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Ad-Hoc Query on 2023.29 SE ad-hoc query on return decisions and entry bans

Requested by Sweden on 16 July 2023

Compilation produced on 5 September 2023

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden plus Norway, Serbia, Ukraine (28 in Total)

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1. BACKGROUND INFORMATION

The Swedish government has appointed a government committee with the assignment to examine some areas of the Swedish legislation related to return. The aim of the government committee is to propose new measures and amendments to existing legislation that increases the effectiveness of return.

The government committee is e.g. examining the validity of return decisions, and whether the period of validity should be extended. According to the Swedish legislation, return decisions have a limited period of validity. When the return decision is no longer valid the third-country national can once again apply for asylum in Sweden, regardless of whether they have complied with the return decision or whether they previously have had an application for asylum considered.

The government committee is also examining whether amendments to the Swedish legislation regarding entry bans could increase the effectiveness of return.

The government committee is not reviewing the legislation regarding third country nationals that are subject to return as a result of a criminal sanction. It would be helpful if the answers to the questions exempted these cases.

We apologize for launching this ad-hoc query during the summer break, but the government committee would like to have the information for a high-level meeting at the beginning of September 2023. The chair of the ad-hoc query working group has authorized the launch with a deadline of six weeks taking into consideration all the studies and informs that had already been launched by the Service Provider.

EMN Sweden thanks in advance your collaboration in collecting the information for this ad-hoc query.

We would like to ask the following questions:

1. Does the national legislation in your country provide for a limited period of validity of return decisions?

Available choices: Yes, No

2. If yes, how long are the return decisions valid, and when does the period of validity start running?

3. What are the grounds for issuing an entry ban according to your national legislation?

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4. What is the maximum duration of an entry ban in your national legislation?
5. Does the maximum duration vary depending on the grounds for the entry ban?
6. What is the most common duration of an entry ban in the application of the legislation?

We would very much appreciate your responses by **31 August 2023**.

2. RESPONSES

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		Wider Dissemination ²	
	EMN NCP Austria	Yes	1. Yes

¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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			<p>In principle, a return decision (without an entry ban) is no longer valid and cannot be enforced again once the alien leaves the country for a transit country, third country or country of origin (destination country as defined in the Return Directive). A return decision is only valid for 18 months after departure if it is issued in the course of a negative asylum decision, the alien complies with it (deportation or voluntarily), but returns again and files a subsequent asylum application (cf. Art. 12a para 6 Asylum Act). I.e. in case of a new asylum application within 18 months after departure, the return decision is revived, i.e. it is upheld and enforceable again.---Source: Ministry of the Interior</p> <p>2. In the above cases, the validity is 18 months and starts from the date of departure.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>3. In Austria, the issuance of an entry ban is always linked to a return decision (Art. 53 para 1 Aliens Police Act). Please see also Q5.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>4. In general, the maximum duration of an entry ban is 5 years (Art. 53 para 2 Aliens Police Act). If certain facts justify the assumption that the stay of the third-country national represents a serious threat to public order or security, an entry ban may be issued for up to 10 years, in specific cases for an unlimited period (Art. 53 para 3 Aliens Police Act).</p>
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			<p>---</p> <p>Source: Ministry of the Interior</p> <p>5.</p> <p>When determining the duration of the entry ban (of maximum 5 years), the Federal Office for Immigration and Asylum shall take into account the third-country national's previous conduct and the extent to which the third-country national's stay endangers public order or security or is contrary to other public interests mentioned in Art. 8 para 2 ECHR (Art. 53 para 2 Aliens Police Act). Such a danger is to be assumed, for example, in case of certain administrative violations of the Road Traffic Act (subpara 1) or in case of a marriage for the purpose of obtaining or maintaining a residence title (subpara 8). The law further lists several facts in which an entry ban with a duration of up to 10 years or with an unlimited duration may be issued (Art. 53 para 3 Aliens Police Act). An entry ban up to 10 years may be issued, for example, in case of specific final convictions (subpara 1 Aliens Police Act). An unlimited entry ban may be issued, for example, if it can be assumed that the third-country national is part of a criminal organization (subpara 5) or if they publicly promote or condone a crime against peace, a war crime or crimes against humanity (subpara 6).</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>6. Since no specific statistics are kept on the duration of entry bans used, this question cannot be answered.</p> <p>---</p> <p>Source: Ministry of the Interior</p>
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	EMN NCP Belgium	Yes	<p>1. No</p> <p>2. NA</p> <p>3.</p> <p>The answers to questions three, four and five are provided in article 74/11 of the Immigration Act of 15 December 1980 on the access to the territory, the residence, the establishment and the removal of foreigners. https://www.ejustice.just.fgov.be/eli/loi/1980/12/15/1980121550/justel</p> <p>In accordance with article 74/11 of the Immigration Law, the duration of the entry ban is fixed whilst taking into consideration all specific individual circumstances.</p> <p>§ 1. The return decision will be linked to an entry ban for a maximum of three years:</p> <ul style="list-style-type: none"> 1° when no delay is given for the voluntary return*; 2° when a migrant has not complied with a previous removal order. <p>The maximum delay can be up to five years:</p> <ul style="list-style-type: none"> 1° when the third-country national has used fraudulent or other illicit means to obtain a residence permit or has maintained his right to stay by these means; 2° when the third-country national has concluded a fraudulent marriage, partnership or adoption, with the sole objective of obtaining a residence permit or to maintain this right to stay. <p>The removal decision can be joined by an entry ban above five years when the third-country national forms a serious threat to the public order or national security.</p> <p>§ 2. The Minister or his delegate can decide not to give an entry ban when he makes an end to the right to stay of a third country national, in accordance with article 61/4 § 2, without prejudice of the stipulations of § 1, provided that this person does not form a threat</p>

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			<p>to public order or national security. The Minister or his delegate can also abstain from giving an entry ban in specific cases for humanitarian reasons.</p> <p>§ 3. The entry ban starts on the day of the notification of the entry ban decision. The entry ban cannot infringe on the right to international protection, as defined in articles 9ter, 48/3 and 48/4 of the Immigration law.</p> <p>*No delay can be given for the voluntary return in the following cases: Article 74/14 §3 of the Immigration Act of 15 December 1980 on the access to the territory, the residence, the establishment and the removal of foreigners:</p> <ul style="list-style-type: none"> • There is a risk of absconding (defined in the Aliens Act art 1 §1 11° as “the fact that there are reasons to believe that a foreigner who is the subject of a removal procedure, a procedure for the grant of international protection, or a procedure for determining or transferring to the Member State responsible for examining the request for international protection, with a view to the criteria listed in § 2, will abscond.”); • The TCN did not comply with the prescribed preventive measures; • The TCN poses a threat to public order or national security; • Residence of the TCN was terminated or revoked under the provisions of Article 11, § 2, 4°; Article 13, § 4, 5°; Article 74/20; or Article 74/21; • The request for international protection of the TCN was declared inadmissible under Article 57/6, §3, paragraph 1, 5° or considered manifestly unfounded under Article 57/6/1, §2. <p>An entry ban is not given to persons who comply with the order to leave the country on a voluntary basis unless there are public order issues. In general, an entry ban is not given when the person receives a first return decision.</p>
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			<p>In practice, a cascade system is applied in determining the duration of the ENTRY BAN, ranging from 2 years to 20 years, taking into account only illegal stay (2 years), public order, fraud, convictions, the severity of the sentence, and threat to national security.</p> <p>4. The answers to questions three, four and five are provided in article 74/11 of the Immigration Act of 15 December 1980 on the access to the territory, the residence, the establishment and the removal of foreigners. https://www.ejustice.just.fgov.be/eli/loi/1980/12/15/1980121550/justel In accordance with article 74/11 of the Immigration Law, the duration of the entry ban is fixed whilst taking into consideration all specific individual circumstances.</p> <p>§ 1. The return decision will be linked to an entry ban for a maximum of three years: 1° when no delay is given for the voluntary return*; 2° when a migrant has not complied with a previous removal order.</p> <p>The maximum delay can be up to five years: 1° when the third-country national has used fraudulent or other illicit means to obtain a residence permit or has maintained his right to stay by these means; 2° when the third-country national has concluded a fraudulent marriage, partnership or adoption, with the sole objective of obtaining a residence permit or to maintain this right to stay.</p> <p>The removal decision can be joined by an entry ban above five years when the third-country national forms a serious threat to the public order or national security.</p> <p>§ 2. The Minister or his delegate can decide not to give an entry ban when he makes an end to the right to stay of a third country national, in accordance with article 61/4 § 2, without prejudice of the stipulations of § 1, provided that this person does not form a threat to public order or national security. The Minister or his delegate can also abstain from giving an entry ban in specific cases for humanitarian reasons.</p>
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		<p>§ 3. The entry ban starts on the day of the notification of the entry ban decision. The entry ban cannot infringe on the right to international protection, as defined in articles 9ter, 48/3 and 48/4 of the Immigration law.</p> <p>*No delay can be given for the voluntary return in the following cases: Article 74/14 §3 of the Immigration Act of 15 December 1980 on the access to the territory, the residence, the establishment and the removal of foreigners:</p> <ul style="list-style-type: none"> • There is a risk of absconding (defined in the Aliens Act art 1 §1 11° as “the fact that there are reasons to believe that a foreigner who is the subject of a removal procedure, a procedure for the grant of international protection, or a procedure for determining or transferring to the Member State responsible for examining the request for international protection, with a view to the criteria listed in § 2, will abscond.”); • The TCN did not comply with the prescribed preventive measures; • The TCN poses a threat to public order or national security; • Residence of the TCN was terminated or revoked under the provisions of Article 11, § 2, 4°; Article 13, § 4, 5°; Article 74/20; or Article 74/21; • The request for international protection of the TCN was declared inadmissible under Article 57/6, §3, paragraph 1, 5° or considered manifestly unfounded under Article 57/6/1, §2. <p>An entry ban is not given to persons who comply with the order to leave the country on a voluntary basis unless there are public order issues. In general, an entry ban is not given when the person receives a first return decision.</p> <p>In practice, a cascade system is applied in determining the duration of the ENTRY BAN, ranging from 2 years to 20 years, taking into account only illegal stay (2 years), public order, fraud, convictions, the severity of the sentence, and threat to national security.</p>
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			<p>5. The answers to questions three, four and five are provided in article 74/11 of the Immigration Act of 15 December 1980 on the access to the territory, the residence, the establishment and the removal of foreigners. https://www.ejustice.just.fgov.be/eli/loi/1980/12/15/1980121550/justel In accordance with article 74/11 of the Immigration Law, the duration of the entry ban is fixed whilst taking into consideration all specific individual circumstances.</p> <p>§ 1. The return decision will be linked to an entry ban for a maximum of three years:</p> <ul style="list-style-type: none"> 1° when no delay is given for the voluntary return*; 2° when a migrant has not complied with a previous removal order. <p>The maximum delay can be up to five years:</p> <ul style="list-style-type: none"> 1° when the third-country national has used fraudulent or other illicit means to obtain a residence permit or has maintained his right to stay by these means; 2° when the third-country national has concluded a fraudulent marriage, partnership or adoption, with the sole objective of obtaining a residence permit or to maintain this right to stay. <p>The removal decision can be joined by an entry ban above five years when the third-country national forms a serious threat to the public order or national security.</p> <p>§ 2. The Minister or his delegate can decide not to give an entry ban when he makes an end to the right to stay of a third country national, in accordance with article 61/4 § 2, without prejudice of the stipulations of § 1, provided that this person does not form a threat to public order or national security. The Minister or his delegate can also abstain from giving an entry ban in specific cases for humanitarian reasons.</p> <p>§ 3. The entry ban starts on the day of the notification of the entry ban decision. The entry ban cannot infringe on the right to international protection, as defined in articles 9ter, 48/3 and 48/4 of the Immigration law.</p>
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		<p>*No delay can be given for the voluntary return in the following cases: Article 74/14 §3 of the Immigration Act of 15 December 1980 on the access to the territory, the residence, the establishment and the removal of foreigners:</p> <ul style="list-style-type: none"> • There is a risk of absconding (defined in the Aliens Act art 1 §1 11° as “the fact that there are reasons to believe that a foreigner who is the subject of a removal procedure, a procedure for the grant of international protection, or a procedure for determining or transferring to the Member State responsible for examining the request for international protection, with a view to the criteria listed in § 2, will abscond.”); • The TCN did not comply with the prescribed preventive measures; • The TCN poses a threat to public order or national security; • Residence of the TCN was terminated or revoked under the provisions of Article 11, § 2, 4°; Article 13, § 4, 5°; Article 74/20; or Article 74/21; • The request for international protection of the TCN was declared inadmissible under Article 57/6, §3, paragraph 1, 5° or considered manifestly unfounded under Article 57/6/1, §2. <p>An entry ban is not given to persons who comply with the order to leave the country on a voluntary basis unless there are public order issues. In general, an entry ban is not given when the person receives a first return decision.</p> <p>In practice, a cascade system is applied in determining the duration of the ENTRY BAN, ranging from 2 years to 20 years, taking into account only illegal stay (2 years), public order, fraud, convictions, the severity of the sentence, and threat to national security.</p> <p>6. The most common are the durations of 2 to 4 years. Entry bans issued during the first six months of 2023: Total: 3435</p>
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			Two years: 323 (9.4 %) - 3 years: 2421 (70.5 %) - 4 years: 42 (1.2 %)- 5 years: 2 (0.1 %)- 6 years: 108 (3.1 %) - 8 years: 354 (10.3 %) - 10 years: 123 (3.6 %) - 15 years: 52 (1.5 %)- 20 years: 10 (0.3 %)
	EMN NCP Bulgaria	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. According to the Law on Foreigners in the Republic of Bulgaria, an entry ban shall be issued when:</p> <ul style="list-style-type: none"> • a foreigner with his activities has put or could put in danger the international relations, the security or the interests of Bulgaria or there are data that he acts against the national security; • the foreigner fails to fulfil his obligation to return. <p>4. 5 years</p> <p>5. No</p> <p>6. 3 years</p>


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	EMN NCP Croatia	Yes	<p>1. Yes</p> <p>2. 5 years from delivering the decision to TCN</p> <p>3. The Croatian Aliens Act provides for the issuing an entry ban in an expulsion decision on two grounds:</p> <ol style="list-style-type: none"> 1. expulsion on grounds of threat to public policy, national security and public health and 2. expulsion on grounds of illegal stay. <p>Reasons for expulsion on the grounds of threat to public policy, national security and public health are commission of criminal offenses, but also when TCN:</p> <ul style="list-style-type: none"> - facilitates illegal entry, transit or stay - enters into a marriage or a life partnership out of convenience - commits a misdemeanour offence under the regulations on the employment and work of TCNs, regulations on the prevention of riots at sports events, regulations on public order and peace, weapons, narcotic drug abuse, and regulations in the area of customs duties and other taxes - commits a misdemeanour involving violence - poses threat to national security. <p>On the grounds of illegal stay TCN can be expelled if:</p> <ul style="list-style-type: none"> • he fails to leave the EEA or the Republic of Croatia within the time limit set by the return decision • he entered the EEA or the Republic of Croatia prior to the expiry of the entry ban • a return decision is not to be issued for him because there is a risk of avoidance, or his application for a residence permit has been rejected as manifestly unfounded or fraudulent, or if he can be forcibly removed to an EEA member state on the basis of a readmission agreement.
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			<p>4. 20 years</p> <p>5. Yes. An entry ban imposed by the expulsion decision on the grounds of threat to public policy, national security and public health cannot last less than three months nor more than 20 years. An entry ban imposed by the expulsion decision on the grounds of illegal stay cannot be shorter than three months or longer than five years.</p> <p>6. Most common duration of an entry ban is one year, usually on grounds of illegal entry and stay.</p>
	EMN NCP Cyprus	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. Always on an ad-hoc basis, depending on the personal circumstances of the returnee.</p> <p>4. 5 years, unless the returnee is considered a threat to public order and/or public security, where the entry ban may exceed 5 years.</p> <p>5. Yes. For the duration of the entry ban, the following are taken under consideration</p> <ul style="list-style-type: none"> - The previous status of the returnee (e.g. for rejected asylum seekers, usually no entry ban is imposed) - The existence of previous return decisions and/or previous absconding


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			<p>- The participation of the returnee in a AVR project (e.g. to returnees that receive pre-return cash incentive, an entry ban of 5 years is usually imposed)</p> <p>6. 5 years, as the majority of the returnees receive pre-return cash incentive. In these cases, usually an entry ban of 5 years is imposed.</p>
	EMN NCP Czech Republic	Yes	<p>1. Yes</p> <p>2. CZ issues two types of return decisions: a) return decision without entry ban – valid until departure, b) return decisions with entry ban – valid for the duration of entry ban. In case of return decision without entry ban (type a), the return decision is valid until departure (i.e. no fixed duration). In case of return decision with entry ban (type b), it starts running from the moment of departure from EU (thanks to SIS, we know the date).</p> <p>3. CZ issues type b (entry bans) in majority of cases. The law recognizes 14 reasons for issuing return decision with entry ban. Among these reasons are: classical illegal stay, not having a passport, threat to public order, illegal crossing of internal border, avoiding residence check, etc.</p> <p>4. The maximum duration of entry ban is 10 years.</p> <p>5. Yes, up to 10 years – threat to the security of the state or serious threat to public order (see Return Directive).</p>



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			<p>6. We do not have exact data, the very rough estimate is around 2 years (definitely not more than 5 years).</p>
	EMN NCP Estonia	Yes	<p>1. No</p> <p>2. A return decision is valid as of the date of communication of the decision until the obligation to leave is performed.</p> <p>3. Legislative act on entry bans, the Obligation to Leave and Prohibition on Entry Act (link: https://www.riigiteataja.ee/en/eli/510042023009/consolide), does not expressly point out the grounds for imposing an entry ban. The legal provision is that entry ban shall be imposed in case of voluntary leave for three years and in case of forced return for the period of five years, unless is it disproportionate taking account every case. The entry ban may be left unapplied for humanitarian reasons.</p> <p>4. If person is refused the granting of a term for voluntary leave, the entry ban shall be applied for the period of five years. If the term of an entry ban is disproportionate taking account of all the relevant circumstances, the entry ban may be applied for a shorter term.</p> <p>5. Maximum duration of an entry ban is not imposed automatically on all return decisions, it is issued on a case by case basis.</p>

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			6. Estimatedly most common duration of an entry ban is up to 3 years.
	EMN NCP Finland	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. A return decision may include an entry ban if the overall consideration doesn't lead to different outcome. An entry ban is imposed if no time limit has been set for voluntary return or if the applicant has not left the country voluntarily within the fixed time limit.</p> <p>4. The maximum duration is 5 years if the entry ban is not based on criminal sanctions. If entry ban is based on criminal sanctions, then entry ban may be until further notice.</p> <p>5. Yes, see above.</p> <p>6. The most common duration of an entry ban is two years.</p>
	EMN NCP France	Yes	<p>1. No</p> <p>2. NO - French law does not provide for the lapse of return decisions. The return decision has effect as soon as it is notified (a formality whereby a procedural act or decision is brought to the attention of a person).</p>

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			<p>A foreign national who is issued a return decision remains obliged to enforce it. The return decision ceases to be valid only at the time of its enforcement (when the foreign national leaves the territory of the Member States of the European Union or parties to the Schengen area), its repeal by the administration or its annulment by a court.</p> <p>Although national law limits to one year the period during which a return decision may form the basis of a measure of house arrest or detention with a view to its enforcement (Articles L. 731-1 and L. 741-1 of the French code for the entry and stay of foreign nationals and right to asylum - CESEDA), that restriction does not in any way establish a limited period of validity: it has the sole effect of obliging the administration to review its decision before implementing it when more than a year has elapsed, in order to take account of any new factual or legal circumstances.</p> <p>3.</p> <p>Where the foreign national has a period for voluntary departure, the administration decides on a case-by-case basis to issue an entry ban (Article L. 612-8 of CESEDA), taking into account the following four criteria: the duration of the foreign national's presence on French territory, the nature and length of their links with France, whether or not they have already been expelled and poses a threat to the public policy represented by their presence on French territory (Article L. 612-10).</p> <p>On the other hand, the administration must issue an entry ban where it has refused to grant a period for voluntary departure (Article L. 612-6 of CESEDA) in order to leave the territory or where the foreign national has failed to comply with the prescribed period for departure (Article L. 612-7 of CESEDA).</p> <p>In any case, humanitarian circumstances may justify the administration not issuing an entry ban. In addition, the imposition of an entry ban on persons who are victims of</p>
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			<p>trafficking in human beings is subject to conditions (Article L. 612-9 of CESEDA), in accordance with Article 11(3) of Directive 2008/115/EC.</p> <p>4. The maximum duration of the entry ban is two years where the foreign national has been granted a period for voluntary departure (Articles L. 612-7 and L. 612-8 of CESEDA). It is three years if not (Article L. 612-6 of CESEDA). The draft law currently under discussion in Parliament (draft law to control immigration, improve integration) envisages extending these periods to five years. The entry ban may be extended for a maximum period of two years if the foreign national has remained in the territory irregularly or has returned to it without being authorised to do so (Article L. 612-11 of CESEDA). However, in view of any extensions decided, the total duration of the entry ban may not exceed five years, unless there is a serious threat to public policy (Article L. 612 12 of CESEDA).</p> <p>5. Yes. In compliance with the maximum limits laid down by law (see Q4), the administrative authority assesses the duration of the entry ban on a case-by-case basis, taking into account four criteria: the duration of the foreign national's presence on French territory, the nature and length of their links with France, whether or not they has already been expelled and poses a threat to the public policy represented by their presence on French territory (Article L. 612-10 of CESEDA).</p> <p>6. One, two or three years, however, France does not have statistics on this point.</p>
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	EMN NCP Germany	Yes	<p>1. No</p> <p>2. n/a</p> <p>3. In accordance with Section 11 of the German Residence Act (available in English online under https://www.gesetze-im-internet.de/englisch_aufenthg/index.html), an entry and residence ban is issued for foreigners who have been</p> <ol style="list-style-type: none"> 1. <ol style="list-style-type: none"> a. expelled (Section 53 of the Residence Act), b. removed (Section 57 of the Residence Act), or c. deported (Section 58 of the Residence Act). d. Furthermore, it may be issued for foreigners who failed to leave the country within a certain time period or e. in certain cases of rejection of an asylum application. <p>4. A discretionary decision is taken regarding the length of the time limit of the entry and residence ban. As a rule, the entry ban may not exceed five years. In cases of d. and e. (see 3.), the entry ban may not exceed three years. Under certain circumstances, the issuance of unlimited entry bans is possible (Section 11 para 5b in conjunction with § 58a of the Residence Act).</p> <p>5. Yes. For reasons of public order, public security or national security, the entry ban may be extended to up to 10 or 20 years (Section 11 para 5 and 5a of the Residence Act).</p>

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			6. The decision regarding the length is taken discretionary and depends on the individual case. In the cases of d. and e. (see 3.), as a general rule, the first time a ban on entry and residence is ordered, its length is not to exceed one year.
	EMN NCP Greece	Yes	<p>1. Yes</p> <p>2. A return decision generally remains in effect/is valid until it is implemented/executed, revoked or annulled. In particular, the registration (in the National List of Inadmissible third country nationals) automatically ceases to be valid:</p> <ul style="list-style-type: none"> a. Upon the expiry of the period of validity of the registration decision, b. from the revocation or annulment of the administrative decision of deportation or return on the basis of which the registration was made, c. from the issuance of a decree by the competent Council of Magistrates for minor offences, allowing the return of the third country national to the country and for the period of time defined in the decree, d. when it is annulled the court decision that imposed the deportation, e. when is suspended the execution of deportation or return by the competent court and for as long as this suspension lasts. <p>In addition, registration on the list of Inadmissible third country nationals automatically ceases to be valid upon the granting or renewal of a residence permit. It is pointed out that according to relevant Circular, the deletion from the above list in case of granting a residence permit, in no way concerns third country nationals who have been registered on</p>


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			<p>the list for reasons of public order and security, but only third country nationals who have been registered due to reasons of previous illegal residence.</p> <p>Regarding judicial deportations, that had been imposed on the basis of a prison sentence ceased to be valid and were not carried out since the publication of L.4322/2015. Registrations in the national list of Inadmissible third country nationals against whom judicial deportation had been imposed (on the basis of a prison sentence until the entry into force of Law 4055/2012), were automatically deleted after the expiry of the time period of the entry ban determined by the competent Council of Magistrates for minor offences (l. 4055/2012). In case that such a period had not been determined, the registrations were automatically deleted after ten (10) years since the execution of the first deportation decision, as long as the relevant decree had not been issued within a period of six (6) months from the entry into force of a relevant ministerial decision of 2017. Finally, judicial expulsions were abolished by L.4619/2019 (GG A'95).</p> <p>3.</p> <p>The following persons are registered in the National List of Inadmissible foreigners:</p> <p>(a) Foreign nationals against whom a judicial or administrative Decision of return/deportation was issued, as long as they have not complied with the obligation to return,</p> <p>(b) Foreigners whose presence in Greek territory constitutes a threat to national security, public security or order. Such a threat exists in particular when against the foreigner there are adequate indications that he has committed a serious criminal act or indications that he has carried out preparatory acts for the commission of such an act (Article 96 of the Convention on the Implementation of the Schengen Agreement - S.E.S.S.),</p> <p>c) Foreign nationals against whom there are public health reasons, as defined in article 76 of Law 3386/05.</p>
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			<p>4. Foreigners who are registered in the national list of Inadmissible foreigners are simultaneously registered in the Schengen Information System, as long as the conditions of article 94 of the S.E.S.S. are met. The duration of validity of the registration the national list is determined by the body deciding on the registration, based on the reasons for which it is imposed and does not exceed five (5) years. The above registration period is possible, to exceed five years in the event that the foreigner poses a serious threat to national security, public security or order, as well as in the event that a criminal court decision imposes deportation and a ban on re-entry of the foreigner to the country, for as long as is specified to the decision. Every case of registration in the national list, is reviewed ex officio every three years.</p> <p>5. See reply in question 4.</p> <p>6. Since the issuance of a return decision is always taken on an individual level, it is not possible to answer this specific question.</p>
	EMN NCP Hungary	Yes	<p>1. Yes</p> <p>2.</p> <p>The period of validity of return decisions starts running after missing the deadline.</p>

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			<p>The return decision itself does not lapse by law, the obligation to leave remains valid. According to Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals (hereinafter referred to as SIS regulation 2018/1860) which orders to apply the review rules of Regulation (EU) 2018/1861, alerts shall be kept only for the time required to achieve the purposes for which they were entered. An issuing Member State shall, within three years of the entry of an alert into SIS, review the need to retain it. However, if the national decision on which the alert is based provides for a longer period of validity than three years, the alert shall be reviewed within five years.</p> <p>On the basis of Section 89 of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals (hereafter referred to as ARRTN Act) if the client fails to comply with the immigration authority's instruction set out in its definitive decision, it shall be deemed enforceable. Enforcement shall be ordered by means of a ruling, unless otherwise provided by the ARRTN Act.</p> <p>Referring to the Section 90 of the ARRTN Act:</p> <ol style="list-style-type: none"> 1. Any other obligation – other than a payment obligation – ordered by the immigration authority shall expire after five years from the date when the relevant decision became definitive. 2. The term of limitation of a right of enforcement shall be interrupted by any act of enforcement. 3. The term of limitation shall be dormant for the duration of suspension of the enforcement procedure. 4. Ten years after the time specified in Subsection (1) the resolution may not be executed.
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			<p>The right to enforce a return decision is five years, in special cases it is ten years; however, return decisions are reviewed after 12 months currently.</p> <p>3. The immigration authority shall independently order the exclusion of a third-country national whose whereabouts are unknown or who resides outside the territory of Hungary, and:</p> <ol style="list-style-type: none"> 1. who must not be allowed to enter the territory of Hungary under international commitment; or 2. who is to be excluded by decision of the Council of the European Union; 3. whose entry and residence represents a threat to national security, public security or public policy; 4. who has failed to repay any refundable financial aid received from the State of Hungary; 5. who has failed to pay any instant fine or a fine imposed in conclusion of a misdemeanour proceeding within the prescribed deadline, and there is no possibility to enforce it; 6. who did not pay the customs penalty imposed by final decision under the Act on the Implementation of Union Customs Law, or if the enforcement thereof is not possible. <p>The duration of exclusion that was ordered independently shall be determined by the competent aliens policing authority, for a period of up to three years, and it may be extended by a maximum of three additional years at a time. An exclusion order shall be cancelled forthwith when the grounds therefore no longer exist.</p>
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			<p>Pursuant to Section 47 of the ARRTN Act, unless the Act provides otherwise, an entry and stay ban shall also be ordered with aliens policing expulsion when the aliens policing authority orders the deportation of the third-country national.</p> <p>Based on the reasons for expulsion defined by law or an expulsion order adopted by the asylum authority, the aliens policing authority may order an entry and stay ban in view of the nature and severity of the infringement, the personal circumstances of the third-country national and the threat of their repeated entry and stay on public order, public security or national security.</p> <p>Where expulsion is ordered by the court, the aliens policing authority shall record in the immigration register the duration of the exclusion order consistent with the expulsion ordered in accordance with the length of time shown in the court's decision.</p> <p>The duration of the ban on entry and stay ordered either together with the expulsion or in a separate decision must be defined in years and may not be for longer than five years, except when the stay of a third-country national in the territory of Hungary would impose a threat to public order, public security or national security. In the later case the maximum duration is ten years.</p> <p>If during the aliens policing procedure the immigration authority orders a ban on entry and stay, it conducts an assessment process before establishing its duration. During the assessment, the authority checks all circumstances of the case. In general, the authority orders a ban on entry and stay for a longer period if the client intended to deceive the authorities, or exhibited an infringing conduct during the procedure on a number of times, or refuses or pretends co-operation with the authorities.</p> <p>4. The maximum duration of an entry ban is five or ten years, based on criminal judgement.</p> <p>5.</p>
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			<p>According to the Subsection (5) and (6) of Section 47 of the ARRTN Act the duration of the entry and residence ban ordered by expulsion or in an independent decision must be determined in years and must be ordered for a maximum of five years, unless the stay of the third-country national in the territory of Hungary would seriously endanger public order, public security or national security. In this case, the entry and residence ban may be ordered for a maximum of ten years.</p> <p>6. The duration of entry bans is based on individual deliberation.</p>
	EMN NCP Ireland	Yes	<p>1. No Ireland does not participate in the Return Directive 2008/115/EC. Return of irregular migrants is covered under national law under section 3 of the Immigration Act 1999 (as amended) and of unsuccessful protection applicants under section 51 of the International Protection Act 2015. Procedure for irregular migrants under the Immigration Act 1999 (as amended)Section 3 of the Immigration Act 1999 (as amended) provides that the Minister may make a deportation order which requires any non-national specified in the order to leave the State within such period as may be specified in the order and to remain thereafter out of the State. The making of the deportation order is subject to non-refoulement considerations. Voluntary return is possible up to the making of the deportation order, except for persons convicted of a serious offence, as defined, or where there are reasonable grounds to consider the person as a threat to security of the State. This has been recently been enacted into legislation through the Courts and Civil Law (Miscellaneous Provisions) Act 2023. Under section 3 of the Immigration Act 1999, the person who is the subject of the deportation order is first notified by the Minister of the proposal to make a deportation order. The subject of the deportation order may make</p>


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			<p>representations as to why they should be granted leave to remain. If these representations are unsuccessful, the individual will be notified that they have been unsuccessful (section 3(3)(b)(ii) of the Immigration Act 1999). The deportation order will be made on this basis. Procedure for unsuccessful protection applicants under the International Protection Act 2015 As part of the single procedure under the International Protection Act 2015, permission to remain on non-protection grounds is considered under section 49 of the International Protection Act 2015. If a protection applicant is refused refugee status, subsidiary protection and permission to remain on non-protection grounds, they have 30 days to notify that they wish to avail of voluntary return. Voluntary return may be refused in accordance with the provisions of section 48 of the International Protection Act 2015 in cases where there are reasonable grounds for regarding the person concerned as a danger to the security of the State, or, where the person having been by a final judgment convicted, whether in the State or not, of a particularly serious crime, constitutes a danger to the community of the State. A protection applicant who has been refused refugee status, subsidiary protection and permission to remain on non-protection grounds and who has not opted for voluntary return, will be issued a deportation order under section 51 of the International Protection Act 2015, subject to non-refoulement considerations. Section 51 of the International Protection Act 2015 provides that a deportation order shall require the specified person to leave the State and thereafter to remain outside the State. Under section 51, the person shall be notified of the making of the deportation order, and the deportation order shall be construed as a deportation order under section 3 of the Immigration Act 1999. The deportation orders include the relevant statutory provisions, the name of the person to whom the deportation order relates, and the time period during which that person is expected to leave the State. Failure to adhere to the relevant provisions will result in the order being enforced. The deportation order is served on the person who is the subject of the deportation order. The subject of the deportation order is sent an accompanying letter.</p>
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			<p>The letter states that, by law, the subject of the deportation order must present at the Office of the Garda National Immigration Bureau (GNIB) on a specified date and time to make arrangements for deportation from the State. The GNIB will enforce the order. The deportation order will remain extant until either the Minister decides to amend or revoke a deportation order, or where a person who is the subject of a deportation order submits a request that the deportation be revoked due to a change in the individual's circumstances as set out in section 3(6) of the Immigration Act 1999. Only in cases where the individual consents to the making of the deportation order will the order expire after a period of 3 months if not effected.</p> <p>2. They have immediate effect and remain valid indefinitely.</p> <p>3. All deportation orders contain an entry ban.</p> <p>4. A deportation order requires the subject of the deportation order to remove themselves from the State and thereafter remain outside the State. Therefore an entry ban is indefinite unless the deportation order is revoked.</p> <p>5. N/A</p> <p>6. N/A</p>
	EMN NCP Italy	Yes	<p>1. No</p> <p>2. N/A</p>


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			<p>3. The issuing of a return decision automatically entails a re-entry ban.</p> <p>4. National legislation foresees that a re-entry ban has a duration of a minimum of three years and a maximum of five years. For persons who are subject to a return decision on the grounds of social dangerousness, the legislation allows the application of a re-entry ban of more than five years, the duration of which is to be determined on a case-by-case basis.</p> <p>5. Yes, it does.</p> <p>6. Three to five years.</p>
	EMN NCP Latvia	Yes	<p>1. Yes General rule of administrative acts according to Administrative Procedure Law is that, decision is valid for 5 years.</p> <p>2. In relation to return decision, Immigration law prescribes that in voluntary return decision is set a time period for voluntary departure (max.30 days). The validity starts from moment, when a person is informed about decision. In some special cases (family or social ties in Latvia, the foreigner has a minor child who is attending an education institution in the Republic of Latvia), the time period for departure could be extend for a period not exceeding one year. If a person does not fulfill voluntary return decision (there are no extension of departure term, no appeal to court, no asylum application etc.), there is ground for issuing forced return decision.</p>

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			<p>3. Entry ban is issued if a person has violated entry or residence rules and also, if the foreigner has failed to execute a voluntary return decision within the specified period of time. The legal ground for issuing entry ban prescribed in Immigration Law.</p> <p>4. In return cases maximum duration of an entry ban is 3 years.</p> <p>5. In return cases duration of an entry ban can vary from 30 days to 3 years.</p> <p>6. Most common duration of an entry ban is 3 months to 1 year.</p>
	EMN NCP Lithuania	Yes	<p>1. Yes</p> <p>2. The decision on voluntary return provides a term of 7 to 30 days, during which a foreigner has to voluntarily leave the Republic of Lithuania. The term begins from the date of delivering the decision to the foreigner. If there is a reason to believe that the foreigner may go into hiding, the term may be set shorter than 7 days or there may be no term set for leaving voluntarily. On the other hand, the term for leaving Lithuania voluntarily may also be extended, considering the circumstances listed under Article 128 of the Law on the Legal Status of Foreigners (the length of residence in Lithuania, family relations with persons residing in Lithuania; social, economic and other ties with Lithuania, including whether the foreigner has minor children who attend school in Lithuania; the nature and scale of the legal violation). However, the total length of the term for voluntary departure may not exceed 60 days. Decisions on deportation must be carried out immediately unless there are circumstances for their suspension. According to Article 128 of the Law on the Legal</p>


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			<p>Status of Foreigners, a deportation decision may be suspended for various reasons, including the refusal of the country to which a foreigner has to be deported to accept the foreigner; for health reasons; due to circumstances (i.e. the foreigner does not have a valid travel document, it is not possible to obtain travel tickets etc.). Once these reasons for suspension are no longer present, the deportation decision must be implemented immediately. If these reasons have not been resolved in a year and the foreigner who has to be deported has not been detained, then the foreigner is issued a temporary residence permit for one year. Once this temporary residence permit expires a year later, it is evaluated whether the reasons for the suspension are no longer present and whether the suspended deportation decision can be implemented.</p> <p>3. The grounds for refusing a foreigner entry to the Republic of Lithuania are listed in Article 133 of the Law on the Legal Status of Foreigners.</p> <p>An entry ban may be issued if</p> <ol style="list-style-type: none"> 1. a foreigner was refused a visa or the visa was canceled; 2. a foreigner was refused a temporary residence permit or the temporary residence permit was canceled; 3. a foreigner was refused entry; 4. a foreigner was subject to voluntary or forced return; 5. a foreigner attempted to leave or left Lithuania illegally; 6. a foreigner did not have the right to live in Lithuania and did not fulfill his/her duties to the customs or has not paid the fines; 7. a foreigner was deported; 8. a foreigner might pose a threat to state security or public order; 9. a foreigner was refused asylum or the asylum application process was terminated or the asylum was withdrawn, when this followed by return or deportation
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			<p>4. Typically, the length of the ban is from 1 to 5 years. However, if a foreigner poses a threat to national security, the foreigner may be banned for 10 years.</p> <p>5. Yes. Typically, the term of the entry ban is up to 5 years. A ten-year period may be set if a foreigner is determined to pose a threat to national security or public order. A one-year entry ban is imposed in return decisions involving foreigners who stayed in the Republic of Lithuania or/and other Schengen countries illegally for fewer than 90 days. The duration varies both depending on the grounds for the entry ban and the various individual and particular circumstances (e.g. the presence or absence of family relations in Lithuania, the foreigner's actions or inactions, etc.). The list of circumstances that influence the duration of an entry ban is detailed by an order of the Director of the Migration Department.</p> <p>6. The most common duration of an entry ban is up to 3 years.</p>
	EMN NCP Luxembourg	Yes	<p>1. No The amended law of 29 August 2008 on free movement of persons and immigration does not foresee a period of validity for the return decision. Article 111 (1) of the amended law of 29 August 2008 expressly indicates that return decisions, declaring a foreigner's stay to be irregular, are accompanied by an obligation requiring the foreigner who is present on the territory to leave, and shall state the time allowed for doing this voluntarily together with the country to which s/he will be returned in the event of enforcement by the authorities of the decision in question but there is no validity limit.</p>



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			<p>2. N/A.</p> <p>3. In Luxembourg, the entry ban is not issued automatically with the order of removal (return decision), except if the TCN who was ordered to leave the territory did not comply with the deadline granted or if s/he represents a danger against public order, public safety or public health. The entry ban can be issued simultaneously with the return decision or in a separate document issued afterwards.</p> <p>4. In accordance with article 122 (1) of the Immigration Law the entry ban can be issued for a maximum of five years, either at the same time as the return decision, or by a separate decision. The Minister will take into consideration the circumstances of each case. The period of the entry ban may be longer than five years if the foreign national poses a serious threat to public order public safety or national security.</p> <p>5. In Luxembourg there is no catalogue of conducts that can determine the specific duration of the entry ban. As mentioned in the answer to Q.4, the duration of the entry ban will be determined by the Minister based on the specific circumstances of the case (i.e. refusal to leave voluntarily, forced removal) and the threat that the individual represents for public order, public safety or public health.</p> <p>6. The most common period of time for an entry ban is five years. It is applicable when the TCN does not have any identity documents and does not cooperate with the Grand-ducal Police in order to establish his/her identity. The same period applies to those persons who abscond in order to evade the return procedure.</p>
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	EMN NCP Malta	No	
	EMN NCP Netherlands	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. In the Netherlands an entry ban <u>will be</u> issued according to the Return Directive:</p> <ul style="list-style-type: none"> • If no period for voluntary departure has been granted; • If the third-country national does not comply with the return decision during the period for voluntary departure. <p>According to national legislation, an entry ban will be issued:</p> <ul style="list-style-type: none"> • if the third-country national has overstayed the permit-exempt term for more than three days; • if the third-country national no longer fulfills the general rules of the permit-exempt term; • if the third-country national as an asylum seeker has got little chance to get asylum and withdraws his asylum application; • the Immigration and Naturalisation Service (Immigratie- en Naturalisatiedienst, IND) withdraws or does not extend the regular residence permit (this is not an asylum residence permit) of the third-country national, while the third-country national still fulfils the residence purpose. The permit has been withdrawn or not extended for a different reason.

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			<p>4. According to Article 6.5a, sub 1, Aliens Decree (Vb) 2000, the maximum duration of an entry ban for third-country nationals is two years. The maximum duration can however be 10 years if the third-country national represents a serious threat to public policy or public security (sub 5, Article 6.5a). Or the maximum duration can be 20 years if the third-country national is a serious threat to national security (sub 6, Article 6.5a).</p> <p>5. Yes, the maximum duration varies on the grounds for the entry ban. The decision states how long the entry ban lasts. This depends on the situation:</p> <ul style="list-style-type: none"> • 1 year: for an overstay of over 3 and up to 90 days. • 2 years: usual period. For example, the third-country national has received a return decision and has not left the Netherlands and other EU countries in time. • 10 years: if the third-country national is a serious threat to public policy or public security. • 20 years: if the third-country national is a serious threat to national security.[1] <p>[1] Immigration and Naturalisation Service (IND), https://ind.nl/en/entry-ban, last accessed on 18 July 2023.</p> <p>6. Usually an entry ban lasts 2 years.[1]</p> <p>[1] Immigration and Naturalisation Service (IND), https://ind.nl/en/entry-ban, last accessed on 18 July 2023.</p>
	EMN NCP Poland	Yes	<p>1. No</p> <p>National legislation in Poland does not provide for the possibility of limiting period of validity of return decisions solely by the fact that by some date (or for some period) it has</p>

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			<p>not been executed by the foreigner (independently or by forced-return). However, according to Article 306 of the Act of 12 December 2013 on foreigners, the decision to oblige a foreigner to return expires by the power of law if he/she:1) has refugee status or enjoys subsidiary protection;1a) holds a permanent residence permit or a long-term EU residence permit on the territory of the Republic of Poland;2) is staying on the territory of the Republic of Poland on the basis of a permit referred to in Art. 176 (i.e., a temporary residence permit for victims of trafficking in human beings), or Article 187 Item 6 (his/her stay on the territory of the Republic of Poland is necessary due to the need to respect the right to family life within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950, and the foreigner is staying on the territory of the Republic of Poland illegally),or Article 187, Item 7 (his/her departure from the territory of the Republic of Poland would violate the rights of the child, as set out in the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989 (Journal of Laws of 1991, item 526, of 2000, item 11 and of 2013, item 677), to a degree which significantly endangers the child's psychophysical development, and the foreigner is staying on the territory of the Republic of Poland illegally);2a) has received the decision referred to in Article 393b, Section 1 (i.e., if another Member State responsible for processing an application for international protection under Regulation 604/2013 agrees to take over the foreigner as referred to in Article 393a, Section 1, the Head of the Office shall issue a decision on his/her transfer to the responsible Member State);3) has received a decision on discontinuing the proceedings on granting international protection and on transfer to the responsible Member State – in the case referred to in Article 37, Section 1 of the Act of 13 June 2003 on granting protection to foreigners on the territory of the Republic of Poland (i.e. if another Member State responsible for examining the application for international protection under Regulation 604/2013 agrees to take over the applicant together with the remaining persons who are the subject of the application for</p>
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			<p>international protection, the Head of the Office issues a decision on discontinuing the proceedings on granting international protection and on their transfer to the responsible Member State).</p> <p>2. -</p> <p>3. The institution of the re-entry ban was introduced into Polish law in 2012 due to the implementation of Directive 2008/115/EC. A re-entry ban may take two forms: – a ban on re-entry into the territory of the Republic of Poland and other countries of the Schengen area, – in exceptional cases, the ban may be territorially limited to the territory of the Republic of Poland only.</p> <p>In accordance with the implementation of Article 11, Section 1, letters (a) and (b) of the Directive 2008/115/EC, the Polish legal order imposes an obligation to issue a ban on entry in any decision pursuant to which a deadline for voluntary return has not been set or in a situation where the obligation to return has not been complied with by the foreigner. In other cases, the decision on the obligation to return may be accompanied by a ban on entry.</p> <p>Pursuant to Article 318 of the Act of 12 December 2013 on foreigners, in the decision to oblige a foreigner to return, a ban on re-entry into the territory of the Republic of Poland and other Schengen area countries is decided and the period of such ban, if any, is specified. In the decision on the obligation of the foreigner to return, which determines the period of voluntary departure or in which the proceedings on the obligation of the foreigner to return are discontinued, in the part concerning the determination of the</p>
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			<p>period of voluntary departure pursuant to Article 315, Section 4b, the ruling on the ban on re-entry into the territory of the Republic of Poland and other Schengen States may be waived if the evidence or circumstances available to the authority indicate a high probability that the foreigner, in the event of re-entry into the territory of the Republic of Poland, will comply with the legal order, including the provisions of the law defining the rules and conditions for the entry of foreigners into the territory of the Republic of Poland, their transit through, stay in and departure from that territory.</p> <p>The authority, when assessing the existence of grounds for refraining from the decision prohibiting re-entry into the territory of the Republic of Poland and other Schengen States, takes into account:</p> <ol style="list-style-type: none"> 1) the circumstances concerning the grounds for the foreigner's obligation to return under Article 302, Section 1, 2) the current and actual level of risk of violation of the legal order, including in particular the provisions of the law defining the rules and conditions for the entry of foreigners into the territory of the Republic of Poland, their transit through this territory, their stay in this territory and their exit from this territory, which are related to the possible re-entry of the foreigner into the territory of the Republic of Poland. The provision of Section 1a does not apply if within the period of 2 years preceding the date of initiation of the proceedings on obliging the foreigner to return, a decision on obliging him/her to return was issued, in which the ban on re-entry into the territory of the Republic of Poland and other Schengen States was waived. <p>In the decision in which the ban on re-entry into the territory of the Republic of Poland and other Schengen States has been waived, the ban shall be additionally pronounced, and its period shall be determined in the event that the foreigner, within the period of voluntary departure:</p> <ol style="list-style-type: none"> 1) will not leave the territory of the Schengen States,
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			<p>2) will cross or attempt to cross the border contrary to the provisions of the law.</p> <p>4. The maximum duration of the entry ban in national legislation is up to 10 years.</p> <p>5. Under Polish law, this consists in assigning to each of the grounds for issuing a return decision an appropriate duration of the entry ban. The duration of such ban shall be determined paying attention to all circumstances relevant to the case. Pursuant to Article 319, Section 1 of the Act of 12 December 2013 on foreigners, the bans referred to in Article 318, are determined for the following periods: 1) <u>from 6 months to 3 years</u> - in cases referred to in Article 302, Section 1: - Items 1-3 (i.e., he/she is or was staying on the territory of the Republic of Poland without a valid visa or other valid document entitling him/her to enter and stay on this territory, if the visa or other document is or was required, or he/she did not leave the territory of the Republic of Poland after having used up the permissible period of the stay on the territory of all or some of the Schengen countries, to which he/she was entitled without a visa, in each period of 180 days, unless international agreements provide otherwise, did not leave the territory of the Republic of Poland after having used up the permitted period of his/her stay indicated in the Schengen visa in each period of 180 days, or after having used up the permitted period of stay on the basis of a national visa), - Items 6-8 (i.e., he/she does not have the financial means necessary to cover the costs of stay on the territory of the Republic of Poland, return journey to the country of origin or residence, or transit through the territory of the Republic of Poland to a third country which will grant the entry permit, and has not indicated reliable sources of obtaining such financial</p>
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			<p>means, it is obligatory to enter the foreigner's data in the register of foreigners, whose residence on the territory of the Republic of Poland is undesirable, the foreigner's data are entered in the Schengen Information System for the purposes of refusing entry and stay, if the foreigner stays on the territory of the Republic of Poland within the framework of visa-free traffic or on the basis of a Schengen visa, excluding visas authorising only entry into and stay on the territory of the Republic of Poland),</p> <ul style="list-style-type: none"> - Item 10 (i.e., he/she has crossed or attempted to cross the border in breach of the law and the circumstances referred to in Article 303, Section 1, Item 9a do not apply – he/she has been detained immediately after crossing, in breach of the law, the border constituting an external frontier within the meaning of Article 2, Item 2, of the Schengen Borders Code), – Item 12 (i.e., he/she stays outside the border area where the local border traffic permit allows him/her to stay, unless international agreements provide otherwise), – Item 13 (i.e., he/she stays on the territory of the Republic of Poland after the expiry of the period of stay to which he/she was entitled under the local border traffic permit, unless international agreements provide otherwise), – Item 15 (i.e., the purpose and conditions of the foreigner's stay on the territory of the Republic of Poland are incompatible with those declared, unless the provisions of the law allow to change them), – Item 16 (i.e., he/she has received a decision on refusal to grant the refugee status or subsidiary protection, on declaring the application for international protection inadmissible, on discontinuing the proceedings on granting international protection or on depriving him/her of the refugee status or subsidiary protection and he/she has not left the territory of the Republic of Poland on time or is staying in a guarded centre or in custody for foreigners); <p>2) <u>from 1 to 3 years</u> – in cases referred to in Article 302, Section 1:</p>
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			<ul style="list-style-type: none"> – Item 4 (i.e., he/she performs or, on the date of initiation of control of the legality of performance of work, conducted by an authorised body, has performed work without a relevant work permit or a declaration on entrusting work to a foreigner, entered in the register of declarations), – Item 5 (i.e., he/she has undertaken economic activity contrary to the regulations in force in this respect on the territory of the Republic of Poland); 3) <u>from 3 to 5 years</u> - in cases referred to in Article 302, Section 1: <ul style="list-style-type: none"> – Item 11 (i.e., he/she has been sentenced in the Republic of Poland to an enforceable custodial sentence and there are grounds for conducting proceedings to transfer him/her abroad for the purpose of enforcing the sentence imposed on him/her), or – Item 14 (further stay of the foreigner on the territory of the Republic of Poland will constitute a threat to public health, which has been confirmed by a medical examination, or to the international relations of another European Union Member State); 4) <u>from 5 to 10 years</u> – in cases referred to in Article 302, Section 1: <ul style="list-style-type: none"> – Item 9 (i.e., it is required for reasons of defence or state security or protection of public security and order or the interest of the Republic of Poland, or Article 329a, Section 1, i.e., the Minister in charge of internal affairs, on the request of the Commander-in-Chief of the Police, the Head of the Internal Security Agency or the Head of the Military Counterintelligence Service, issues a decision on the obligation to return of a foreigner who is feared to be engaged in terrorist or espionage activities, or suspected of having committed one of these offences). <p style="margin-left: 40px;">In addition, if the foreigner has not paid the amounts due for the costs related to the issuance and enforcement of the decision on his/her obligation to return before the expiry of the period referred to in Section 1, Items 1 to 3, the ban on re-entry into the territory of the Republic of Poland and other Schengen States shall be extended by the</p>
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			<p>power of law until the date of payment of the amounts due, but no longer than up to 5 years (Article 319, Section 2).</p> <p>6. The Board for Foreigners of the Polish Border Guard Headquarters does not have detailed statistical data in this respect. However, it should be pointed out that the entry ban is determined on the basis of the regulations in force in this respect and always following an assessment of the legal and factual situation of a given foreigner.</p>
	EMN NCP Portugal	Yes	<p>1. Yes</p> <p>2. Yes 3, 4 or 5 years.</p> <p>3. According to the Article 33.^o, Law 23/2007 "Indication for refusal of entry and stay 1 - The following are indicated for the purposes of refusing entry and permanence in the Integrated Information System of the SEF: "a) Who have been subject to a decision of coercive removal or judicial expulsion from the country; b) Who have been sent back to another country under a readmission agreement; c) In relation to which there are strong indications of having committed serious punishable acts;</p>


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			<p>d) In relation to which there are strong indications that they intend to commit serious punishable acts or that constitute a threat to public order, national security or international relations of a Member State of the European Union or of States where the Convention is in force of application;</p> <p>e) Who have been taken to the border, under the terms of article 147.^o</p> <p>2 - Beneficiaries of support for voluntary return under the terms of article 139 are also indicated in the SEF Integrated Information System for the purpose of refusing entry and stay, the indication being deleted in the case provided for in paragraph 3 of that provision.</p> <p>3 - For the purposes of refusal of entry and stay, foreign citizens who have been convicted by a final sentence of a sentence of deprivation of liberty lasting no less than one year, even if this sentence has not been fulfilled, may be indicated, or who have suffered more than one sentence in the same sentence, even if its execution has been suspended. When it is concluded that the presence of the third-country national constitutes a threat to public order, public safety or national security”</p> <p>4.</p> <p>5 years for dangerous individuals, suspects of terrorism or especially serious or violent crime.</p> <p>5.</p> <p>Yes.</p> <p>6.</p> <p>Three years.</p>
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	EMN NCP Slovakia	Yes	<p>1. No</p> <p>2. NA</p> <p>3. Grounds for issuing an entry ban are set in the Act on Residence of Foreigners.</p> <p>According to Article 82 par. 1 the police department shall administratively expel a third-country national if</p> <ul style="list-style-type: none"> a) he/she has illegally crossed the external border or intentionally avoids or refuses to undergo a border check when crossing the external border; b) his/her residence in the territory of the Slovak Republic is illegal. <p>According to Article 82 par. 2 the police authority can administratively expel a third county national if</p> <ul style="list-style-type: none"> a) he/she represents a serious threat to the national security or public order; b) he/she threatens the national security, public order or public health; c) he/she was lawfully sentenced for a pre-mediated criminal act and was not imposed the order for expulsion; d) he/she violated the regulations on narcotic drugs and psychotropic substances; e) he/she presented a falsified or counterfeited document or a document of another person when checked according to this Act; f) he/she entered into a marriage of convenience; g) he/she interferes with a decision of a public authority; h) he/she has his/her visa annulled or revoked by the police department;
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		<p>i) he/she provided false, incomplete or misleading data or presented falsified or counterfeited documents or a document of another person during the proceedings according to this Act;</p> <p>j) he/she performs activities other than those for which the temporary residence or visa was granted to him/her;</p> <p>k) he/she stays within the territory of the Slovak Republic on the grounds of an international treaty or a decision of the government of the Slovak Republic and acts in conflict with such an international treaty or decision of the government of the Slovak Republic;</p> <p>l) he/she refuses to prove his/her identity in a trustworthy way;</p> <p>m) it is discovered that the purpose for which a third-country national was granted temporary residence has expired and that the third-country national failed to report this fact to the police department;</p> <p>n) he/she failed to depart in the period set by the law;</p> <p>o) he/she has otherwise seriously or repeatedly violated general statutes; or</p> <p>p) he/she has performed illegal work in the previous two years.</p> <p>According to Article 82 par. 3 police department may impose an entry ban in the decision on administrative expulsion</p> <p>a) according to paragraph 2 (a) for ten years;</p> <p>b) according to paragraph 1 and paragraph 2 (b) to (i) for one year to five years;</p> <p>c) according to paragraph 2 (j), (k), o) and p) for one year to three years;</p> <p>d) according to paragraph 2 (l) to (n) for one year.</p> <p>According to Article 82, par 4-7</p>
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			<p>(4) When imposing administrative expulsion and entry ban, a police department shall take into particular account that there was already more than one decision on administrative expulsion related to the third-country national or the third-country national has entered the Slovak Republic territory during his/her entry ban.</p> <p>(5) A police department shall decide on the entry ban for the time period according to paragraph 3 if the third-country national did not depart within the time period determined in the decision on administrative expulsion; this shall not apply if he/she was imposed an entry ban in the decision on administrative expulsion already.</p> <p>(6) A police department may decide on the entry ban for three to five years for a third-country national who has presented a false, counterfeited or forged document or a document of another person upon his/her entry during border check.</p> <p>(7) If there are several reasons for administrative expulsion according to paragraph 1 and 2 and also an entry ban was imposed by the police department in the decision on administrative expulsion, the time period for the entry ban shall be imposed according to the strictest provision.</p> <p>4. 10 years</p> <p>5. Yes. See question 3.</p> <p>6. The decision is taken on an individual basis. Most often is the entry ban set for a period from 1- 3 years.</p>
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	EMN NCP Slovenia	Yes	<ol style="list-style-type: none"> 1. No 2. N/A 3. Entry ban is issued in accordance with: <ul style="list-style-type: none"> • Foreigners Act: decision about refusal to issue a residence permit, decision on revoking a residence permit, decision on cancellation of residence • Criminal Code: The court may issue entry ban for a foreigner from the territory of the Republic of Slovenia for a period of one to five years, if he has been sentenced for a criminal offense punishable by more than two years in prison, and if, based on his personal circumstances, there is a serious threat to public order or public safety) • International Protection Act: decision is issued in accordance with Foreigners Act • Minor Offences Act: The court may issue entry ban on a foreigner if the act caused a danger of serious consequences or the act caused a harmful consequence. <p>Additionally, if order with voluntary departure is issued and foreigner do not leave EU and associated countries, entry ban for one year will follow. More information can be found here: https://www.policija.si/eng/areas-of-work/state-border-control/condition...</p> <ol style="list-style-type: none"> 4. 5 years. 5. Depends on the circumstances of each case and on the basis of different reasons.
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			6. It depends on the circumstances - we do not collect statistics on this matter.
	EMN NCP Spain	Yes	<p>1. Yes</p> <p>2. They prescribe 2 years after the entry ban ends.</p> <p>3. Irregular stay or security reasons.</p> <p>4. 5 / 10 years, as established by the Return Directive, for irregular stay. No limit is established for security reasons.</p> <p>5. Yes, see above.</p> <p>6. 3 years.</p>
	EMN NCP Sweden	Yes	<p>1. Yes</p> <p>2. The Swedish return decisions are as a rule valid for four years. If the return decision is accompanied by an entry ban longer than four years, the validity of the return decision</p>



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		<p>will be as long as the entry ban. The period of validity starts when the return decision becomes legally binding, regardless of whether the third-country national leaves Sweden.</p> <p>3. An entry ban can be issued</p> <ul style="list-style-type: none"> • If no period for voluntary departure has been granted • If a period for voluntary departure has been revoked, or • If the third-country national does not comply with the return decision during the period for voluntary departure. <p>4. The maximum duration of an entry ban is as a rule five years. The period can however exceed five years if the third-country national represents a serious threat to public policy, public security or national security.</p> <p>5. Yes. The maximum duration is five years (or longer if the third-country national represents a serious threat to public policy, public security or national security) of entry bans issued in cases where the third-country national has not been granted a period for voluntary departure or if a period for voluntary departure has been revoked. If the entry ban is issued because the third-country national has not complied with the return decision within the period for voluntary departure the duration is always one year.</p> <p>6. One year.</p>
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	EMN NCP Norway	Yes	<p>1. No</p> <p>2.</p> <p>3. If a period of voluntary departure has not been granted or the TCN has not complied with granted period of voluntary departure, an entry ban <u>shall</u> be issued. In other circumstances an entry ban <u>may</u> be issued.</p> <p>4. A permanent/life-long entry ban may be issued in case of serious threat to public order or security.</p> <p>5. Yes, an entry ban may vary between one, two or five years depending on the grounds for the entry ban. In case of a serious threat to public order or security an entry ban of ten years or a permanent entry ban can be issued.</p> <p>6. Two or five years.</p>
	EMN NCP Serbia	Yes	<p>1. No</p> <p>2. n/a</p> <p>3. (1) When issuing a decision on return, the competent authority may also issue a ban on entry into the Republic of Serbia to a foreigner for a certain period of time, if:</p>


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			<ol style="list-style-type: none"> 1) The foreigner is not allowed time for voluntary return; 2) The foreigner has not fulfilled the obligation to depart from the Republic of Serbia in accordance with the time allowed for voluntary return, ordered in a prior decision on return. (2) A foreigner may be issued a ban on entry into the Republic of Serbia for a certain period of time, also in cases when: <ol style="list-style-type: none"> 1) There is reasonable doubt that the stay has not been used for intended purpose; 2) The foreigner has violated regulations on employment and work of foreigners, prevention of disorder at sports events, public peace and order, weapons, drug abuse or taxes; 3) The foreigner was issued an enforceable sentence for a criminal offence prosecuted ex officio, or if proceedings have been initiated for such a criminal offence; 4) The foreigner has repeatedly perpetrated misdemeanours; 5) The foreigner is responsible for a misdemeanour or is convicted of a criminal offence with elements of violence or if proceedings have been initiated for such a misdemeanour or criminal offence; 6) The foreigner has been issued a prison sentence longer than one year; 7) The foreigner has over the period of five years been sentenced to multiple prison sentences in total duration of a minimum of three years; 8) The foreigner has been issued a prison sentence for a criminal offence against internationally protected rights; 9) If so required by the reasons of safeguarding the security of the Republic of Serbia and its citizens; 10) If the foreigner enters into a marriage of convenience. 4.
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			<p>Entry ban shall not be issued for a period longer than five years, unless in case the foreigner presents a serious threat to the security of the Republic of Serbia and its citizens.</p> <p>5. The duration of the ban on entry shall be determined taking into account all the circumstances of the individual case.</p> <p>6. In the majority of cases, the entry ban is issued for a period of one year.</p>
	EMN NCP Ukraine	Yes	<p>1. Yes</p> <p>2. 1) voluntary return: procedure should not exceed 60 days from the date of the decision (paragraph 5 of Article 25 of the Law of Ukraine "On the legal status of foreigners and stateless persons" (hereinafter - the Law); 2) forced return: procedure should not exceed 30 days from the date of the decision (part 1 of article 26 of the Law) 3) forced expulsion (does not provide for a limited period of validity); 4) readmission (does not provide for a limited period of validity)</p> <p>3. Grounds for entry ban of foreigners and stateless persons into Ukraine, defined by Article 13 of the Law, according to the requirements of which entry into Ukraine is not allowed to a foreigner or stateless person in such cases:</p>

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			<ul style="list-style-type: none"> • in the interests of ensuring the national security of Ukraine or the protection of public order, or the fight against organized crime; • if it is necessary for the protection of health, protection of the rights and legitimate interests of Ukrainian citizens and other persons living in Ukraine; • if, when applying for entry into Ukraine, a person submitted knowingly false information or forged documents; • if the passport of a person, the visa is forged, damaged or does not correspond the established standard or belongs to another person; • if a person violated the rules of crossing the state border of Ukraine at the border crossing point, customs rules, sanitary norms or rules or did not comply with the legal requirements of the officials and officials of the state border guard, customs and other authorities that control the state border; • if during the previous stay in the territory of Ukraine a foreigner or a stateless person did not comply with the decision of the court or state authorities authorized to impose administrative penalties, or have other unfulfilled property obligations to the state, individuals or legal entities, including those related to the previous expulsion, including after the expiration of the ban on further entry into Ukraine; • if a person, in violation of the procedure established by the legislation of Ukraine, entered or exited the temporarily occupied territory of Ukraine or the area of the anti-terrorist operation or attempted to enter these territories outside the control points of entry and exit; • in case of failure to comply with the decision to entry ban to Ukraine. <p>In addition, the sanction of banning entry into Ukraine applies to foreigners and stateless persons for whom a decision on forced expulsion has been made (paragraph 3 of part 1 of Article 30 of the Law) and can be applied to foreigners and stateless persons for whom a decision on forced return has been made (part 2 of Article 26 of the Law).</p>
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			<p>4.</p> <p>The decision to ban entry into Ukraine for a period of three years is taken by the central executive body that implements the state policy in the field of migration (immigration and emigration), including combating irregular migration, citizenship, registration of individuals, refugees and other categories of migrants defined by the legislation, the Security Service of Ukraine or the state border guard body, or an authorized unit of the National Police of Ukraine.</p> <p>In case of failure to comply with the decision on the prohibition of entry into Ukraine, foreigners and stateless persons are prohibited from further entry into Ukraine for ten years, which is added to the part of the term of the ban on entry into Ukraine, which did not expire until the time of re-decisions on the prohibition of entry into Ukraine. (Part 3 of Article 13 of the Law)</p> <p>5. No</p> <p>6. 3 (three) years</p>
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