanish or English language to communicate when engaging in

cooperation in accordance with this Agreement.

Article 11

Meetings and Consultations

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

Article 12

Settlement of Disputes

Disputes arising from the interpretation or application of this Agreement shall be resolved as soon as possible through consultations between the Parties.

Article 13

Effectiveness, Termination and Amendments

1. This Agreement shall enter into force on the date of the last signature, and may be modified at any time by mutual consent of the Parties.
2. This Agreement may be terminated thirty days after one of the Parties notifies the other Party in writing of its intent to terminate it.
3. The early termination of this Agreement shall not affect the conclusion of cooperation activities formalized during its term, provided the Parties have the financial resources to complete them.

In witness whereof, the undersigned, being duly authorized by their respective governments, have signed this Agreement.

Done in duplicate in the Chinese, Spanish and English languages, all texts being equally authentic.



FOR THE MINISTRY OF THE
INTERIOR OF THE REPUBLIC
OF CHINA (TAIWAN)

CHEN, WEI-ZEN
Minister

Date: Dec. 15. 2015
Place: Taipei, Taiwan

FOR THE MINISTRY OF JUSTICE AND
PUBLIC SECURITY OF THE REPUBLIC OF
EL SALVADOR

BENITO ANTONIO LARA FERNANDEZ
Minister

Date: Jan. 21. 2016
Place: San Salvador, El Salvador