

European Migration Network
Synthesis Report for the EMN Focussed Study 2014

Good practices in the return and reintegration of irregular migrants:

Member States' entry bans policy and use of readmission
agreements between Member States and third countries

A Study from the European Migration Network 2014



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DISCLAIMER

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The Focussed Study was part of the 2014 Work Programme for the EMN.

EXPLANATORY NOTE

This Synthesis Report was prepared on the basis of National Contributions from 24 EMN NCPs (**Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom**) and **Norway** according to a Common Template developed by the EMN and completed by EMN NCPs to ensure, to the extent possible, comparability.

National contributions were largely based on desk analysis of existing legislation and policy documents, reports, academic literature, internet resources and reports and information from national authorities. Statistics were sourced from Eurostat, national authorities and other (national) databases. The listing of Member States in the Synthesis Report results from the availability of information provided by the EMN NCPs in the National Contributions.

It is important to note that the information contained in this Report refers to the situation in the above-mentioned (Member) States up to and including 2014 and specifically the contributions from their EMN National Contact Points. More detailed information on the topics addressed here may be found in the available National Contributions and it is strongly recommended that these are consulted as well.

EMN NCPs from other Member States could not, for various reasons, participate on this occasion in this Study, but have done so for other EMN activities and reports.

Executive Summary

Key points to note

- ★ The Return Directive has resulted in an **increased harmonised legal framework on entry bans** at national level. However, different approaches for the imposition of entry bans remain along with differences in the institutional framework for the enforcement, with (Member) States adopting either more stringent or lenient approaches.
- ★ **Entry bans** may be applied as a coercive policy measure to serve as a deterrent for irregular third-country nationals, and as an “incentive” to encourage voluntary return, through their withdrawal/suspension where voluntary return has taken place in compliance with the return decision.
- ★ Limited evaluation as well as limited conclusive statistical evidence makes it **difficult to draw firm conclusions on the effectiveness of entry bans**; however, the Study identifies both emerging **good practices in terms of cooperation** between Member States when enforcing entry bans, and some **practical cooperation problems limiting their effectiveness**. One of the most important **challenges** is the non-systematic entering of entry ban alerts into the SIS by Member States imposing them, thereby potentially obstructing enforcement of the entry ban in the Schengen area.
- ★ Where data is available, the Study shows that **EURAs are generally effective return tools** in relation to the share of readmission applications receiving a positive reply, and overall, no **systematic problems** in cooperating with third countries under EURAs were identified in the Study. However, some **practical challenges** may limit their effectiveness. National evaluations have been limited, but where available show the extent to which EURAs can be judged effective depends on the **agreement and the cooperation with a given third country**.
- ★ The **majority of (Member) States** have also **signed national bilateral admission**

agreements as well as certain **non-standard agreements**. These are mainly (though not exclusively) used to carry out forced return. The main benefits of bilateral agreements include efficient practical cooperation under agreed procedures.

- ★ **Practical implementation obstacles** include **insufficient cooperation from third countries** and **delays in receiving replies on readmission requests**. Few evaluations of national readmission agreements have been conducted; however, their effectiveness appears again to be dependent on cooperation with a given third country.
- ★ **Synergies** amongst the various tools at their disposal to bring about better outcomes for sustainable return have been developed in some Member States, but are at the **early stages of development**. There is scope for learning between Member States on making links across the different practices in place.

Introduction to the Study

The EU aims to prevent and control irregular migration pressures, whilst fully respecting the right to asylum. For the credibility of the EU common migration and asylum policy and in the fight against irregular migration, it is crucial that those who do not, or who no longer, fulfil the conditions for entry, stay or residence in a Member State are effectively returned, respecting their fundamental rights and dignity. Return policy has proved to be difficult to implement in practice, and a large gap exists between return decisions and the number of returns effected – fewer than half of the return decisions taken in the EU are carried out in practice.

This EMN Focussed Study presents an analysis of (Member) States¹ use of entry bans and readmission

¹ The Study was based on contributions from 24 Member States: **Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom**, plus **Norway** (25 countries in total).

agreements with a specific focus on their practical application and effectiveness, whilst also identifying good practices in their use, including possible synergies, in the implementation of return and reintegration measures.

What did the Study aim to do?

The Study's main aims were to:

- ★ Analyse similarities and differences between Member States concerning the legal and institutional framework on entry bans;
- ★ Explore the practical application of entry bans by mapping and reviewing whether Member States make use of a graduated approach (including withdrawal/suspension of entry bans and in what circumstances); and investigating cooperation mechanisms between Member States;
- ★ Analyse the effectiveness of entry bans by reviewing available statistical evidence on their impacts, exploring practical implementation challenges; and identifying any good practices;
- ★ Explore the practical application of readmission agreements distinguishing between agreements concluded by the EU level and by Member States with third countries on a bilateral basis and specifying the extent to which such agreements are used in the context of forced and voluntary returns;
- ★ Collect new statistical evidence on the use of readmission agreements, exploring practical challenges to their implementation and identifying good practice for their use.
- ★ Briefly compare the possible synergies between entry bans and readmission agreements on the one hand and reintegration assistance on the other hand as tools to assist Member states in their implementation of return policies more broadly.

What are the grounds for imposing an entry ban?

(Member) States' **national legal frameworks** for the use of entry bans in respect of their **grounds for**

imposition and **exclusion**, primarily reflect provisions included in the Return Directive², the Charter for Fundamental Rights and obligations flowing from international law, and are thus **broadly similar**. Approaches do vary however, with (Member) States adopting either more stringent or lenient approaches. Art. 7(4) refers to the grounds upon which Member States may refrain from granting a period for voluntary departure, or to grant a period of voluntary departure shorter than seven days. These are where: there is a risk of absconding; the person concerned poses a risk to public policy, public security or national security; an application for legal stay has been dismissed as manifestly unfounded or fraudulent. Eleven (Member) States (**Belgium, Bulgaria, Czech Republic, Greece, Hungary, Latvia, Lithuania, Malta, Netherlands, Slovak Republic, Spain**) additionally provide for other grounds beyond those laid down in the Return Directive, based on which they can impose entry bans.

Under what circumstances is an entry ban not imposed?

Under return procedures, (Member) States must respect the fundamental rights of the returnee and other international obligations, including e.g. the right to seek asylum and the principle of *non-refoulement*³. (Member) States may refrain from issuing entry bans in *individual* cases for various humanitarian reasons and can also exclude certain *categories* of third-country nationals from the imposition of entry bans (see also Art. 11 (3) Return Directive). These typically include victims of trafficking in human beings, minors / unaccompanied minors, elderly people and the family members of EU citizens. The same humanitarian reasons and vulnerable categories of third-country national may also apply to the withdrawal/suspension of entry bans.

² **Ireland** and the **United Kingdom** opted out of the Return Directive and do not therefore apply entry bans as set out by the Directive, however, equivalent measures exist in these two countries. **Norway** is bound by this legislative instrument as a non-EU Member State associated to the Schengen Area.

³ A core principle of international Refugee Law that prohibits States from returning refugees in any manner whatsoever to countries or territories in which their lives or freedom may be threatened. Source: EMN Glossary V 2.0:

How are entry bans implemented in policy and practice, and are they effective as instruments to support return policy?

In terms of trends, the number of entry bans imposed shows an increasing trend in **Estonia, Finland, Hungary, Latvia Lithuania, Luxembourg, Sweden, Norway**, and a decreasing trend in **France, Greece, Germany, Poland, Croatia, Czech Republic, Bulgaria, Slovak Republic**. In **Cyprus** and **Ireland** the number of entry bans has remained relatively stable over the five year period. In **Sweden** it is reported that the implementation of the Return Directive has significantly influenced the number of entry bans imposed, which has increased significantly since 2012.

The majority of (Member) States **automatically impose entry bans**, in line with Art. 11 (1), in cases of forced return, whilst entry bans are reviewed on a case-by-case basis in situations of voluntary return, or are not imposed at all. Other (Member) States apply different practices than stipulated in the Return Directive insofar as that they do not make a distinction between forced/voluntary return when deciding on the imposition of an entry ban.

Entry bans may be applied **in different ways to meet various aims in the return process**. They may be applied as a coercive policy measure to serve as a deterrent for irregular third-country nationals; however, most (21 Member States) can also withdraw/suspend entry bans in cases where voluntary return has taken place in full compliance with the return decision, thus creating an "incentive" to encourage voluntary return.

Effective **practical application** of entry bans requires a high degree of **cooperation between (Member) States**. The Study shows that the **Schengen Information System (SIS)** is the primary communication channel used by most (Member) States for the enforcement of entry bans - it is the combined functioning of the national entry ban decision as well as the SIS alert which brings about the effective ban on entry to the territory of a (Member) State. Supplementary information may also be exchanged through communication channels such as

Europol/Interpol, Immigration Liaison Officers (ILOs) including direct bilateral channels (e.g. face-to-face, telephone, e-mail). Several **good practice examples** for the exchange of information were identified and highlighted, such as the establishment of a National Coordination Centre (**Latvia**) and the use of ILOs and direct bilateral contact channels (**Ireland**).

The Study identifies emerging **good practices in terms of cooperation** between Member States when enforcing entry bans, and, on the other hand, **practical cooperation problems limiting their effectiveness** (see section 2.3 and 2.3.1). One of the most important **challenges** is the non-systematic entering of entry ban alerts into the SIS by Member States imposing them, thereby obstructing enforcement of the entry ban in the Schengen area.

Limited evaluation as well as limited conclusive statistical evidence makes it **difficult to draw firm conclusions on the effectiveness of entry bans** in EU (Member) States. The evaluation performed by the Netherlands found indications that entry bans may not be an effective tool to encourage voluntary departure. Beyond the practical cooperation problems between (Member) States, other factors (more general to the return process) also impact on the effectiveness of entry bans. These include difficulties in enforcing departure of the third-country national from the EU territory and the use of false travel documents/counterfeited identities by third-country nationals when trying to re-enter the EU territory.

How are readmission agreements implemented in practice and how do they support return policy?

International cooperation with countries of origin at all stages of the return process is important to achieving **effective and sustainable return**. Readmission Agreements (whether EU or national bilateral) appear to be key tools within this approach. (Member) States work within both European Readmission Agreements (EURAs) as well as national readmission agreement systems, based on strategic bilateral cooperation with third countries.

EU Readmission Agreements

Overall, EURAs are considered by Member States as

useful instruments in supporting return policies, and the majority report that EURAs are **applied without major difficulties**. The **main benefits** highlighted included better cooperation with the third country; better predictability and uniformity; the improved timeliness of responses and increased rates of successful readmissions.

The Study also shows that **EURAs are generally effective return tools**; the share of readmission applications receiving a positive reply (out of the total number of readmission applications sent by (Member) States ranges between 60 and 100% for those (Member) States that provided statistics. However, national evaluations have been limited; those conducted on the use of EURAs show that **the extent to which such agreements can be judged effective depends on the agreement and the cooperation with a given third country**.

Overall, no **systematic problems** in cooperating with third countries have been identified in the Study. Certain **practical challenges** may inhibit their effectiveness however, mainly linked to the inconsistent application of EURAs by (Member) States, the uneven use of certain clauses and procedures, and other practical challenges such as failure to respect deadlines foreseen in EURAs. Some Member States have highlighted that the time taken to negotiate EU Readmission Agreements can be protracted.

Although EURAs are typically linked to **forced return** as they are applicable regardless of an individual's willingness to return, the review of data provided in the context of this Study indicates that some (Member) States also use EURAs to carry out **voluntary returns**. However, the share of voluntary returns on the total number of readmission applications under EURAs is generally limited.

National bilateral readmission agreements

Next to EURAs, the **majority of (Member) States** have **also signed national bilateral readmission agreements** as well as certain **non-standard agreements**. The latter allow for **flexibility and operability, capable of adapting to the specificities of each case**. Similar to the use of

EURAs, statistics indicate that most of the national readmission agreements are used to carry out forced return, although some (Member) States also carry out voluntary returns under national bilateral agreements, but to a limited extent.

Evidence shows that, in practice, **both EURAs as well as national bilateral agreements are used by (Member) States in parallel**. The main benefits of bilateral agreements reported in the Study include:

- ★ Good cooperation with authorities in third countries; and
- ★ Efficient practical cooperation following clear provisions and procedures included in the bilateral agreements

The **practical obstacles** identified in relation to the implementation of national bilateral agreements are broadly similar to those experienced under EURAs and mainly relate to **insufficient cooperation from third countries** and **delays in receiving replies on readmission requests**. Evaluations of national readmission agreements were conducted by only a minority of (Member) States, which indicate, similar to EURAs, that **the extent to which bilateral agreements can be considered effective strongly depends on the agreement and the cooperation with a given third country**.

Are there synergies between entry bans/readmission agreements and return / reintegration assistance that can support more effective return policies?

Some Member States have developed **synergies** amongst the various tools at their disposal to bring about better outcomes for sustainable return. However, these appear to be at the **early stages of development** and are not applied in all Member States. Such synergies exist in more Member States between the implementation of readmission agreements and reintegration assistance than in relation to entry-bans. Whilst limited evaluation evidence prevents the possibility of linking such synergies to efficiencies or effectiveness, there is scope for learning between Member States on the different practices in place.

1 Introduction

This Synthesis Report presents the main findings of the 2014 EMN Focussed Study on “Good practices in the return and reintegration of irregular migrants: Member States’ entry bans policy and use of readmission agreements between Member States and third countries”.

Mixed migration flows pose significant challenges to the EU Member States. The EU is a point of destination for migration flows from, in particular, the Southern Mediterranean, the Middle East and North Africa. In recent years, following the political and civil instability in e.g. Libya and Syria, migration flows have sharply increased with many third-country nationals applying for international protection once they have arrived on EU territory.

Table 1.1 below shows the increasing trend in the number of applications for international protection lodged in the EU Member States as well as the increase in irregular border crossings (in 2013 compared to 2012). Such increasing numbers have resulted in pressure on Member States’ migration and asylum systems.

Table 1.1 Number of applications for international protection for EU27

Year	Irregular border crossings	Applications for international protection	Rejected applications for international protection
2011	141,051	318,875	112,385
2012	72,500	345,800	114,300
2013	107,000	447,365	120,060

Source: Eurostat

The EU aims to prevent and control irregular migration pressures, whilst fully respecting the right to asylum. At the same time, it is of pivotal importance that those who do not, or who no longer, fulfil the conditions for entry, stay or residence in a Member State are effectively returned, respecting their fundamental rights and dignity. The return of irregular migrants including rejected applicants for international protection is essential for the credibility of the EU

common migration and asylum policy and an important aspect in the fight against irregular migration.

The implementation of return policy has however proven to be difficult in practice. The Commission’s Communication on EU Return Policy⁴ indicates that a large gap exists between return decisions and the number of returns that are effectively carried out; statistics indicate that less than half of the return decisions taken in the EU are carried out in practice⁵.

Various instruments are available to (Member) States to facilitate the return of third-country nationals to their countries of origin⁶. This Study focuses on two distinct measures that serve different purposes within the return process: entry bans and readmission agreements. In relation to entry bans, the Study focuses on entry bans that accompany return decisions, which are imposed with the aim of returning irregular third-country nationals and preventing their re-entry into the EU/host Member State – in accordance with the Return Directive Article 11. Readmission Agreements (EU or bilateral readmission agreements) aim to facilitate the effective removal of irregular third-country nationals by imposing reciprocal obligations on the contracting parties to readmit their own nationals.

The overall aim of the Study is to understand the extent to which Member States use entry bans and readmission agreements to enhance their national return policies. To date, little is known about how Member States make use of entry bans (and to a lesser extent readmission agreements) and how effective they are in contributing to the sustainable return of irregular migrants to their countries of origin, and in providing an incentive to voluntary return through their non-imposition.

More specifically, the Study aims to:

⁴ COM(2014) 199 Final, Communication from the Commission to the Council and the European Parliament on EU Return Policy:

http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/immigration/return-readmission/docs/communication_on_return_policy_en.pdf

⁵ The Commission’s Communication on EU Return Policy states that there is a considerable gap between the persons issued with a return decision (approximately 484 000 persons in 2012, 491 000 in 2011 and 540 000 in 2010) and those who, as a consequence, have left the EU (approximately 178 000 in 2012, 167 000 in 2011 and 199 000 in 2010).

⁶ E.g. assisted voluntary return and reintegration programmes, (Frontex) joint return flights, readmission agreements, and entry bans etc.

- ★ Analyse similarities and differences between Member States concerning the legal and institutional framework on entry bans by reviewing: the national grounds for the imposition of entry bans; the categories of third-country nationals who can be subject to an entry ban; possibilities of appealing against entry bans; the territorial scope of entry bans; the authority responsible for the imposition of an entry ban; as well as the methods for informing third-country nationals of the imposition of an entry ban;
- ★ Explore the practical application of entry bans by mapping and reviewing whether Member States make use of a graduated approach (including withdrawal/suspension of entry bans and in what circumstances); and investigating cooperation mechanisms between Member States including existing information-sharing tools;
- ★ Analyse the effectiveness of entry bans by reviewing available statistical evidence on the impact of entry bans, exploring practical challenges to the implementation of entry bans; and identifying any good practices;
- ★ Explore the practical application of readmission agreements by reviewing their use between the EU and Member States on the one hand and third countries on the other hand, distinguishing between agreements concluded by the EU and by Member States on a bilateral basis and specifying the extent to which such agreements are used in the context of forced and voluntary returns;
- ★ Collect new statistical evidence on the use of readmission agreements, exploring practical challenges to their implementation and identifying good practice for their use.

The focus of this Study is on the **practical application** and **effectiveness** of entry bans and readmission agreements, identifying examples of **good practice**. The Study does not aim to provide an exhaustive overview of all measures used by Member States to prevent/combat irregular migration nor does it address all aspects of the EU's external policy on migration and asylum within which (Member) States' readmission agreements and entry bans are embedded. Whilst the focus is placed on implementation of an effective return process, the pivotal importance of the sustainability of return is also acknowledged. Reintegration assistance is however not in the scope of this Focussed Study, as work on reintegration assistance and the sustainability of return more broadly is carried out under the EMN Return Expert Group (REG). Rather, the synergies between entry bans and readmission agreements on the one hand and reintegration assistance on the other hand are explored in the final section.

Following this introduction (Section 1) the Study is divided into 4 further Sections (2-5):

Section 2: (Entry Bans)	Provides an overview of the legal and institutional framework of entry bans, their practical application and includes an analysis on their effectiveness.
Section 3: (Readmission Agreements)	Provides an overview of the practical application and effectiveness of EU and separate bi-lateral readmission agreements of EU Member States with third countries.
Section 4: (Synergies)	Examines the dependencies that might exist between entry bans and readmission agreements, on the one hand, and reintegration assistance, on the other hand.
Section 5: (Conclusions)	Presents the conclusions of this Study.

2 Member States' Entry Bans Policy

This section reviews the legal and institutional framework for the imposition of entry bans and their practical application in the (Member) States, analysing their effectiveness in securing an effective return of irregular migrants to their country of origin.

2.1 LEGAL AND INSTITUTIONAL FRAMEWORK FOR THE IMPOSITION OF ENTRY BANS

The Return Directive⁷ establishes a horizontal set of rules, applicable to all third-country nationals who do not or who no longer fulfill the conditions for entry, stay or residence in a Member State. Member States had to implement the Directive by 24th December 2010; therefore all those bound by it have notified full transposition to the Commission.

This sub-section reviews (Member) States' national legislation and policy on entry bans. In the following discussion it should be noted that **Ireland** and the **United Kingdom** opted out of the Return Directive and do not therefore apply entry bans as set out by the Directive, however, equivalent measures exist in these two countries. **Norway** is bound by this legislative instrument as a non-EU Member State associated to the Schengen Area.

2.1.1 GROUNDS FOR THE IMPOSITION OF ENTRY BANS AS LAID DOWN IN MEMBER STATES' LEGISLATION

The grounds for the imposition of an entry ban as laid down in (Member) States' national legislation primarily reflect the cases provided by Article 11(1) in conjunction with Article 7(4) of the Return Directive. Art. 11(1) of the Return Directive provides that return decisions *shall* be accompanied by an entry ban if:

⁷ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF>.

- ★ no period for voluntary departure has been granted, or;
- ★ the obligation to return has not been complied with.

In *other cases* return decisions *may* be accompanied by an entry ban. The Return Directive therefore leaves (Member) States a wide discretion as to the grounds and the approach for the imposition of an entry ban.

Art. 7(4) refers to the grounds upon which Member States may refrain from granting a period for voluntary departure, or to grant a period of voluntary departure shorter than seven days. These are where:

- ★ there is a risk of absconding;
- ★ the person concerned poses a risk to public policy, public security or national security
- ★ an application for legal stay has been dismissed as manifestly unfounded or fraudulent;

The grounds for the imposition of entry bans in Member States are summarised in table A1.1 in Annex 1 and include the following:

- ★ Risk of absconding (**Austria, Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Greece, Hungary, Latvia, Malta, Netherlands⁸, Poland, Slovak Republic, Slovenia, Spain, Sweden**) and **Norway**).
- ★ Risk to public policy, public security, national security (**all Member States except Germany**).
- ★ Dismissal of application for legal stay for being manifestly unfounded or fraudulent (**Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Greece, Hungary, Ireland, Latvia, Lithuania, Netherlands, Slovak Republic⁹, United Kingdom**) and **Norway**);
- ★ Non-compliance with the return obligation (**all Member States except for Ireland¹⁰ and Austria**, where the return obligation in relation to non-compliance is imposed on a case-by-case basis);

The criteria/indicators that (Member) States use to decide whether a third-country national indeed poses a risk to public policy/public (or national) security or whether the risk of absconding is present, vary across (Member) States and are elaborated on in table A1.2 in Annex I.

Eleven (Member) States (**Belgium, Bulgaria, Czech Republic, Greece, Hungary, Latvia, Lithuania, Malta, Netherlands, Slovak Republic, Spain**)

⁸ In the Netherlands, the risk of absconding does not automatically lead to the imposition of an entry ban, only if the circumstances of the case justify this.

⁹ In Slovak Republic, the imposition of an entry ban based on this ground is optional.

¹⁰ In Ireland, once the national equivalent of a return decision is issued, an automatic entry ban will apply.

additionally provide for other grounds beyond those laid down in the Return Directive, based on which they can impose entry bans. For example, **Belgium** may impose an entry ban on a third-country national who has worked without a work permit; **Latvia** may impose an entry ban on a third-country national that was engaged in smuggling activities, and **Lithuania** may impose an entry ban when a third country national has unfulfilled obligations with a State or if he/she has abused the possibility of voluntary departure. Furthermore, in **Belgium** and **Malta** the competent authorities have discretionary power to impose an entry-ban "when deemed necessary".

2.1.2 DIFFERENT APPROACHES TO THE IMPOSITION OF AN ENTRY BAN

Based on the above grounds, an entry ban *may* be imposed on a third-country national that was issued a return decision. Whether an entry ban *is* imposed in practice depends, however, on:

- ★ The Member States' approach to the imposition of an entry ban (i.e. automatic imposition of entry bans or case-by-case review);
- ★ Whether the return concerns voluntary departure or forced return.

Reading Art. 11 (1) in conjunction with Art. 8(1) of the Return Directive, it may be derived that the cases in which Member States "shall" accompany the return decision with an entry ban (i.e. when no period for voluntary departure was granted or when the obligation to return has not been complied with) are situations where Member States **enforce** the return decision through **removal** (i.e. the physical transportation out of the Member State, including, as a last resort, the use of coercive measures), whereas "other cases" refer to situations of **voluntary departure** (i.e. compliance with the obligation to return within the time-limit fixed for that purpose in the return decision). As a general rule, therefore, the Return Directive requires (Member) States to impose entry bans on third-country nationals in cases of forced return, whilst it leaves Member States discretion to decide whether to impose an entry ban in cases of voluntary departure.

This approach, as stipulated in Art. 11 (1) Return Directive is in most (Member) States **based on either one of the following scenarios** (see also table A1.1 in Annex I):

- ★ Automatic imposition of entry bans in cases of forced return, whilst in cases of voluntary departure the decision is taken on a case-by-case basis (**Belgium, Bulgaria, Cyprus, Estonia, France, Germany, Hungary, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Norway**);

- ★ Automatic imposition of entry bans in cases of forced return, whilst no entry bans are imposed in cases of voluntary departure (**Finland, Slovenia, Spain, Sweden**)

Other (Member) States have either **softened** or **strengthened** the provisions as stipulated in the Return Directive.

Three (Member) States (**Austria, Croatia** and the **Czech Republic**) softened the provisions in national law as they always review the imposition of an entry ban on a **case-by-case** basis, with no distinction made between forced or voluntary departure. National legislation in **Austria**, for example, provides for the possibility to combine a return decision with an entry ban, but does not prescribe an automatic combination of both. Every case involves the careful review of the persons' previous behaviour and the weighing of interests against public safety following the right to private and family life (Art. 8 para 2 ECHR).

Greece, by exception, **strengthened** the provisions laid down in the Return Directive and imposes entry bans on an **automatic basis on all return decisions**, with **no distinction** made **between forced or voluntary return**. It is a general rule in **Greece** that when return is ordered by virtue of a judicial or administrative decision an entry ban is imposed.

As set out above, **Ireland** and the **United Kingdom** are not bound by the Return Directive and therefore do not apply entry bans as set out in Art. 11 of the Directive. In **Ireland** a deportation order (including an inherent entry ban) is the closest equivalent to an entry ban¹¹. In the **United Kingdom**, entry bans are only imposed when the third-country national subject to a return decision tries to re-enter the UK territory and has previously violated the immigration rules. In **Norway**, the aim is to assess the imposition of an entry ban on a case-by-case basis, however, due to a lack of resources this is not always possible in practice. Entry bans are therefore usually automatically imposed in cases of forced return, whilst they are reviewed on a case-by-case basis in cases of voluntary return.

2.1.3 GROUNDS FOR NON-IMPOSITION OF ENTRY BANS AND EXCLUSION OF CERTAIN CATEGORIES OF THIRD-COUNTRY NATIONALS

When carrying out return, (Member) States are under obligations to respect the fundamental rights of the returnee and other international obligations, including e.g. the principle of *non-refoulement*¹² and obligations flowing from the right to seek asylum. As such,

(Member) States may refrain from issuing entry bans in *individual* cases for various humanitarian reasons and can also exclude certain *categories* of third-country nationals from the imposition of entry bans (see also Art. 11 (3) Return Directive).

Concerning **humanitarian reasons**, (Member) States may exclude third-country nationals from the imposition of entry bans based on the following grounds in particular (as also summarised in table A1.1 in Annex I):

- ★ Right to family life as stipulated in Art. 8 para 2 ECHR (all Member States except for **Germany, Greece** and **Spain**);
- ★ Health reasons (**Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Latvia, Lithuania**¹³, **Luxembourg, Malta, Netherlands, Slovak Republic, Slovenia, United Kingdom, Norway**).

Various factors are taken into account for the assessment of these grounds as elaborated on in table A1.1 in Annex I. Beyond the grounds set out above, which are common to most (Member) States, some Member States also exclude third-country nationals from the imposition of an entry ban for other grounds. For example, in the **Slovak Republic** entry bans are not imposed on third-country nationals residing illegally on the territory of the Slovak Republic who voluntarily come to the police department and ask for return to his/her home country by means of assisted voluntary return. The **United Kingdom** does not impose an entry ban when the third-country national has breached legislation for reasons beyond his control or because of *force majeure*.

With regard to the **exclusion of categories of vulnerable third-country nationals**, the majority of (Member) States – in line with Art. 11(3) Return Directive – refrain from issuing entry bans to victims of trafficking in human beings / those subject to an action to facilitate illegal immigration, who cooperate with the competent authorities and who have been granted a residence permit pursuant to Council Directive 2004/81/EC. Other categories that may be excluded, when appropriate, include the following:

- ★ Minors (**Belgium, Cyprus, Czech Republic, Estonia, France**¹⁴, **Greece**¹⁵, **Latvia, Lithuania, Netherlands, Poland, Spain, United Kingdom, Norway**);

¹¹ Immigration Act, 1999 provides for the making of deportation order which requires the non-Irish national specified in it, to leave the State within specified period and to remain thereafter outside the State.

¹² A core principle of international Refugee Law that prohibits States from returning refugees in any manner whatsoever to countries or territories in which their lives or freedom may be threatened. Source: EMN Glossary V 2.0:

¹³ This is not a direct ground for not imposing an entry ban. If a person cannot be removed due to health reasons, (s)he will be issued a temporary residence permit and entry ban would not be imposed.

¹⁴ In France, minors cannot be issued a return decision and/or entry ban.

¹⁵ In **Greece** entry bans are not imposed on minors if the parents having custody of the child are legally residing.

★ Unaccompanied minors (**Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, France¹⁶, Ireland, Latvia, Luxembourg,¹⁷ Netherlands, Poland, Slovak Republic¹⁸, Spain, United Kingdom and Norway**).

★ Elderly people (**Belgium, Bulgaria, Cyprus, Czech Republic, France, United Kingdom, Norway**);

★ Family members of EU citizens (e.g. **Czech Republic**)

In **Finland**, entry bans are not excluded categorically from certain vulnerable groups (such as victims of trafficking, minors, unaccompanied minors, elderly people), but instead an overall consideration is applied in each individual case when considering whether or not to impose an entry ban.

The same humanitarian reasons and vulnerable categories of third-country national may also apply to the withdrawal/suspension of entry bans in case these were not known at the time of the issuance of the entry ban (see section 2.2.1.2).

Furthermore, Art. 2 (2) Return Directive defines that Member States may decide not to apply the Directive to certain categories of third-country nationals, and the following categories may be excluded from the scope of the Return Directive (Art. 2(2) (a) and (b)) and therefore may also be excluded from the imposition of an entry ban (as also summarised in table A1.3 in Annex I):

★ Third-country nationals subject to a refusal of entry under Article 13 of the Schengen Borders Code (**Austria, Belgium, Cyprus, Malta, Netherlands, Poland, Slovenia, Spain, Sweden**); in **Hungary** and **Luxembourg**, this measure is not applied in cases of voluntary compliance with the return decision;

★ Third-country nationals apprehended while irregularly crossing the external borders (**Belgium, Cyprus, Netherlands, Sweden**); some Member States have also chosen to avoid this measure in cases of voluntary compliance with the return decision (**Finland, France, Germany, Hungary, Luxembourg, Poland, Spain, Norway**);

★ Third-country nationals returned as a consequence of a sanction under criminal law (**Cyprus, Luxembourg**); however **Luxembourg** does so only in cases where third-country nationals do not respect the return decision.

¹⁶ In France, unaccompanied minors cannot be issued a return decision and/or entry ban.

¹⁷ In Luxembourg, according to Article 103 of the Law of 29 August 2008 no return decision will be issued against an unaccompanied minor, except for a decision based on serious public security grounds. In practice no return decision has issued against an unaccompanied minor

¹⁸ Unaccompanied minors shall not be expelled from the Slovak Republic and therefore shall not be imposed an entry ban.

2.1.4 NUMBER OF ENTRY BANS IMPOSED

Table 1 below presents a broad overview of the scale of the use of entry bans by (Member States), by providing the overall total numbers of entry bans imposed on third-country nationals during the period 2009-2013.

The (total) number of entry bans imposed in 2013 varied as follows across (Member) States:

★ 0-500: **Latvia, Luxembourg, Slovak Republic**

★ 500-1,000: **Bulgaria, Estonia, Lithuania**

★ 1,000-3,000: **Austria, Czech Republic, Finland, France, Ireland**

★ 3,000-6,000: **Cyprus, Hungary, the Netherlands, Norway**

★ 6,000-10,000: **Belgium, Croatia, Poland**

★ More than 10,000: **Germany, Greece, Spain, Sweden**

In 2013, most entry bans were imposed by **Greece** (52,619), **Germany** (16,100), **Spain** (13,435) and **Sweden** (10,392). In absolute numbers, **Greece** and **Germany** have remained the two countries issuing the most entry bans since 2009. The high number of entry bans imposed by **Greece** is underpinned by the Greek approach of automatic imposition of entry bans for all return decisions.

Overall, the number of entry bans imposed shows an increasing trend in **Estonia, Finland, Hungary, Latvia Lithuania, Luxembourg, Sweden, Norway**, and a decreasing trend in **France, Greece, Germany, Poland, Croatia, Czech Republic, Bulgaria, Slovak Republic**. In **Cyprus** and **Ireland** the number of entry bans has remained relatively stable over the five year period. In **Sweden** it is reported that the Return Directive has significantly influenced the number of entry bans imposed: after transposition of the Return Directive in May 2012, the number of imposed bans increased from only 87 in 2011 to 10,392 in 2013.

Table 1: Number of entry bans imposed, 2009-2013

	2009	2010	2011	2012	2013
Greece	88,902	107,734	105,417	85,941	52,619
Germany	20,059	18,351	15,698	14,514	16,100
Sweden¹⁹	42	62	87	3,151	10,392
Poland	8,518	8,272	7,435	6,857	7,334
Belgium	NA	NA	NA	3,309 ²⁰	6,245
Croatia	8,396	7,459	8,053	7,585	6,057
Hungary	883 ²¹	3,748	6,449	6,151	5,997
Netherlands²²	NA	NA	NA	4,255	3,945

¹⁹ The Return Directive was implemented on 1 May, 2012

²⁰ Data as of 1 July onwards

²¹ Partial data

²² The Return directive was implemented in December 2011

	2009	2010	2011	2012	2013
Norway	2,194	2,929	2,509	3,111	3,928
Finland	1,070	1,398	1,916	2,385	2,757
Czech Republic	3,790	3,242	3,030	2,814	2,545
Austria	NA	NA	954 ²³	1,854	2,132
France	NA	NA ²⁴	4,271	5,393	1,515
Bulgaria	1,274	718	1,610	1,054	849
Estonia	267	996	1,081	507	799
Lithuania	412	394	991	783	707
Slovak Republic	1,552	942	670	461	492
Latvia	181	169	284	398	297
Luxembourg	71	40	63	190	139
Ireland²⁵	1,077	1,034	1,334	1,234 ²⁶	NI

Source: EMN NCP National Reports 2014,
NI – no information, NA – not applicable; the data are
organised in descending order based on year 2013.

2.1.5 TERRITORIAL SCOPE

The Return Directive stipulates in its preamble that the effect of national return measures should be given a European dimension by imposing entry bans which prohibit entry into and stay on the territory of all the (Member) States²⁷. However, as this is not subsequently laid down in a provision, it is not an obligation for Member States but is rather left to their discretion.

Most (Member) States (**Austria, Belgium, Cyprus, Czech Republic²⁸, Estonia, Finland, France, Germany, Greece, Hungary, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Slovenia, Spain, Sweden, Norway**) impose entry bans covering the entire Schengen Area. Exceptions include **Bulgaria²⁹, Croatia and Romania as they have not yet implemented the Schengen rules. Sweden**, however, imposes entry bans covering the entire Schengen area plus **Romania and Bulgaria**. The **United Kingdom and Ireland** are not party to the Schengen Area.

The concerned (Member) States may limit the scope of the prohibition of entry to their national territory in specific circumstances. Most do so in cases where the third-country national has a valid residence permit in another Schengen or EU Member State, whereas **Hungary** may also limit its scope in cases where the third-country national has failed to repay, where

required, state financial aid/fine and his /her whereabouts is unknown.

2.1.6 AUTHORITIES IN CHARGE OF DECISION-MAKING ON ENTRY BANS

Table A1.4 in Annex I provides an overview of the authorities in charge of decision-making on entry bans. In all (Member) States the national authorities in charge of the enforcement of immigration law are responsible for deciding on the imposition of entry bans: i.e. the immigration and police authorities. The most common scenarios of decision-making are as follows:

- ★ Decisions are made exclusively by immigration authorities (**Austria, Belgium, Cyprus, France³⁰, Germany, Ireland³¹, Lithuania³², Luxembourg, Spain, United Kingdom, Norway**);
- ★ Decisions are made exclusively by police authorities (including border guards) (**Czech Republic, Greece, Poland, Slovak Republic**); or
- ★ Decisions are made by a combination of authorities (**Bulgaria, Croatia, Estonia, Finland, Hungary, Latvia, Malta, Netherlands, Slovenia, Sweden**) including e.g. police, border, immigration offices and security services.

2.1.7 INFORMING THE THIRD-COUNTRY NATIONAL OF THE IMPOSITION OF AN ENTRY BAN

In accordance with Art. 12 of the Return Directive all (Member) States convey the information concerning the imposition of an entry ban directly to the concerned person in a written decision, setting out reasons in fact and in law as well as providing information about legal remedies. All (Member) States also make interpretation services available (upon request) to ensure that the person understands the content of the decision. This is usually done either by translating the main elements of the document in a language that the person understands (e.g. **Austria, Luxembourg, Malta**) or by making use of an interpreter (e.g. **Finland, Hungary, Lithuania, Luxembourg, Slovak Republic, Slovenia, Norway**).

2.1.8 APPEAL POSSIBILITIES AGAINST THE IMPOSITION OF AN ENTRY BAN

All Member States provide, in accordance with Art. 13 of the Return Directive, for the possibility to lodge an appeal for judicial review against the decision imposing an entry ban, under the conditions and procedures prescribed by national laws.

²³ Data as of 1 July onwards

²⁴ In France, this measure was created by the law of 16 June 2011. Consequently, it did not exist in 2009 and 2010.

²⁵ Number of deportation orders issued

²⁶ Data until the end of October

²⁷ Preamble (14) of Directive 2008/115/EC.

²⁸ Entry bans imposed on third-country nationals with permanent residence cover the national territory of the Czech Republic only.

²⁹ In **Bulgaria**, in 2013, a new law extended the validity of prohibitions of entry and residence to the territory of all Member States of the EU, but its entry into force is conditional to the Council decision on the implementation of the Schengen *acquis* in Bulgaria.

³⁰ In France, the responsible authority is the *département* prefect.

³¹ In **Ireland** the responsible authority is the Department of Justice and Equality.

³² Applications for readmission under the facilitated procedure to the Russian Federation for persons detained in the border area are submitted by border representatives.

Entry ban decisions are reviewed by different bodies in (Member) States. In most (Member) States (**Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, France, Germany, Greece, Finland, France, Hungary³³, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Slovak Republic, Slovenia, Spain**) these are handled by administrative/regional courts. In some (Member) States (**Belgium, Malta, Sweden, Norway**) the appeal is handled by a specific judicial authority competent in immigration and alien's law; in **Ireland** this is the High Court, whilst in **Latvia** it is the Supreme Court³⁴.

Some (Member) States (**Czech Republic, Estonia³⁵, Poland³⁶, Netherlands³⁷, Slovak Republic, Slovenia, Spain, Norway**), prior to the judicial review, also offer third-country nationals the **possibility to request a second instance decision** to the (same) authority that imposed the entry ban. In these cases, it is usually a higher authority within the same body issuing the entry ban that will review the decision. Depending on its outcome, the second instance decision may then also subsequently be challenged for judicial review.

Considered **good practice** in the **Netherlands** is that the third-country national can **object** to the entry ban decision even **before it is imposed**. The competent authorities, are obliged to inform the concerned individual of the intention to impose an entry ban. Either a special form is sent, explaining the meaning and consequences of an entry ban, its reasons and duration, to which the individual can subsequently react and set out his/her objections before a decision is taken; or, an oral hearing is organised prior to the issuance of an entry ban during which the third-country national is notified that he/she can object to the entry ban. As such, the concerned individual is always "heard" before a decision on an entry ban is taken³⁸. The Dutch authorities reported however that this practice, although beneficial for the third-country national, is an example of the increase in regulatory

and administrative burden as a consequence of the implementation of the entry ban.³⁹

2.2 PRACTICAL APPLICATION OF ENTRY BANS

This section reviews the practical implementation of entry bans. It reviews the use of a graduated approach, (i.e. where entry bans are withdrawn or suspended depending on individual circumstances and/or the category of third-country national) and reports on the cooperation between Member States for the enforcement of entry bans. Finally, this section reviews, to the extent possible, the effectiveness of entry bans by reviewing available evidence on their impacts.

2.2.1 HOW ENTRY BANS ARE USED

Entry bans can be perceived as a **coercive policy measure**, aiming to send a signal to third-country nationals that it does not pay to come to the EU irregularly. However, the Return Directive opens a possibility for Member States to also use entry bans as an **incentive to encourage voluntary departure** by withdrawal/suspension of entry bans in case the third-country national has left the EU territory in full compliance with the return decision.

Following Article 11 (3) of the Return Directive and as illustrated by table A1.5 in Annex I, (Member) States may or must **withdraw or suspend entry bans** in the following circumstances:

- ★ When the third-country national can demonstrate that he/she has **left the territory** of the Member State **in full compliance with the return decision**;
- ★ When **humanitarian grounds** apply (i.e. vulnerable groups such as victims of trafficking in human beings, minors, unaccompanied minors, disabled/elderly people, pregnant women, etc.).

In practice, to be granted suspension or to have the entry ban withdrawn once imposed, the concerned third-country national must file an application for withdrawal /suspension. The decision on withdrawal/suspension is taken on a case-by-case basis, taking all relevant circumstances into consideration.

³³ However, in **Hungary** the administrative court is not competent to decide on cases where the TCN was imposed an entry ban as a consequence of non-compliance with voluntary departure. In such circumstances, the TCN will have to appeal the decision within 24 hours to the same immigration authority that has ordered it.

³⁴ If the decision is issued by the Minister of Interior; entry bans as included in return decisions should be appealed in the administrative District Court.

³⁵ In Estonia, a second instance decision can be requested from a different authority that initially took the decision. For example, if the decision on imposing the entry ban is made by the Police and Border Guard, the review is made by the Ministry of Interior.

³⁶ In Poland, this is not called a second instance decision, but is regarded as new proceedings by the same authority.

³⁷ Depending on the type of procedure (e.g. second instance decision is possible in regular procedures, but not in asylum procedures).

³⁸ In the view of the Netherlands this procedural safeguard is an obligation according to article 48 of the EU Charter of Fundamental Rights.

³⁹ The Dutch authorities have reported on the increase in regulatory and administrative burden as a consequence of implementing the entry ban, which requires additional tasks by the immigration authorities, the police and the Royal Marechaussee (Kmar) in decision-making, administrative tasks, hearings per individual involved etc. This is a concern for the Dutch authorities. In the evaluation of the Return Directive attention should be paid to reducing the administrative burden.

2.2.1.1 *Entry bans used as an incentive for voluntary departure: withdrawal/suspension following compliance with the return decision*

Seventeen Member States (**Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, France, Greece, Hungary, Latvia, Malta, Poland, Slovak Republic, Slovenia, Spain, Sweden**) and **Norway** can decide to withdraw/suspend entry bans in case the third-country national demonstrates that he/she has left the territory of the Member State in full compliance with the return decision. In this way, the withdrawal/suspension of entry bans may be used as an "incentive" to encourage third-country nationals to leave the territory of the Member State voluntarily.

In other Member States (**Finland, Ireland, Lithuania, Luxembourg, United Kingdom**) withdrawal / suspension for having left the country voluntarily is procedurally not an option. For example, **Ireland, Lithuania** and **Luxembourg** exclusively issue entry bans in cases of forced return, i.e. after the period of voluntary departure has passed, and as such entry bans cannot be withdrawn/suspended on the basis of having left the territory voluntarily (see also section 2.3.2.1). In a similar vein, in the **United Kingdom**, it is not possible procedurally to withdraw or suspend an entry ban as they are only imposed at the point that someone seeks to re-enter the territory at a port of entry.

2.2.1.2 *Conditions for withdrawal/suspension of entry bans in case of compliance with the return decision*

The burden of proof for evidencing his/her timely departure from the territory lies on the third-country national. Proof of leaving may, for example, include a stamp in the third-country nationals' passport, which shows that he/she has crossed the external border. Data in information systems (border data systems) may also serve as proof.

Entry bans may be issued for a certain/different time periods. In some (Member) States (**Belgium, Luxembourg, Netherlands**) the withdrawal /suspension of entry bans depends on the time period of the entry ban that has lapsed. For example, in the **Netherlands** the concerned third-country national must demonstrate that he/she left the territory for an uninterrupted period of at least half of the duration of the entry ban, whilst in **Belgium**, an entry ban can be suspended/withdrawn only if two thirds of the duration of the entry ban has lapsed. In **Luxembourg**, a third-country national can apply for a withdrawal of the entry ban after a reasonable time, taking into account the circumstances, and after a period of three years starting from the date of the removal from the territory.

Furthermore, in **Austria**, withdrawal/suspension depends on the length of the entry ban imposed. For example, entry bans with duration of up to five years

can be shortened or withdrawn, whereas entry bans with a duration of up to ten years can only be shortened (and not withdrawn)⁴⁰. In this case, the third-country national must have spent more than 50% of the entry ban period abroad. In contrast, entry bans with unlimited duration cannot be withdrawn or suspended.

2.2.1.3 *Withdrawal/suspension on humanitarian grounds*

As indicated in section 2.1.3, national legislation in most (Member) States provides that third-country nationals can be excluded from entry bans based on humanitarian reasons, health reasons and reasons connected to the protection of private/family life (Article 8 ECHR). The same grounds may also qualify for the withdrawal/suspension of entry bans in case these were not known at the time of the issuance of the entry ban. Under these circumstances, third-country nationals may apply for withdrawal/suspension of an entry ban.

In most (Member) States, national legislation allows for the withdrawal/suspension of entry bans for the following categories of third-country nationals:

- ★ Victims of trafficking in human beings
- ★ Minors
- ★ Unaccompanied minors
- ★ Disabled people
- ★ Elderly people
- ★ Pregnant women
- ★ Single parents with minor children
- ★ Persons with serious illness
- ★ Persons with mental disorders
- ★ Persons subjected to torture, rape, etc.

In several (Member) States (**Ireland, Lithuania, Sweden, Slovak Republic**) the withdrawal/suspension of entry bans on humanitarian grounds is, however, not provided for in national legislation. However, following humanitarian considerations, **Sweden** may either prolong the period for voluntary departure; **Lithuania** and the **Slovak Republic** can reduce the duration of entry bans and; **Ireland, Lithuania** and **Sweden** may decide to exclude certain categories of third-country nationals from the imposition of entry bans.

2.2.2 **THE NUMBER OF ENTRY BANS WITHDRAWN/SUSPENDED**

Table 2 below shows the number of decisions to **withdraw** an entry ban. In 2013, the highest number of entry bans were withdrawn by **Greece** (91,831) followed by **Hungary** (1,109), **Poland** (693) and **Lithuania** (512). A lower number of decisions to

⁴⁰ See Art. 53 para 3 numbers 1. – 4 Aliens Police Act.

withdraw was recorded in **Bulgaria, Estonia, Finland, Latvia, Slovak Republic and Norway**. In six (Member) States (**Greece, Finland, Hungary, Lithuania, Poland, Norway**) the number of decisions to withdraw increased in comparison to 2012, whereas in three (Member) States (**Bulgaria, Estonia, Latvia**) the number decreased. The increase was the highest in **Lithuania**⁴¹ where the number of decisions to withdraw nearly doubled in 2013 in comparison to 2012.

Table 2: Total number of decisions to withdraw an entry ban 2009-2013

	2009	2010	2011	2012	2013
Bulgaria	3	3	1	5	3
Cyprus	Up to approximately 100 each year				
Estonia	NI	NI	4	10	3
Greece	38,761	53,072	42,741	59,608	91,831
Finland	15	15	13	36	77
Hungary	NI	515	1,367	1,070	1,109
Ireland ⁴²	14	21	15	18*	NI
Latvia	14	18	28	11	7
Lithuania	30	50	231	263	512
Poland**	408	387	409	396	693
Slovak Republic	NI	NI	NI	13	13
Norway	NI	NI	NI	26	33

Source: EMN NCP National Reports 2014

NI indicates "No Information"

Table 3 below shows the number of decisions to **suspend** an entry ban. Very few (Member) States were able to provide statistics on the number of entry bans that were suspended. The numbers differ greatly between (Member) States; the highest number was in **Sweden** (121 decisions) and the lowest in Estonia (no decisions on suspension were made in 2013).

Table 3: The number of reported decisions to suspend entry bans, 2009-2013

	2009	2010	2011	2012	2013
Cyprus	Up to approximately 50 each year				
Estonia	NI	NI	2	1	0
Latvia	2	3	5	3	9
Sweden	NI	NI	NI	12	121
Norway	191	183	112	102	87

Source: EMN NCP National Reports 2014

NI indicates "No Information"

The withdrawal/suspension of entry bans may have occurred for various reasons, either as an incentive for voluntary departure or based on humanitarian reasons.

2.2.3 SITUATIONS WHERE THOSE SUBJECT TO AN ENTRY BAN ARE GRANTED A RESIDENCE PERMIT

Next to the withdrawal/suspension of an entry ban, there may also be instances in which Member States grant a residence permit to individuals subject to an entry ban. Thirteen (Member) States (**Belgium, Estonia, France, Greece, Latvia, Lithuania**⁴³, **Luxembourg, Netherlands, Poland, Sweden, Slovenia, Spain, Norway**) have granted residence permits to third-country nationals that were subject to an entry ban imposed by another (Member) State.

Valid reasons for being granted a residence permit include cases in which the third-country national's right to residence takes precedence over the entry ban, e.g. family reunification reasons; when the third-country national is a beneficiary of international protection; or for other humanitarian considerations. Some (Member) States (e.g. **Sweden**) also state that they can decide to grant a residence permit in cases where the reasons provided by the other (Member) State for imposing the entry ban are judged by Sweden not to be sufficiently severe, e.g. a minor offence. This can also apply when the person in question is granted refugee status.

Few of these (Member) States are, however, able to provide statistics on the number of residence permits issued to third-country nationals subject to an entry ban per year. For those that did, the number ranges between 4/5 per year in **Latvia**, to 45 per year in **Belgium**, and up to 90 per year in **Sweden**.

2.3 COOPERATION BETWEEN MEMBER STATES FOR THE ENFORCEMENT OF ENTRY BANS

This section reviews the practical enforcement of entry bans by exploring cooperation between Member States, in particular in relation to entering alerts into the Schengen Information System (SIS) as well as any other exchange of information that takes place between (Member) States via other (bilateral) channels. It identifies emerging good practices as well as problems in terms of cooperation between Member States when implementing entry bans.

As section 2.1.5 demonstrates, most Schengen Member States issue entry bans covering the entire Schengen area. Therefore, effective implementation of entry bans covering the territories of all Schengen Member States requires these States to continuously remain up to date with entry bans imposed by other (Member) States. The SIS is the primary joint information system through which these countries exchange information on persons who do not have the

⁴¹ Entry bans are usually withdrawn due to the decisions of the Council of the EU or other decisions of international organisations which are binding according to Lithuania's international commitments.

⁴² Deportation orders revoked (data until the end of October).

⁴³ The number of cases is small. Residence permits were issued on the ground of family reunification with a view to maintaining family unity

right to enter and stay in the EU⁴⁴. Article 24 (3) of the SIS II Regulation⁴⁵ stipulates that all States *may* enter an alert into the SIS when an entry ban has been imposed. The legal obligation to refuse entry to a person with regard to whom an alert has been entered in the SIS is subsequently laid down in Article 13(1) of the Schengen Borders Code. It is thus the combined functioning of the national decision for the imposition of an entry ban as well as the decision to enter this into the SIS which ensures that a person is effectively barred entry into the territories of the Member States.

2.3.1 ENTERING ALERTS INTO THE SIS

Although the SIS II Regulation leaves (Member) States discretion to enter an alert into the SIS, all Schengen States generally do so. **Ireland**⁴⁶ and the **United Kingdom** do not enter entry ban alerts in the SIS as they are not party to the Schengen Area. **Romania, Bulgaria and Croatia** although party to the Schengen Area, do not yet implement it and therefore do not make use of the SIS. Whilst the majority of (Member) States (**Belgium, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Latvia, Luxembourg, Malta, Netherlands, Poland, Slovenia, Sweden, Norway**) enter alerts as standard practice, others (**Austria, Slovak Republic**) do so on a regular basis. **Lithuania**⁴⁷ considers each case individually and alerts are entered on a case-by-case basis.

The above indicates that **not all (Member) States systematically enter an alert into the SIS** following the imposition of an entry ban. If not informed about the entry ban imposed on a specific individual, (Member) States will not be able to bar entry of that individual into EU territory. The entry ban thereby essentially loses its effect and will in practice only apply to the territory of the (Member) State that imposed it. Several other cooperation problems exist when it comes to the enforcement of entry bans via the SIS. As emphasised by e.g. the **Netherlands** the continued use of entry bans, in particular the lapsing of the time period and the subsequent deletion of the entry ban in the SIS may cause problems. In the Netherlands, the continued use of the entry ban in SIS is monitored by a special authority, however, it may be doubted whether all Member States do so and it therefore remains questionable whether all alerts from the SIS are removed once the time period of the entry ban has lapsed.

Further cooperation problems can include examples where (Member) States issue a residence permit to a third-country national subject to an entry ban **without having consulted** the (Member) State that imposed

the entry ban, (in contradiction with Art. 25 of the Schengen Convention and Art. 11 (4) of the Return Directive); and inconsistent respect by Member States of the time limits set for replies in the SIRENE manual. In the **Netherlands**, the Dutch authorities have experienced problems when wanting to impose an entry ban on an individual who poses a risk to public security in the Netherlands, but who holds a residence permit in another (Member) State. In such cases, information provided by the Netherlands does not always lead to withdrawal of the residence permit. The extent to which these issues are widespread and systematic remains outside of the scope of this Study.

2.3.2 THE EXCHANGE OF SUPPLEMENTARY INFORMATION BETWEEN MEMBER STATES

Despite several practical cooperation problems, several good practices in terms of cooperation can also be identified. For example, many (Member) States exchange supplementary information on entry bans, in particular in situations where the (Member) State may consider issuing a residence permit to a third-country national who was imposed an entry ban. The following type of supplementary information is communicated:

- ★ Reasons for imposing the entry ban (17 Member States);
- ★ Decision to withdraw entry bans and reasons for withdrawal (17 Member States);
- ★ Decision to suspend entry bans and reasons for the suspension (13 Member States).

Such information is usually exchanged via the official consultation process as included in the SIS II Regulation, whereby (Member) States make use of SIRENE. This is a communication infrastructure established in each (Member) State, ensuring the exchange of information between the central SIS II database and the national databases. SIRENE therefore facilitates the exchange of information between (Member) States upon request of national authorities.

Next to the SIS, some (Member) States further also make use of alternative communication channels, such as Europol/Interpol (**Cyprus, Malta**) as well as immigration liaison officers (**Croatia, Ireland**). Furthermore, many Member States (**Belgium, Cyprus, Estonia, Greece, Latvia, Luxembourg, Poland, Spain, Sweden**) exchange information between case officers who imposed the entry ban on a **direct bilateral basis** either face-to-face, over the telephone, and/or via e-mail. Such direct contact usually serves to exchange more detailed information than is exchanged via the SIS (through SIRENE).

The boxes below provide examples of what Member States have considered to be good practices for the exchange of supplementary information via different channels.

⁴⁴ The conditions for issuing alerts on refusal of entry or stay are established by Art. 24 of the SIS II Regulation.

⁴⁵ Regulation No 1987/2006.

⁴⁶ However, Ireland participates in certain elements of SIS II, e.g. police cooperation. It will not participate in Schengen arrangements in relation to the abolition of border checks.

⁴⁷ Alerts are entered into the SIS subject to satisfaction of the criteria set out in Article 24 of Regulation 1987/2006.

Box 1. Example of good practice for the exchange of information by the establishment of a special centre (Latvia)

"Good practice in Latvia has been the establishment of a National Coordination Centre within the State Border Guard which operates on a 24/7 basis. Latvia exchanges information with all EU Member States which have National Coordination Centres or similar information exchange centres. Information is exchanged in different fields, including voluntary returns, departures of third-country nationals from the EU territory and the imposition of entry bans, transit requests from EU Member States and information on the status of foreigners in EU Member States"

Box 2. Illustration of the use of Immigration Liaison Officers (ILOs) (Ireland)

"The Garda National Immigration Bureau (GNIB) in Ireland works closely with immigration authorities in hub transport cities in France, Spain and the Netherlands. The GNIB have Immigration Liaison Officers in each of these States. GNIB may also locate officers in particular European airports for short periods, based on intelligence reports and patterns of behaviour at Irish and European airports. GNIB review transnational information from around Europe in order to assess whether irregular migrants are transiting to Ireland from a particular airport. GNIB may then start a process of intelligence checks on aircrafts arriving from those airports. The stated objective is to intercept the irregular migrant at a point when he or she can still be returned, before he or she reaches the state and to avoid migrants presenting at the Irish border without documents".

Box 3. Illustration of the use of direct bilateral contacts between Member States (Ireland)

"Ireland exchanges information with the United Kingdom to prevent immigration abuse and to preserve the integrity of the Common Travel Area (CTA). Biometric data sharing has allowed for numerous incidents of identity swapping to be detected for example persons were known to the UK authorities with different name or/and nationality" (Department of Justice and Equality, 2013).

As to coordination at national level, good practice examples for the enforcement of entry bans highlighted by Member States include, for example, recording information on entry bans in registers which are publicly available. Such availability improves the transparency of available information on individuals subject to an entry ban and assists all stakeholders in preventing (re) entry.

Lithuania, Poland and the Slovak Republic⁴⁸ have each established a national database on third-country nationals which contains: updated data on entry bans issued; the concerned persons; and the reasons for the decisions. In **Hungary** the operative part of a decision is displayed on the website of Immigration and Nationality and is thus also publicly available. Similarly, in **Estonia** information on imposed entry bans are available on the public webpage of the Ministry of Interior, with the exclusion of sensitive and personal data.

2.4 EFFECTIVENESS OF ENTRY BANS

This section reviews, to the extent possible, the effectiveness of entry bans. It analyses the extent to which entry bans have been effective in securing their aims by reviewing evaluations performed, statistical evidence, and practical challenges.

The review of National Contributions demonstrates that entry bans serve multiple purposes within the return process. Entry bans can:

- ★ Deter (irregular) migrants from coming to the EU;
- ★ Encourage irregular migrants who were imposed an entry ban to return voluntarily to their country of origin; and
- ★ Prevent re-entry of irregular migrants, once returned, to re-enter the EU territory.

Assessing the extent to which entry bans have been successful in securing these aims is difficult as there is limited evaluation and statistical evidence, as elaborated on below.

2.4.1 EVALUATIONS ON THE USE OF ENTRY BANS

No (Member) States have conducted formal evaluations on the use of entry bans. In the **Netherlands** the WODC⁴⁹ recently completed a Study which, in relation to the described aims of entry bans as per above, did not find any conclusive evidence on the deterrent effect of entry bans. It further highlighted that entry bans may not be an effective tool to encourage irregular migrants who were imposed an entry ban to return voluntarily to their country of origin. In contrast, the imposition of an entry ban may well be, according to IOM Netherlands, an obstacle preventing third-country nationals from participating in assisted voluntary return programmes. The Study was not able to draw any affirmative conclusions on the possible deterrent effect of entry bans on migrants coming to the EU.

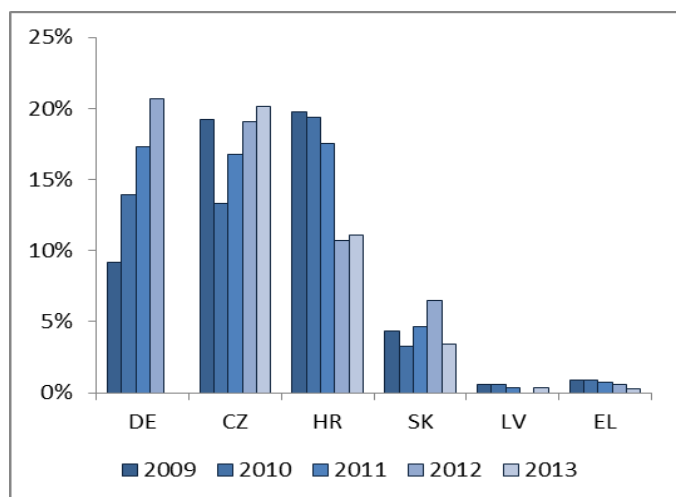
⁴⁸ In case of the Slovak Republic a national database is not only for third-country nationals.

⁴⁹ WODC is the *Wetenschappelijk Onderzoek- en Documentatiecentrum*, the National Research and Documentation Centre). This centre aims to make a professional contribution to development and evaluation of justice policy set by the Netherlands Ministry of Security and Justice. Its major output is knowledge for the benefit of policy development.

2.4.2 STATISTICAL EVIDENCE ON THE EFFECTIVENESS OF ENTRY BANS

Limited statistical evidence is available on the effectiveness of entry bans in preventing re-entry of irregular migrants. Figure 1 below shows the number of persons who are subject to an entry ban that have been re-apprehended inside the EU territory as a share of the total number of entry bans imposed. As figure 1 shows, only six (Member) States (**Croatia, Czech Republic, Germany, Greece, Latvia, Slovak Republic**) were able to provide statistics on this. Data shows that within the period 2009-2012 the share never exceeded 21% (as was the case in **Germany** in 2012). In three out of six (Member) States (**Croatia, Czech Republic, Germany**) the share was between 10-20%. In **Greece** and **Latvia** the share of persons did not exceed 1% of the total number of entry bans imposed.

Figure 1: The number of persons who are the subject of an entry ban who have been re-apprehended inside the territory (not at the border) as a share of the total number of entry bans imposed, 2009-2013



Source: EMN NCP National Reports 2014

2.4.3 PRACTICAL CHALLENGES IN THE IMPLEMENTATION OF ENTRY BANS REDUCING THEIR EFFECTIVENESS

The revision of Member States' National Contributions indicates that there are, on the one hand, emerging good practices in terms of cooperation between Member States when enforcing entry bans, and, on the other hand, practical cooperation problems limiting their effectiveness (see section 2.3 and 2.3.1).

Beyond the practical cooperation problems between (Member) States, other factors (more general to the return process) also impact on the effectiveness of entry bans. These include difficulties in enforcing departure of the third-country national from the EU territory and the use of false travel documents/counterfeited identities by third-country nationals when trying to re-enter the EU territory.

In most Member States entry bans only become effective when third-country nationals leave the

territory. However, the majority of (Member) States (**Austria, Belgium, Cyprus, Czech Republic, France, Greece, Finland, Croatia, Hungary, Ireland, Latvia, Lithuania, the Netherlands, Sweden, Slovakia and Norway**) report challenges in ensuring the departure of the third-country national from the EU territory. The main factors delaying or preventing return are lack of cooperation from the individual concerned (i.e. he/she conceals his/her identity or absconds⁵⁰) as well as a lack of cooperation from the non-EU country of origin or transit (e.g. problems in obtaining the necessary documentation from non-EU consular authorities). Consequently, many third-country nationals subject to an entry ban are not effectively returned and may subsequently remain in the (Member) State, or move within the Schengen area without being detected and without the entry ban ever being enforced.

In contrast, however, **Belgium** highlighted a good practice example for the monitoring of departure:

★ In **Belgium**, under the SEFOR⁵¹ project, the Immigration Office follows up on all third-country nationals that received an order to leave the territory, including those issued an entry ban. As such, this project facilitates the monitoring of third-country nationals' compliance with entry bans (also identified as practical obstacle by many Member States, see also section 2.5.4).

Where a removal does take place, re-entry may be attempted using false travel documents /counterfeited identities (identified in **Cyprus, Finland, Lithuania, Sweden** and the **Slovak Republic**). In **Estonia**, there have been instances where third-country nationals subject to an entry ban have re-entered the Schengen territory due to an incorrect or simply different transcription of a name, and therefore no alert was given by the SIS. To avoid such issues, however, possible aliases of concerned third-country national are now also entered into the SIS.

In contrast, however, some (Member) States e.g. the **United Kingdom** underline that compliance with entry bans does not pose specific problems as entry bans are imposed at the point of entry into UK territory. As such, compliance with re-entry bans is identified when a person seeks to re-enter the UK.

⁵⁰ See also the EMN Report on "Establishing identity for international protection: challenges and practices" available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/establishing-identity/0_emn_id_study_synthesis_migr280_finalversion_200201_3_en.pdf

⁵¹ Sensitization, Follow-up and Return; see www.sefor.be

3 Readmission Agreements between EU or Member States and third countries

In order to ensure the full credibility and the effectiveness of EU return policy, international cooperation with countries of origin at all stages of the return process is a prerequisite to achieving effective and sustainable return. Readmission agreements, both developed at EU level and also bilaterally between individual Member States and third countries, are used as tools within this approach, setting out clear obligations and procedures as to when and how to readmit those who are illegally residing in the EU.

This section reviews the practical application of EU and separate bilateral readmission agreements of Member States with third countries, mapping the different authorities that are involved in readmission agreements at national level and analysing their effectiveness by reviewing how frequently they are used and mapping any practical obstacles in their implementation.

3.1 INSTITUTIONAL SET-UP

Different authorities are involved in the readmission process at national level. As shown in table A2.1 in Annex 2 these include the following:

- ★ Police (14 Member States);
- ★ Border guard (6 Member States);
- ★ Immigration authorities (9 Member States)
- ★ Ministry of Interior (4 Member States)

In most of the (Member) States only one of the authorities mentioned above carries responsibility for the readmission process. In Estonia, the police and border guard are combined in one institution, namely the Police and Border Guard Board, which carries out responsibilities of the police, border guard and immigration authorities. However, in **six** Member States (**Cyprus, Finland, France, Hungary, Germany, Slovak Republic**) and **Norway** two or more authorities co-share such responsibilities, being both responsible for different aspects of the readmission procedure.

3.1.1 EU READMISSION AGREEMENTS

EU Readmission Agreements (EURAs) are technical instruments, imposing reciprocal obligations on the contracting parties, to readmit their national and also, under certain conditions, third-country nationals and stateless persons, and can be used after a return decision has been taken in full respect of procedural guarantees set by the EU and national legislation of the Member States. They set out in detail the operational and technical criteria for this process. In policy terms, EURAs are considered a necessary tool for the efficient management of migration flows into the EU. As they are designed to facilitate the effective

return of irregular migrants, they are considered to be important tools for tackling irregular immigration⁵².

Competence in this area was conferred to the European Community in 1999. By 2011, 17 EURAs had entered into force, most of them since 2008, under negotiating directives issued to the Commission by the Council for 21 third countries. All of these EU readmission agreements apply to both nationals and third-country nationals⁵³ (for the latter only under very specific conditions requiring proofs of previous transit or stay in the third country etc).

By 2012 most Member States (**Austria, Belgium, Bulgaria, Czech Republic, Estonia, Germany, Greece, Finland, France, Hungary, Lithuania, Luxembourg, Latvia, Netherlands, Poland, Portugal, Romania, Slovenia, Spain**) and **Norway** had applied implementing protocols concluded under EU Readmission Agreements with third countries and in 2013, protocols to support the implementation of EU readmission agreements entered into force in three further Member States (HR, SK, UK)⁵⁴.

Since the entry into force of the Lisbon Treaty, the **conclusion of EURAs has an explicit legal basis** (Article 79(3) of TFEU). Article 79(3) states that the Union may conclude agreements with third countries for the readmission to their countries of origin or provenance of third-country nationals who do not or who no longer fulfil the conditions for entry, presence or residence in the territory of one of the Member States.

With regard to the **negotiation** of such agreements, the 2011 EC Communication, based on the evaluation of EURAs⁵⁵, highlighted the existence of considerable delays between the opening and the conclusion of negotiations for some EURAs⁵⁶. In such cases, the Communication suggests that the lack of incentives for third countries to reach agreement and the unwillingness on the part of some Member States to compromise on "technical" issues may have been contributory factors.

3.1.2 THE USE OF EURAs IN NUMBERS

Data provided by national authorities in the context of this study shows that there are **no common trends for the use of EURAs** by the (Member) States. As shown in table A2.2 in Annex 2, only **Belgium** saw a **sharp increase** in the total number of readmission applications under EURAs in the period 2010-2013 (in 2013 the number increased by 149% compared to

⁵² Brussels, 23.2.2011 COM(2011) 76 final, Communication from the Commission to the European Parliament and the Council, Evaluation of EU Readmission Agreements

⁵³ European Parliament study on readmission policy in the EU, 2010

⁵⁴ EMN Report 'A Descriptive analysis of the impacts of the Stockholm Programme 2010-2013.

⁵⁵ Brussels, 23.2.2011 COM(2011) 76 final, Communication from the Commission to the European Parliament and the Council, Evaluation of EU Readmission Agreements

⁵⁶ As above

2011). **Finland** and **Lithuania** also saw a **moderate increase** in the total number of readmission applications, the number increased more than 10 fold for **Lithuania** (from 11 in 2010 to 150 in 2013) and with 66% for **Finland** (in 2013 compared to 2012).

On the other hand, **Hungary** and **Sweden** experienced a **decrease** in the total number of readmission applications under EURAs, respectively by 54% (in 2013 compared to 2012) and 16% (in 2013 compared to 2010). In the remaining (Member) States, which provided statistics, the total number of readmission applications under EURAs remained fairly stable in the period under consideration.

Statistics indicate that the **vast majority of applications** lodged by Member States **concerned own nationals** of the countries with whom EURAs have been signed (almost 100%, see table A2.2 in Annex 2).

Although Readmission Agreements are typically linked to forced return, they are applicable regardless of the individual's willingness to return. The review of data provided indicates that some (Member) States (**Finland, Latvia, Lithuania, Luxembourg, Sweden**) also use EURAs to carry out voluntary returns. However, **the share of voluntary returns** on the total number of readmission applications under EURAs is **generally limited**. Only **Lithuania** and **Sweden** recorded quite substantial shares, respectively between 39% (2010-2011) and between 63 and 70% (2010-2013).

3.1.3 EFFECTIVENESS OF EURAS

This section reviews to what extent EURAs have been effective in securing the removal of irregular third-country nationals. It summarises the main benefits of EURAs as perceived by (Member) States; reviews statistical evidence on their effectiveness; and sets out the results of evaluations that have been conducted on EURAs both at EU level as well as at national level. Finally, it also maps the practical challenges experienced by (Member) States when implementing EURAs.

3.1.3.1 Main benefits triggered by the use of EURAs

Overall, (Member) States consider EURAs as useful instruments in supporting return policies. The review of national reports suggests that **EURAs are largely applied without major difficulties**. The main benefits triggered by the use of EURAs include:

- ★ **Better co-operation** with the third countries concerned (**Belgium, Finland, France, Hungary, the Netherlands, Poland**);
- ★ **Better predictability and uniformity** as EURAs define clear rules concerning the requirements and procedures for readmission. The activities are governed by clear deadlines, which the contracting

countries can be expected to comply with (**Finland, Poland, Sweden**);

- ★ **Improved timeliness** of responses with regard to readmission applications (**Finland, Netherlands**);
- ★ **Increased rate of successful readmissions** (**Greece, Hungary, Netherlands**);
- ★ **Better monitoring** of readmissions through the activities of the Joint Readmission Committee (**Netherlands**); and
- ★ **Better coverage** of third countries as not all Member States has the capacity to negotiate bilateral readmission agreements (**Finland, Luxembourg and Slovenia**).

3.1.3.2 Statistical evidence on the effectiveness of EURAs

The review of data provided by national authorities in the context of this study **similarly shows that EURAs can contribute to effective return**. For example, the **share of readmission applications receiving a positive reply** (out of the total number of readmission applications sent by Member States) is **particularly high** in some Member States. Statistics on this measure were provided by 11 Member States (**Belgium, Bulgaria, Estonia, Finland, Hungary, Lithuania, Luxembourg, Latvia, Netherlands, Poland, Sweden**), as shown in table A2.6 in Annex 2. In some Member States (e.g. **Estonia, Hungary, Lithuania, Luxembourg, Sweden**), this **ranges between 60 and 100%** consistently for the years 2010-2013. The **Netherlands** had a comparable share of positive replies in 2013. Lower shares of positive replies in some years were recorded in **Latvia** (2011), **Lithuania** (2009) and **Poland** (2013). Also, as illustrated in table A2.7 in Annex 2 the share of travel documents issued to third country nationals (out of the total number of requests for travel documents logged) was 100% for three countries (**Bulgaria, Estonia and Finland**) out of the five for which statistics are available.

However, these findings need to be put into perspective as fewer than half of the (Member) States provided statistics and thus no general conclusions can be drawn on the basis of these, in particular as there are also many (Member) States that experience practical challenges for the implementation of EURAs with specific third countries (see also section 3.1.3.4).

3.1.3.3 Evaluations of EURAs

The evaluation of the **effectiveness of EURAs at national level** is very limited. Only **Greece** has to date carried out a study to assess the effectiveness of EURAs. The results showed that the extent to which EURAs can be judged effective depends on the agreement and the cooperation with a given third country. For example, the EURA with Georgia was assessed as particularly effective. Before the EURA, the readmission rate amounted to 36% whereas,

following the implementation of the agreement, it reached almost 94%. In contrast, the EURA with Pakistan is assessed as problematic due to delays in response and various other practical obstacles, such as the loss of documents. The average response time also reflects the disparity in the effectiveness between EURAs concluded with different third countries. For example, while the average response time for Georgia is 6-7 days, in the exceptional case of the EURA with Pakistan, it can take over a year to obtain a response from the authorities.

3.1.3.4 Practical challenges experienced by (Member) States when implementing EURAs

The review of national reports did not however show systematic problems in cooperating with third country authorities.

However, some practical challenges exist to the effective implementation of EURAs by national authorities in some Member States (Belgium, Estonia, Greece, Finland, France, Hungary, Luxembourg⁵⁷, the Netherlands, Poland, Spain and Sweden). In these countries, some specific challenges were highlighted in relation to specific third countries, where deadlines foreseen in the EURAs were not always respected. In two cases (highlighted by Finland) responding to the readmission application took more than two years (although the deadlines are generally respected).

Other challenges related to insufficient cooperation in relation to readmission applications of third country nationals (Austria, Greece, Finland and Luxembourg) as well as stateless persons (Luxembourg). National reports pointed out that in some cases, third countries do not issue travel documents to enable readmission/return (Austria, Greece, Hungary and Luxembourg). Finland reported that some countries request fees to be paid for documents. Some third countries insist on using their national forms instead of the template forms included as appendices to EURAs, which poses certain practical obstacles.

Finally, some gaps in the national administrative capacity to implement readmission agreements were identified by Greece, which has not yet designated Return Liaison Officers.

3.2 NATIONAL BILATERAL READMISSION AGREEMENTS BETWEEN MEMBER STATES AND THIRD COUNTRIES

At national level, significant differences exist in (Member) States' cooperation on readmission with third countries. This is due to the different types of flows affecting their respective national territories and can depend also on the quality and

history of their bilateral relations with particular third countries.

The majority of (Member) States have signed separate bilateral readmission agreements with third countries. Belgium, Luxembourg and the Netherlands signed agreements in the context of the Benelux union. Only three Member States (Ireland, Malta and Slovenia) do not have bilateral readmission agreements in place. However, two of these countries (Ireland and Malta) stressed that while formal bilateral readmission agreements are not in place with third countries, a number of informal readmission arrangements do exist.

With regard to informal arrangements, a recent study conducted by the European Parliament⁵⁸ showed that, generally speaking, flexibility and the drive for operability have acquired increasing importance in the practice of readmission over the last years, leading to a proliferation of non-standard agreements between Member States and third countries. Circumstances and uncertainties change over time, making flexible arrangements preferable over formal bilateral readmission agreements. (Member) States and third countries may therefore opt for different ways of dealing with readmission through exchanges of letters and memoranda of understanding or by choosing to frame their cooperation via other types of arrangements (e.g., police cooperation agreements). The main rationale for the adoption of non-standard agreements is to secure bilateral cooperation on migration management and to respond flexibly to new situations and uncertainties.

As shown in table A2.8 in Annex 2, the number of bilateral readmission agreements signed with third countries ranges between one (Cyprus, Estonia, Finland and Poland) and 21 (France) per (Member) State. (Member) States have concluded such agreements with a wide range of countries, according to their needs. When looking at the specific third countries, most of the bilateral agreements were signed with Kosovo, Armenia, Bosnia Herzegovina and FYROM. Georgia and Kazakhstan are the most common countries for central Asia and the Caucasus while Vietnam (with six agreements in total) is the Asian country with whom most agreements were signed. Finally, bilateral agreements with countries in Africa and the Middle-East seem to be less common.

The readmission agreements signed with third country authorities have been in place for many years. Some agreements were already signed in the nineties. However, an increase in readmission agreements can be noticed in the years 2007-2009 as well as in 2011.

⁵⁷ In Luxembourg this concerns the return procedure in general.

⁵⁸ European Parliament study on readmission policy in the EU, 2010.

The European Parliament study on readmission policy in the EU points out that the **increase** in bilateral readmission agreements over the last years was **triggered by** the gradual **enlargement of the EU** and from the fact that some third countries see the conclusion of such readmission agreements as a way of **consolidating their relations** with the EU. More specifically, third countries in Eastern Europe and the Western Balkans had a concrete interest in cooperating on readmission matters in the context of the EU enlargement process and neighbouring policy. In contrast, third countries in the Mediterranean and in Africa had, from a general point of view, been more involved in a mix of standard agreements and flexible arrangements. The European Parliament study pointed out that these third countries have been less inclined to conclude standard readmission agreements, or even to fully implement them when such agreements were concluded, due to the potentially disruptive impact of their (visible) commitments on the domestic economy and social stability, and on their external relations with their African neighbours.

3.2.1 THE USE OF NATIONAL BILATERAL READMISSION AGREEMENTS IN NUMBERS

Comparing the use of national bilateral readmission agreements is very challenging since, as mentioned above significant differences exist in Member States' cooperation on readmission with third countries. Table A2.9 in Annex 2 aims to compare some bilateral agreements established by national authorities with Kosovo, Armenia, Vietnam, FYROM and Serbia (as mentioned above, these are the countries with whom most of the bilateral agreements were signed by the Member States⁵⁹). The table⁶⁰ shows that **Belgium** (in 2011) and **Sweden** (in 2012 and 2013) **recorded most of the readmission applications submitted to Kosovo** under their respective bilateral agreements. Compared to other Member States, **Belgium** also recorded most of the readmission applications concerning Armenians while **Poland** recorded most of the readmission applications submitted to Vietnam. Most applications to FYROM authorities were submitted by **Bulgaria** while **Croatia** is the country with the biggest number of applications sent to Serbian authorities. The table also shows that, in the vast majority of cases, the readmission applications recorded concerned nationals of the third countries with whom bilateral agreements are established.

Similarly to the use of EURAs, the statistics indicate that most of the national readmission agreements are used to carry out forced return. However, some bilateral readmission agreements signed by (Member) States (**Austria, Bulgaria, Estonia, Sweden and**

Norway) also include an article encouraging both parties to promote the use of voluntary return. For example, the statistics provided by national authorities showed that **Luxembourg** and **Sweden** recorded a quite high share of instances of voluntary return under the separate bilateral readmission agreements with Kosovo and Armenia.

3.2.2 EFFECTIVENESS OF NATIONAL BILATERAL READMISSION AGREEMENTS

This section reviews the effectiveness of bilateral readmission agreements signed between (Member) States and third countries, by reviewing statistical evidence, mapping practical challenges and reviewing evaluations that have been conducted on the use of bilateral readmission agreements. It also analyses to what extent the simultaneous use of both bilateral and EU Readmission agreements presents problems for the credibility of EU Readmission policy towards third countries.

3.2.2.1 Main benefits of bilateral readmission agreements and challenges presented by the use of both bilateral readmission agreements and EURAs

As illustrated in section 3.2, (Member) States have developed robust readmission systems based on a deep-rooted bilateral cooperation with a wide range of third countries. In comparison to the many separate bilateral readmission agreements concluded by (Member) States, EURAs constitute only a small share of the overall number of bilateral agreements linked to readmission. Evidence shows that, in practice, (Member) States use both EURAs and bilateral agreements to facilitate the removal process of third-country nationals to their countries of origin. In principle the use of EURAs take priority over bilateral agreements, as also mentioned in the national reports of **Austria, Czech Republic, Ireland, Slovak Republic**. One (Member) State (**Czech Republic**) also stated that, in some cases, third countries even require the application of rules and procedures according to EURAs rather than bilateral agreements.

However, the 2011 EC Communication concluded that, while a majority of (Member) States apply EURAs for all their returns, others continue to rely on their bilateral arrangements which existed before the EURA entered into force. This might be sometimes due to the existence of transition periods for third country nationals in certain EURAs as well as the need to adapt national administrative procedures. The Communication concluded that the inconsistent application of EURAs greatly undermines the credibility of the EU Readmission Policy towards third countries. However, this trend has been reduced more recently.

The analysis of the national reports supports these findings. The review shows that the majority of (Member) States prefer to use EURAs instead of separate bilateral readmission agreements. However, Member States such agreements - the main benefits of

⁵⁹ Also, for these countries, comparable statistics are available

⁶⁰ In France, it is not possible to provide statistics. However, it is possible to take into account the number of consular pass applications made by French departments to the consular authorities of third countries with which France has signed a readmission agreement. In general, Kosovo is the third country with which France has signed a readmission agreement that has received the most consular pass applications from France.

using them as reported by (Member) States can be summarised as follows:

- ★ Good cooperation with the authorities of third countries with whom a readmission agreement has been signed (**Belgium, France, the Netherlands**);
- ★ Efficient practical cooperation following the clear provisions and procedures as included in the bilateral agreements (**Finland, Hungary, Poland, Sweden and Norway**); and
- ★ Where established, implementing protocols can be an effective tool to improve the existing readmission agreement (**Sweden**).

However, none of the (Member) States provided information on the specific added value of using a national readmission agreement compared to EURAs. Two (Member) States (**Sweden and Slovakia**) mentioned that the use of both bilateral readmission agreements and EURAs is beneficial to the return process, facilitating effective returns and reducing the risk of repeated illegal entries.

3.2.2.2 Statistical evidence on the effectiveness of bilateral readmission agreements

Data provided by national authorities in the context of this study, shows that, overall, bilateral agreements seem to work effectively. For example, the share of readmission applications receiving a positive reply (out of the total number of readmission applications sent by Member States) is particularly high. For most of the Member States for which statistics were available, it ranges between 75 and 100%, as shown in table A2.11 in Annex 2. Lower rates were recorded for **Poland** under the agreement with Vietnam (51% in 2012). For the **Netherlands** the Readmission Agreement with Kosovo became effective only from 1st April 2014 and thus it remains too early to draw conclusions on effectiveness.

3.2.2.3 Practical challenges for the implementation of bilateral readmission agreements

Although bilateral readmission agreements are largely judged to be effective return tools, some practical obstacles concerning their implementation exist in the current situation. The practical problems experienced are largely similar to the ones experienced under EURAs. Some (Member) States indicated that specific countries of origin do not cooperate in general (**Austria, Germany, Greece, Luxembourg⁶¹ and Sweden**) and do not respect the deadlines (**Austria, Belgium, Greece, Luxembourg, Sweden and Norway**). Moreover, some third countries do not cooperate in relation to readmission applications of third country nationals (**Austria, Greece, Luxembourg, and Spain**) as well as in relation to readmission applications of stateless persons (**Austria and Luxembourg**). Also, some problems exist as third

countries do not issue travel documents to enable readmission/return (**Austria, France, Germany, Luxembourg, Sweden and Norway**).

With regard to gaps in Member State's administrative capacity to implement readmission agreements, only Greece mentioned the lack of a designated Immigration Liaison Officer, which, in other countries, proved to be an effective practice. Other obstacles are linked to very long procedures and difficulties in the identification of the nationality of a third country national (**Austria, Croatia and Ireland**) as well as the absence of charter flights to return third country nationals (**Germany**).

3.2.2.4 Evaluations of bilateral readmission agreements

Evaluations of national readmission agreements were conducted only by a minority of Member States (**Greece and Poland**). As for EURAs, such evaluations showed that the extent to which bilateral agreements can be considered effective depends on the agreement and the cooperation with a given third country. In **Greece**, the evaluation findings showed that the Greek-Turkish agreement presented some strong limitations with regard to its effectiveness. The recognition rate is very low (about 10%) and, despite bilateral meetings having taken place between Turkey and Greece, a negative development regarding the response and acceptance rates by the Turkish authority has been recorded in 2013. On the other hand, the evaluation of the Polish-Vietnamese readmission agreement shows that, in 2013, there was over 93% recognition of requests for readmission. The cooperation was therefore assessed as very positive.

4 Entry bans and Readmission Agreements: Understanding the synergies with reintegration assistance

This section explores the synergies between the implementation of entry bans and readmission agreements in the facilitation of effective return on the one hand and the role of reintegration assistance on the other hand as a further 'tool' that can be used by Member States to facilitate effective and sustainable return.

4.1 SYNERGIES BETWEEN THE IMPLEMENTATION OF RE-ENTRY BANS AND REINTEGRATION ASSISTANCE

In the majority of Member States, the authorities in charge of imposing an **entry ban** do not subsequently consult with and/or inform the authorities in the concerned third country to which the individual is to be returned. This process takes place routinely in only two (Member) States (**Austria, Germany**) and in the **Slovak Republic** on a case by case basis, usually if there is a need also for the third country to provide travel documents. In **Austria**, in asylum cases where a negative first instance decision is likely, then contacts may be made with the authorities of the third-country

⁶¹ For Luxembourg this concerns return in general.

in advance, for instance in order to begin to organise the return, and the imposition of the entry ban in all cases may be directly communicated to the authorities in the country of origin, for information purposes. In **Germany** and the **Slovak Republic**, the process takes place before departure. The **United Kingdom** does not enter into explicit dialogue on entry bans with third countries, as such information is publicly available, laid out in the UK's immigration rules', and thus available to third countries.

Overall, in most (Member) States, there is no specific dialogue between (Member) States and countries of origin on the imposition of an entry ban.

In the majority of (Member) States (**Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, Hungary, Latvia, Lithuania, Malta, Poland, Sweden, Slovak Republic, Slovenia, Spain, United Kingdom, Norway**), the possibility exists for returnees who have been the subject of an entry ban to apply for reintegration assistance. In most cases the imposition of an entry ban does not influence whether an application can be made for reintegration assistance; the general access rules for reintegration assistance under voluntary assisted return programmes apply.

However, in **Austria** and **Belgium**, access to reintegration assistance for those subject to an entry ban is on a case by case basis. In **Austria**, the criteria take into account factors such as personal circumstances, length of stay in the Member States and whether the applicant has a criminal record. In **Belgium**, a person subject to an entry ban and held in detention centre cannot apply for reintegration assistance, except if the Immigration Office accepts this on the basis of humanitarian circumstances.

In **France**⁶², **Germany, Greece, Croatia, Ireland, Latvia, Luxembourg** and the **Netherlands**, this possibility does not exist in principle. However, in practice, in **Luxembourg** it may be permitted in circumstances where a person placed in detention applies to return voluntarily, whereas in the **Netherlands**, a rejected applicant for international protection without an entry ban can use the period for voluntary return of 28 days for reintegration assistance, after which an entry ban will apply.

In **Austria, Hungary, Luxembourg** and **Sweden** the national authority responsible for deciding on the imposition of an entry ban is the same organisation as that making the decision on reintegration assistance; in all other (Member) States, the responsibilities lie with separate bodies, in particular, with international

organisations and NGOs involved in the administration of reintegration assistance.

Four (Member) States have established formal coordination mechanisms between the responsible organisations; these include Memoranda of Understanding (**Bulgaria**); cooperation agreements (**Latvia, Poland, Spain**), which in **Poland** has led to the establishment of a joint Consultative Committee; and a shared database (**United Kingdom**). Informal coordination mechanisms resulting in close cooperation have been established in **Estonia** and **Malta** and a Steering Group has been set up for voluntary return programmes implemented by IOM in **Finland**. Regular consultation takes place between these responsible organisations in **Belgium, Estonia** and **Malta**. In all other cases, contact between these bodies remains limited.

4.2 SYNERGIES BETWEEN RETURN UNDER READMISSION AGREEMENTS AND REINTEGRATION ASSISTANCE

Overall, (Member) States have created greater synergies in their processes of returns under readmission agreements and reintegration assistance than in relation to entry bans.

Ten (Member) States (**Austria, Belgium, Hungary, Luxembourg, Malta, Netherlands, Poland, Sweden, United Kingdom, Norway**) may offer reintegration assistance to persons who are being returned by force on the basis of a readmission agreement. The circumstances vary, however, and may be on the basis of need / humanitarian grounds (**Belgium**), determined on a case by case basis (**Austria, Lithuania, Malta**); or in cooperation with specific third countries only (**Netherlands, Poland, Norway**). In **France, Sweden** and the **United Kingdom**, reintegration assistance is open to all those that qualify, regardless of whether the country of return is subject to a Readmission Agreement. In the **United Kingdom**, access to reintegration assistance may apply also in cases of forced return under some Readmission Agreements, for example, with Pakistan and Afghanistan. In some countries, access to reintegration assistance is only open to third-country nationals participating in organised assisted voluntary return and reintegration programmes (**Hungary, Luxembourg**). **Poland** does not offer reintegration packages routinely in relation to returns under Readmission Agreements, but participates in some international/bilateral projects⁶³ which provide for reintegration assistance under Readmission Agreements, including to Armenia, Azerbaijan and Georgia. Similarly, as part of the readmission agreements with Afghanistan, **Norway** provides

⁶² In France, reintegration assistance is not possible for migrants who are subject to an order to leave the French territory and an entry ban. Only illegally staying migrants returning on their own or with OFII (French Office for Immigration and Integration) return assistance can apply for reintegration assistance.

⁶³ E.g. "Support Reintegration of Georgian Returning Migrants and the Implementation of EU-Georgia Readmission Agreement"; "Enhanced participation of Georgian Emigrants at Home [ERGEM]" and; "Supporting the Establishment of Effective Readmission Management in Armenia, Azerbaijan and Georgia".

reintegration assistance to third-country nationals returned by force to Afghanistan.

Of these nine Member States, in five (**Austria, Hungary, Luxembourg, Netherlands, Sweden**), the competent authorities involved in making readmission applications and granting reintegration assistance are the same. In the **United Kingdom**, a coordination mechanism operates between the competent authorities, via a shared database with relevant information, and regular communication takes place amongst the responsible bodies in **Belgium** and **Malta**.

In all other (Member) States, reintegration packages are not available to persons returned by force under Readmission Agreements as third-country nationals are exclusively assisted with the act of removal.

5 Conclusions

This EMN Focussed Study presents an analysis of (Member) States' use of entry bans and readmission agreements with a specific focus on their practical application and effectiveness, whilst also identifying good practices in their use, including possible synergies with the implementation of reintegration measures. The Synthesis Report may serve to further inform (Member) States' return policies, securing, in full compliance with the Charter of fundamental rights, the dignified, effective and sustainable return of those third-country nationals that do not or who no longer fulfil the conditions for entry, stay and residence in a (Member) State.

Entry bans

(Member) States' **national legal frameworks** for the use of entry bans **are largely similar** in respect of the **grounds for the imposition** and **exclusion** of entry bans, which primarily reflect provisions included in the Return Directive, the Charter for Fundamental Rights and obligations flowing from international law.

On the other hand, however, the **approaches for the imposition of entry bans differ across (Member) States**. Whereas the majority of (Member) States largely follow the provisions as stipulated in the Return Directive, others have adopted either more stringent or lenient approaches. The majority of (Member) States automatically impose entry bans, in line with Art. 11 (1), in cases of forced return, whilst entry bans are reviewed on a case-by-case basis in situations of voluntary return, or are not imposed at all. Other (Member) States apply different practices than stipulated in the Return Directive insofar as that they do not make a distinction between forced/voluntary return when deciding on the imposition of an entry ban. Whereas three (Member) States always review the imposition of an entry ban on a case-by-case basis, one (Member) States automatically impose entry bans in every case of return.

As might be expected, **differences** are apparent across (Member) States' in the **institutional framework** of authorities that decide on the imposition of entry bans as well as those who carry responsibility to inform the third-country national that they are subject to an entry ban. Such differences are inherent to (Member) States' national organisational structures. Decisions are typically made either exclusively by: immigration authorities, or police authorities, or by a combination of several authorities (e.g. police, border, immigration offices and security services). In the majority of (Member) States these authorities are also responsible for informing the third-country national of the decision. Information is conveyed directly to the person (in writing and on top also orally in case of request of a translation by the third-country national) and good practice in some (Member) States is the use of interpretation services to ensure the situation is fully understood.

As to the **use of entry bans**, the study shows that these are being applied **in different ways to meet various aims in the return process**. Whereas entry bans are typically coercive policy measures meant to serve as a deterrent for irregular third-country nationals (sending a signal to third-country nationals that it does not pay to come irregularly to the EU), most (21 Member States) can also withdraw/suspend entry bans in cases where the third-country national has left voluntarily the territory in full compliance with the return decision. In this way, the withdrawal/suspension of entry bans may be used as an "incentive" to encourage voluntary return.

Effective **practical application** of entry bans requires a high degree of **cooperation between (Member) States**, in particular as most (Schengen) Member States impose entry bans covering the entire Schengen territory (except for those not party to the Schengen agreement). The Study shows that the **Schengen Information System (SIS)** is the primary communication channel used by most (Member) States for the enforcement of entry bans, in particular through SIS alerts which, following the Schengen Borders Code, should in principle deny third-country nationals subject to an entry ban access to the territory of the Schengen States. In practice therefore it is the combined functioning of the national entry ban decision as well as the SIS alert which brings about the effective ban on entry to the territory of a (Member) State.

Following SIS alerts, (Member) States exchange supplementary information in particular in situations where (Member) States may consider issuing a residence permit to a third-country national subject to an entry ban. This is also usually done through the SIS, notably via SIRENE channels as well as other alternative communication channels e.g. Europol/Interpol, Immigration Liaison Officers (ILOs) including direct bilateral channels (e.g. face-to-face, telephone, e-mail). Several **good practice examples**

for the exchange of information were identified and highlighted, such as:

- ★ Establishment of a National Coordination Centre within the State Border Guard in Latvia operating on a 24/7 basis which exchanges information on entry bans with authorities in different (Member) States, as well as;
- ★ Use of ILOs and direct bilateral contact channels by Ireland.

Good practice examples for the dissemination and coordination of information on entry bans at national level were further also identified. These include:

- ★ Recording information on entry bans in publicly available registers, or;
- ★ Displaying information on entry bans on publicly available websites.

The revision of Member States' National Contributions indicates that there are, on the one hand, emerging good practices in terms of cooperation between Member States when enforcing entry bans, and, on the other hand, practical cooperation problems limiting their effectiveness (see section 2.3 and 2.3.1). One of the most important challenges is the non-systematic entering of entry ban alerts into the SIS by Member States imposing them, thereby obstructing enforcement of the entry ban in the Schengen area. In addition, problems are also to be noted in relation to the (lack of) monitoring of the use of entry bans in the SIS. It may be doubted whether all entry bans are deleted from the SIS once the time period of the entry ban has lapsed.

Limited evaluation as well as limited conclusive statistical evidence makes it **difficult to draw firm conclusions on the effectiveness of entry bans** in EU (Member) States. The evaluation performed by the Netherlands found indications that entry bans may not be an effective tool to encourage voluntary departure. Beyond the practical cooperation problems between (Member) States, other factors (more general to the return process) also impact on the effectiveness of entry bans. These include difficulties in enforcing departure of the third-country national from the EU territory and the use of false travel documents/counterfeited identities by third-country nationals when trying to re-enter the EU territory.

In sum, the Return Directive has resulted in an increased harmonised legal framework on entry bans at national level. However, different approaches for the imposition of entry bans remain along with differences in the institutional framework for the enforcement of entry bans. Although there are emerging good practices, including for cooperation between (Member) States in the enforcement of entry bans, several practical challenges remain, which currently limit the effectiveness of entry bans. There is **scope for further operational cooperation between**

(Member) States and a better exchange of best practices.

Readmission Agreements

International cooperation with countries of origin at all stages of the return process is essential to achieving effective and sustainable return. Readmission Agreements (whether EU or national bilateral) are essential tools within this approach. (Member) States can rely on both EURAs as well as robust national readmission systems based on deep-rooted bilateral cooperation with a wide range of third countries.

EURAs

With regard to the negotiation of EU Readmission Agreements, the time taken can be protracted, due to the lack of available incentives for third countries to reach an agreement and a lack of willingness on the part of some (Member) States to compromise on "technical" issues⁶⁴.

All EURAs that have been concluded so far apply to both nationals and third-country nationals. Statistics indicate however that the vast majority of applications logged by (Member) States concerned own nationals of the countries with whom EURAs have been signed. Although EURAs are typically linked to forced return as they are applicable regardless of an individual's willingness to return, the review of data provided in the context of this Study indicates that some (Member) States also use EURAs to carry out voluntary returns. However, the share of voluntary returns on the total number of readmission applications under EURAs is generally limited.

Overall, EURAs are considered by Member States as **useful instruments in supporting return policies**, and the majority report that EURAs are **applied without major difficulties**. The **main benefits** highlighted include:

- ★ Better cooperation with the third country;
- ★ Better predictability and uniformity;
- ★ Improved timeliness of responses;
- ★ Increased rate of successful readmissions;
- ★ Better monitoring of the agreements; as well as
- ★ Better coverage of third countries (as not all Member States have the capacity to negotiate bilateral readmission agreements).

The **review of data** provided by national authorities in the context of this Study also shows that **EURAs are generally effective return tools**: the share of readmission applications receiving a positive reply (out of the total number of readmission applications sent by (Member) States ranges between 60 and 100% for those (Member) States that provided statistics.

⁶⁴ Commission Communication on the Evaluation of EU Readmission Agreements (COM(2011) 76 final)

However, national evaluations conducted on the use of EURAs show that **the extent to which EURAs can be judged effective depends on the agreement and the cooperation with a given third country.**

Despite the numerous benefits introduced by EURAs, certain **practical challenges** also inhibit their effectiveness. These are mainly linked to the inconsistent application of EURAs by (Member) States and the uneven use of certain clauses and procedures. Other practical challenges experienced relate to third countries not respecting deadlines as foreseen in EURAs. Such issues are, however, usually specific to a particular third country. Overall, no systematic problems in cooperating with third countries have been reported.

National bilateral readmission agreements

Next to EURAs, the **majority of (Member) States** have **also signed national bilateral readmission agreements** as well as certain **non-standard agreements**. The latter allow for **flexibility and operability, capable of adapting to the specificities of each case**. Similar to the use of EURAs, statistics indicate that most of the national readmission agreements are used to carry out forced return, although some (Member) States also carry out voluntary returns under national bilateral agreements, but to a limited extent.

The main benefits of bilateral agreements, as mentioned by (Member) States include:

- ★ Good cooperation with authorities in third countries;
- ★ Efficient practical cooperation following clear provisions and procedures included in the bilateral agreements

Evidence shows that, in practice, **both EURAs as well as national bilateral agreements are used by (Member) States in parallel**. Where both an EURA as well as a bilateral national readmission agreement is in place with a specific third country, most (Member) States prefer to rely on the EURA⁶⁵. However, some (Member) States also reported to prefer the use of national bilateral agreements, which may undermine the credibility of EU readmission policy as also concluded in the 2011 EC Communication.

Furthermore, some **practical obstacles** were also identified in relation to the implementation of national bilateral agreements. These are largely similar to the ones experienced under EURAs and mainly relate to **insufficient cooperation from third countries and delays in receiving replies on readmission requests**. Evaluations of national readmission agreements were conducted by only a minority of

(Member) States, which indicate, similar to EURAs, that **the extent to which bilateral agreements can be considered effective strongly depends on the agreement and the cooperation with a given third country.**

In sum, both EURAs as well as national bilateral agreements are useful return measures, facilitating the effective removal of irregular third-country nationals. (Member) States are further encouraged to ensure that both agreements complement each other, whilst also trying to reduce, to the extent possible, practical challenges experienced in the implementation. Seeing that practical challenges are not general in nature, but rather specific to a particular third country, (Member) States may benefit from increased operational cooperation and further exchange of practices.

Synergies between entry bans/readmission agreements and reintegration assistance

Some Member States have developed **synergies** amongst the various tools at their disposal to bring about better outcomes for sustainable return. However, these appear to be at the early stages of development and are not applied in all Member States. Such synergies exist in more Member States between the implementation of readmission agreements and reintegration assistance than in relation to entry-bans. Whilst limited evaluation evidence prevents the possibility of linking such synergies to efficiencies or effectiveness, there is scope for learning between Member States on the different practices in place.

⁶⁵ Under EURAs, the provisions of the agreements "shall take precedence over the provisions of any legally binding instrument on the readmission of persons residing without authorisation"

Annex 1 Legal and institutional framework of entry bans

Table A1.1 National Grounds and approaches for the (possible) imposition and non-imposition of entry bans on third-country nationals

Approach	Member State	National grounds imposition of entry bans					National grounds non-imposition of entry bans			
		<i>Risk of absconding</i>	<i>Risk to public policy/national security</i>	<i>Unfounded application for legal stay</i>	<i>Non-compliance obligation to return</i>	<i>Other</i>	<i>Humanitarian considerations</i>	<i>Right to family life</i>	<i>Health reasons</i>	<i>other</i>
<i>Automatic imposition of entry bans in cases of forced return, whilst in cases of voluntary departure the decision is taken on a case-by-case basis:</i>	Belgium	☑	☑	☑	☑	☑	☑	☑	☑	☑
	Bulgaria		☑	☑	☑	☑	☑	☑	☑	
	Cyprus	☑	☑	☑	☑		☑	☑	☑	
	Estonia	☑	☑	☑	☑		☑	☑	☑	☑
	France	☑	☑	☑	☑		☑	☑	☑	☑
	Germany				☑					
	Hungary	☑	☑	☑	☑	☑		☑		
	Latvia	☑	☑	☑	☑	☑	☑	☑	☑	☑
	Lithuania	☑ ⁶⁶	☑	☑	☑	☑	☑	☑	☑	☑
	Luxembourg		☑		☑		☑	☑	☑	☑
	Malta	☑	☑		☑	☑	☑	☑	☑	☑
	Netherlands	☑	☑	☑	☑	☑	☑	☑	☑	☑
	Poland	☑	☑		☑		☑	☑		
	Slovak Republic	☑	☑	☑ ⁶⁷	☑	☑ ⁶⁸		☑	☑	
	Norway	☑	☑	☑	☑	☑	☑	☑	☑	

⁶⁶ The risk of absconding is not explicitly included in national legislation; however, Draft Law currently being considered by the Government of the Republic of Lithuania identifies the criterion of a risk of absconding *expressis verbis*.

⁶⁷ The imposition of an entry ban based on this ground is optional.

⁶⁸ The imposition of an entry ban based on other grounds is optional.

Automatic entry bans for forced return, no entry bans for voluntary return:	Finland	☒	☒	☒	☒		☒	☒	☒	☒
	Slovenia	☒	☒		☒			☒	☒	☒
	Spain		☒		☒					
	Sweden	☒	☒		☒		☒	☒		☒
Case by case for all return decisions	Austria	☒	☒			☒	☒	☒	☒	☒
	Croatia	☒	☒	☒	☒		☒	☒	☒	☒
	Czech Republic	☒	☒	☒	☒	☒	☒	☒	☒	
	Greece	☒	☒	☒	☒	☒	☒			☒
	Ireland		☒	☒		☒	☒			☒
	United Kingdom		☒	☒	☒		☒	☒	☒	
Ban imposed at re-entry										
Automatic entry ban inherent in each deportation order issued (IE)										

Source: EMN National Reports 2014

Table A1.2 Indicators/criteria used to assess the grounds for imposition and non-imposition of entry bans

Grounds for imposition/non-imposition of entry bans		Indicators used to assess the grounds for decision making
Grounds for the imposition of entry bans in Member States	Non-compliance with the return obligation	
	Risk to public policy, public security or national security	Administrative infringements , normally punishable with fines, or less serious crimes which are usually considered as indicators of a risk for public policy, e.g. violation of: • traffic rules; • employment, environment and tax laws; • public order; and • public health rules.
		Convictions for more serious crimes constituting indicators that the person poses a risk for public security: • crimes related to terrorism, drugs/arms dealing, organised crime; • trafficking in human beings; • racial/religious or political hate; • crimes against humanity; • crimes against vulnerable groups; and • war crimes.
		Actions of the concerned person endangering the security and the interests of the state , indicating a risk for national security : • discredit of the State, offense to its prestige and dignity; • violation of the constitutional /democratic order; and • conducting illegal intelligence activities.
	Risk of absconding	Attempt to disguise identity by means of: • false declarations; • counterfeited ID documents; or • lack of valid documents.
		Behaviour from which it may be reasonably assumed that the third-country national is unwilling to comply with a return decision, e.g.: • specific statements; • refusal to cooperate; • changes of residence; • failure to report movements or to appear before authorities; and • attempts to escape
		Previous breach of an obligation to return or of an entry ban Illegal entry or stay in the (Member) State or attempt to illegally depart from its territory

Grounds for imposition/non-imposition of entry bans		Indicators used to assess the grounds for decision making
Grounds for the imposition of entry bans in Member States	Application for legal stay was dismissed as manifestly unfounded or fraudulent	An application is generally considered unfounded or fraudulent when the concerned person: • submits falsified documents; • provides contradictory or false data, especially on the family situation; and • in cases of marriage of convenience.
	Other grounds	Financial obligations with the State remain outstanding, e.g. for costs incurred in the course of removal (Bulgaria, Hungary)
		Unpaid fines for administrative offences (Lithuania).
		The absence of a visa or guarantee to return to the country of origin (Bulgaria, Greece, Latvia)
		International commitments or a decision of the EU Council prohibit entry to the territory of the Member State (Hungary, Lithuania)
		Repeated obstruction of administrative and judicial decisions (Czech Republic)
		Returnee has knowingly maintained an infringement of immigration laws and has not made efforts to remedy this (Slovak Republic)
Grounds for the non-imposition of an entry ban	Right to family life	Discretionary imposition of an entry ban where deemed necessary by the competent authority (Belgium, Malta, Netherlands)
		The level of family integration and duration of stay (e.g. Austria, Bulgaria, Croatia, Finland, Hungary, Lithuania, Slovak Republic)
		Impact of the entry ban on the remaining members of the family (e.g. Estonia, Finland, Hungary, Netherlands, Slovenia)
		Interest of minor children (e.g. Croatia, Finland, Malta, Netherlands)
		Ties with the family in the country of origin (e.g. Austria, Bulgaria, Finland, Hungary)
		Social and cultural bonds with the Member State (e.g. Austria, Estonia, Finland, Sweden)
	Health reasons	Serious illness/acute health disorder etc.
	Other grounds	Third-country national has breached legislation for reasons beyond his control or because of force majeure (Lithuania and United Kingdom)
		Individuals who are required to participate in proceedings before public authorities (Slovenia)
		Third-country nationals residing illegally who voluntarily come to the police department and ask for return to his/her home country by means of assisted voluntary return (Slovak Republic)

Source: EMN NCP National Reports 2014

Table A1.3 Categories of third-country nationals that can be imposed an entry ban

Member States	TCN staying illegally	Voluntarily compliance ⁶⁹	TCN subject to a refusal of entry (art. 13 S.B.C.)	Voluntarily compliance	TCN apprehended irregularly crossing external borders	Voluntarily compliance	TCN returned as consequence of criminal law sanctions	Voluntarily compliance	Other
Austria	☑	☑	no	no	☑	☑	☑	☑	☑
Belgium	☑	no	no	no	No	no	☑	☑	☑
Bulgaria	☑	☑	☑	☑	☑	☑	☑	☑	no
Cyprus	☑	☑	☑	☑	☑	☑	☑	☑	
Croatia	☑	☑	☑	☑	☑	☑	☑	☑	☑
Czech Republic	☑	☑	☑	☑	☑	☑	☑	☑	
Estonia	☑	☑	☑	☑	☑	☑	☑	☑	
Finland	☑		☑	n/a*	☑		☑	n/a*	
France	☑	☑			☑	☑	☑	☑	
Germany	☑		☑	n/a*	☑		☑		
Greece	☑		☑	☑	☑	☑	☑	☑	
Hungary	☑		☑		☑		☑	☑	
Ireland	☑	☑	n/a	n/a			☑	☑	
Latvia	☑	☑	☑	☑	☑	☑	☑	n/a*	
Lithuania	☑	☑	☑	n/a*	☑	☑		n/a	
Luxembourg	☑		☑		☑		☑		☑
Malta	☑	☑			☑	☑	☑	☑	
Netherlands	☑	☑					☑	☑	
Poland	☑	☑			☑		☑	☑	
Portugal									
Romania									
Slovak Republic	☑		☑	☑	☑	☑	☑	☑	

⁶⁹ This column indicates whether the category of TCN can still be imposed an entry ban if he/she voluntarily complied with the return decision.

Member States	TCN staying illegally	Voluntarily compliance ⁶⁹	TCN subject to a refusal of entry (art. 13 S.B.C.)	Voluntarily compliance	TCN apprehended irregularly crossing external borders	Voluntarily compliance	TCN returned as consequence of criminal law sanctions	Voluntarily compliance	Other
Slovenia	☑				n/a	n/a*	☑	n/a	
Spain	☑						☑		
Sweden	☑						n/a	n/a	
United Kingdom	☑	☑	n/a	n/a	☑	☑	☑	n/i	
Norway	☑	☑	☑	☑	☑		☑	☑	

Source: EMN NCP National Reports 2014

n/a not applicable - **n/i** : information not available

*There is no possibility of voluntary return in this case.

Table A1.4 Authorities in charge of decision-making and imposition of an entry ban and in charge of withdrawal/ suspension of an entry ban

	Decision making and imposition of the entry ban			Withdrawal/ suspension of an entry ban			
Member States	Immigration authorities	Police authorities	Combination of authorities	Immigration authorities	Police authorities	Combination of authorities	Other
Austria	☒			☒			
Belgium	☒			☒			
Bulgaria			☒			☒	
Cyprus	☒			☒			
Croatia			☒			☒	
Czech Republic		☒			☒ Or administrative court		
Estonia			☒				☒ Minister of Interior
Finland			☒				☒ Finnish Immigration Service
France	☒			☒			
Germany	☒			☒			
Greece		☒			☒		
Hungary			☒			☒	
Ireland	☒			☒			
Latvia			☒			☒	
Lithuania	☒			☒			
Luxembourg	☒			☒			
Malta			☒			☒	
Netherlands			☒				☒ Immigration and

	Decision making and imposition of the entry ban			Withdrawal/ suspension of an entry ban			
Member States	Immigration authorities	Police authorities	Combination of authorities	Immigration authorities	Police authorities	Combination of authorities	Other
s							Naturalisation Service
Poland		☒			☒		
Romania							
Slovak Republic		☒					☒ Minister of Interior, specifically by the Bureau of the Border and Alien Police of the Police Force Presidium
Slovenia			☒			☒	
Spain	☒			☒			
Sweden			☒			☒	
United Kingdom	☒			☒			
Norway	☒			☒			

Source: EMN NCP National Reports 2014

Table A1.5 Grounds for (possible) suspension/withdrawal of entry bans

Member State / Norway	Left in compliance with return decision	Victims of trafficking in human beings	Minors	Unaccompanied Minors	Disabled people	Elderly people	Pregnant women	Single parents with minor children	Persons with serious illness	Persons with mental disorders	Persons subjected to torture, rape etc.	Other humanitarian reasons	Other individual cases or categories of cases
Austria	☑	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	☑
Belgium	☑	☑	NA ⁷⁰	NA ⁷¹	☑	☑	☑	☑	☑	☑	☑	☑	☑
Bulgaria	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	
Cyprus	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	
Czech Republic	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑
Croatia	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	
Estonia	☑	NA ⁷²	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	
Finland ⁷³	☑	NA ⁷⁴	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑
France	☑	☑	NA ⁷⁵	NA ⁷⁶	☑	☑	☑	☑	☑	☑	☑		
Greece	☑	☑	☑ ⁷⁷	☑	☑	☑	☑	☑	☑	☑	☑	☑	
Hungary	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	
Ireland		☑		NA ⁷⁸							☑		☑

⁷⁰ No entry bans imposed on this category.

⁷¹ No entry bans imposed on this category.

⁷² No entry bans imposed on this category.

⁷³ Entry bans are not withdrawn categorically for certain vulnerable groups (such as minors and pregnant women), but instead a case-by-case consideration applies.

⁷⁴ No entry bans imposed on this category.

⁷⁵ No entry bans imposed on this category.

⁷⁶ No entry bans imposed on this category.

⁷⁷ Entry bans cannot be imposed if the parents that have custody of the child are legally resident in Greece.

⁷⁸ No deportation order with entry ban imposed on this category.

Member State / Norway	Left in compliance with return decision	Victims of trafficking in human beings	Minors	Unaccompanied Minors	Disabled people	Elderly people	Pregnant women	Single parents with minor children	Persons with serious illness	Persons with mental disorders	Persons subjected to torture, rape etc.	Other humanitarian reasons	Other individual cases or categories of cases
Latvia	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	
Lithuania ⁷⁹	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
Luxembourg ⁸⁰	NA	NA ⁸¹	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
Malta	☒	NA	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
Netherlands	☒	☒ ⁸²	NA ⁸³	NA ⁸⁴	☒	☒	☒	☒	☒	☒	☒	☒	
Poland	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒		☒
Slovak Republic	☒	NA	☒ ⁸⁵	NA	NA*	NA*	NA*	NA*	NA*	NA*	NA*	☒	☒
Slovenia	☒	☒	NA						☒			☒	
Spain	☒												
Sweden*	☒	NA											
United Kingdom		☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
Norway	☒	☒	☒	☒					☒	☒	☒		

⁷⁹ None of these grounds are direct grounds for the imposition of an entry ban, but are all taken into account in deciding on the withdrawal of an entry ban or the length of an entry ban.

⁸⁰ Entry bans can only be withdrawn, not suspended.

⁸¹ In principle no entry bans are issued to victims of trafficking in human beings. For a victim of trafficking a return decision will not be accompanied by an entry ban, except if the person has failed to comply with the obligation to return within the given timeframe or if s/he represents a threat to public order, public security or national security.

⁸² In principle no entry bans are issued to victims of trafficking in human beings. However, if the victim appears to have been imposed an entry ban it will be lifted.

⁸³ No entry bans imposed on this category.

⁸⁴ No entry bans imposed on this category.

⁸⁵ If they prove that they left within the set deadline or under the assisted voluntary returns.

NA*The entry ban may not be withdrawn or suspended, but such person, as s/he falls into the category of vulnerable person, may have the entry ban period reduced or avoided administrative expulsion by the police department.

Annex 2 Readmission Agreements

Table A2.1 Authorities responsible for making applications for readmission to third countries in individual cases of forced and or voluntary return

Member State / Norway	Authority			
	Ministry of Interior	Police	Border guard	Immigration authority
Austria	☒			
Belgium				☒
Bulgaria		☒		
Cyprus	☒			☒
Croatia	☒			
Czech Republic		☒		
Estonia ⁸⁶		☒	☒	☒
Finland		☒	☒	☒
France ⁸⁷	☒			
Germany	☒			☒
Greece		☒		
Hungary		☒		☒
Ireland				☒
Latvia			☒	
Lithuania			☒ ⁸⁸	☒
Luxembourg				☒
Malta		☒		
Netherlands				☒
Poland			☒	
Slovakia		☒	☒	
Slovenia		☒		
Spain		☒		
Sweden		☒		☒
Norway		☒		☒

Source: EMN NCP National Reports 2014

⁸⁶ In Estonia, police, border guard and immigration authority is one institution.

⁸⁷ In France, readmission applications are carried out by the département Prefectures. It is thus managed in a devolved way.

⁸⁸ Applications for readmission under the facilitated procedure to the Russian Federation for persons detained in the border area are submitted by border representatives.

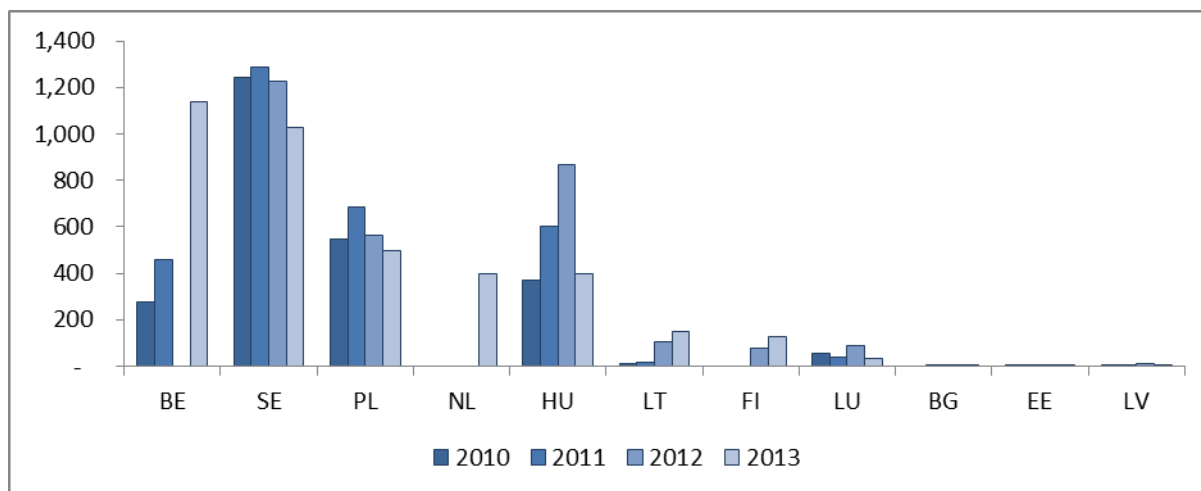
Table A2.2 National statistics on the total number of readmission applications under EU Readmission Agreements, 2010-2013

Member State / Norway	2010			2011			2012			2013		
	Total	Own nationals	TCNs (including stateless persons)	Total	Own nationals	TCNs (including stateless persons)	Total	Own nationals	TCNs (including stateless persons)	Total	Own nationals	TCNs (including stateless persons)
Belgium	277	277	0	457	457	0	NA	NA	0	1,139	1,138	1
Bulgaria	NI	NI	NI	3	3	NI	4	4	NI	8	8	NI
Cyprus	0	0	0	0	0	0	0	0	0	0	0	0
Estonia	7	7	0	8	8	0	8	8	0	7	7	0
Finland	NI	NI	NI	NI	NI	NI	77	76	1	128	127	1
France⁸⁹												
Latvia	1	1	0	6	0	6	11	11	0	3	3	0
Lithuania	11	10	11	18	18	5	107	87	29	150	91	68
Luxembourg	53	NI	NI	40	NI	NI	90	NI	NI	33	NI	NI
Netherlands	NI	NI	NI	NI	NI	NI	NI	NI	NI	400	400	NI
Poland	541	NI	NI	679	NI	NI	580	NI	NI	517	NI	NI
Spain	375	375	0	338	338	0	327	327	0	388	388	0
Sweden	1,244	1,244	0	1,288	1,288	0	1,225	1,225	0	1,025	1,025	0

Source: EMN NCP National Reports 2014

⁸⁹ Data are not available in France, as only aggregate data for readmission applications is collected, without making the distinction between readmission applications submitted or not on the basis of readmission agreements.

Table A2.3 National statistics on the total number of readmission applications under EU Readmission Agreements, 2010-2013



Source: EMN NCP National Reports, 2014; data are organised in descending order of the number of applications

Table A2.4 National statistics on the total number of readmission applications under EU Readmission Agreements, 2010-2013

Member State / Norway	2010			2011			2012			2013		
	Total	Own nationals, % of total	TCNs (including stateless persons), % of total	Total	Own nationals, % of total	TCNs (including stateless persons), % of total	Total	Own nationals, % of total	TCNs (including stateless persons), % of total	Total	Own nationals, % of total	TCNs (including stateless persons), % of total
Belgium	277	100%	0%	457	100%	0%	NI	NI	NI	1,139	100%	0%
Bulgaria	NI	NI	NI	3	100%	NI	4	100%	NI	8	100%	NI
Cyprus	0	0	0	0	0	0	0	0	0	0	0	0
Estonia	7	100%	0%	8	100%	0%	8	100%	0%	7	100%	0%
Finland	NI	NI	NI	NI	NI	NI	77	99%	1%	128	99%	1%
France⁹⁰												
Latvia	1	100%	0%	6	0%	100%	11	100%	0%	3	100%	0%
Lithuania	11	NI	NI	18	NI	NI	107	NI	NI	150	NI	NI
Luxembourg	53	NI	NI	40	NI	NI	90	NI	NI	33	NI	NI
Netherlands	NI	NI	NI	NI	NI	NI	NI	NI	NI	400	100%	NI
Poland	541	NI	NI	679	NI	NI	580	NI	NI	517	NI	NI
Spain	375	100%	0%	338	100%	0%	327	100%	0%	388	100%	0%
Sweden	1,244	100%	0%	1,288	100%	0%	1,225	100%	0%	1,025	100%	0%

Source: EMN NCP National Reports, 2014, data from LU are still to be validated by the Directorate of Immigration

⁹⁰ Data are not available in France, as only aggregate data for readmission applications is collected, without making the distinction between readmission applications submitted or not on the basis of readmission agreements.

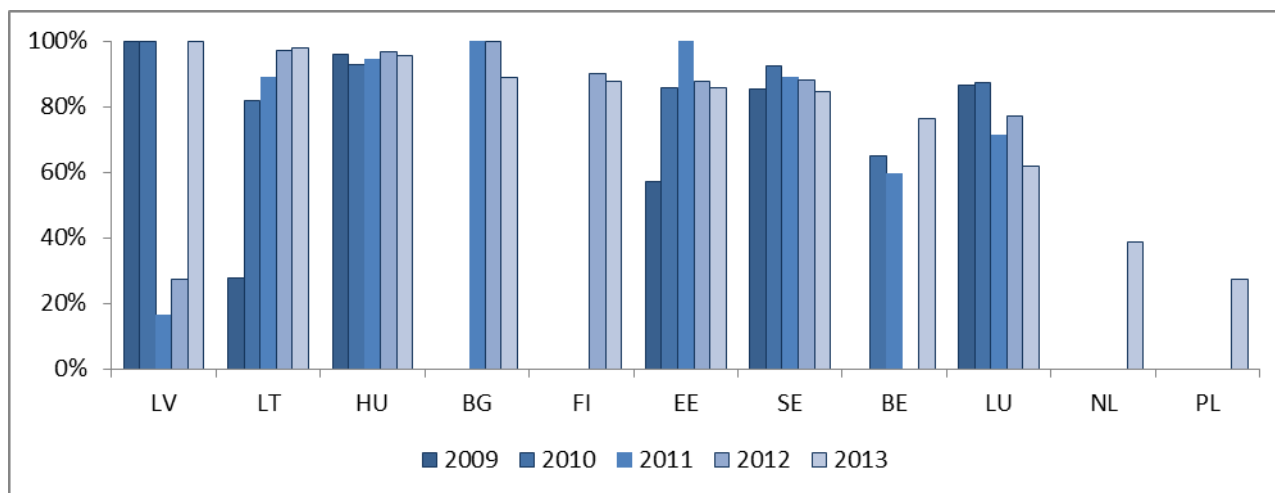
Table A2.5 National statistics on the number of voluntary returns of readmission applications under EU Readmission Agreements as the share of the total number of readmission application under EU RA, 2010-2013

Member State / Norway	2010			2011			2012			2013		
	Total, % of total applications	own nationals, % of total voluntary	TCNs (including stateless persons), % of total voluntary	Total, % of total applications	own nationals, % of total voluntary	TCNs (including stateless persons), % of total voluntary	Total, % of total applications	own nationals, % of total voluntary	TCNs (including stateless persons), % of total voluntary	Total, % of total applications	own nationals, % of total voluntary	TCNs (including stateless persons), % of total voluntary
Cyprus	0	0	0	0	0	0	0	0	0	0	0	0
Finland	NI	NI	NI	NI	NI	NI	21%	100%	0%	13%	100%	0%
Latvia	0%	0%	0	0%	0	0%	0%	0%	0	0%	0%	0
Lithuania	45%	NI	NI	33%	NI	NI	0%	0%	0%	0%	0%	0%
Luxembourg	17%	NI	NI	5%	NI	NI	19%	NI	NI	18%	NI	NI
Sweden	70%	100%	0	65%	100%	0	63%	100%	0	66%	100%	0

Source: EMN NCP National Reports, 2014

'0' indicates no applications whilst '0%' means no voluntary applications

Table A2.6 Share of number of readmission applications that received a positive reply of the total number of readmission applications sent, 2009-2013⁹¹



Source: EMN NCP National Reports, 2014; data are organised in descending order based on the positive reply share in 2013

Table A2.7 Share of travel documents issued to TCN after the positive reply as of the total number of requests for travel documents in the context of a readmission application, 2009-2013⁹²

Member State	2009	2010	2011	2012	2013
Bulgaria	NI	NI	100%	100%	100%
Cyprus	0	0	0	0	0
Estonia	100%	100%	100%	100%	100%
Finland	NI	NI	NI	100%	100%
Hungary	0	0	0	0	0
Latvia	0%	0	0	0	0

Source: EMN NCP National Reports, 2014, '0' indicates no requests whilst '0%' means no documents issued

⁹¹ In 2013 in Czech Republic 0 readmission applications were sent

⁹² 0 cases means that no requests for travel documents in the context of a readmission application have been made

Table A2.8 Number of bilateral readmission agreements in place with third countries

Member State / Norway	Number of agreements in place	Third countries
Austria	8	Bosnia and Herzegovina (1 September 2007, date of entry into force) Kosovo (1 March 2011, date of entry into force) FYROM (Former Yugoslav Republic of Macedonia) (1 February 2007, date of entry into force) Montenegro (29 April 2004, date of entry into force) Nigeria (18 August 2012, date of entry into force) Serbia (29 April 2004, date of entry into force) Switzerland (1 January 2001, date of entry into force) Tunisia (1 August 1965, date of entry into force)
Belgium	5	Armenia, Kosovo (01/04/2014), former Yugoslavia (Serbia and Montenegro – 29/05/2004, FYROM (01/12/2008)) and Switzerland (1/03/2007)
Bulgaria	9	Lebanon, May 26, 2003. Effective since July 3, 2003 Albania, August 19, 2002. Effective December 4, 2002 Armenia, February 13, 2008. Effective since July 1, 2008 Georgia, June 13, 2002. Effective since March 14, 2003 Uzbekistan, 24 February 2004 of the. Effective since April 1, 2004 Ukraine, June 24, 2002. Effective since August 2, 2002 FYROM, April 26, 2002. Effective since June 19, 2002 Bosnia and Herzegovina, June 15, 2006. Effective since January 5, 2007 Kosovo, September 11, 2012. Effective since October 26, 2012
Croatia	6	Albania 28. 1. 2003 / 15. 6. 2005 Bosnia Herzegovina. 11.3.2011 / 1.2. 2012 Montenegro 4. 9. 2008. / 1.5.2010 Kosovo 23.7.2013. / not yet entered into force FYROM 17. 9. 2001. / 1. 2. 2003 Serbia 25. 5. 2009. / 1.5.2010
Cyprus	1	Lebanon, signed 15 May 2008. Effective since 11 December 2009
Czech Republic	6	Armenia, signed 17. 5. 2010, entry into force 1. 4. 2011 Canada, signed 8. 3. 1996, entry into force 7. 10. 1996 Kosovo, signed 24. 6. 2011, entry into force 1. 2. 2013 Moldova, signed 7. 8. 2003, entry into force 9. 9. 2004 Switzerland, signed 17. 9. 2009, entry into force 1. 6. 2011 Vietnam, signed 12. 9. 2007, entry into force 21. 3. 2008
Estonia	1	Kosovo, signed on 17th May 2013 and entered into force on 1st September 2013
Finland	1	Kosovo, entered into force on 28 June 2013
France	21	Argentina 01.02.1995 / 08.02.2002 Brazil 28.05.1996 / 24.08.2001 Costa Rica 16.06.1998 / 18.02.2001 Dominica 09.03.2006 / 01.03.2007 Ecuador 16.10.1998 / 26.05.2000 Guatemala 11.11.1998 / 02.12.1999 Honduras 20.11.1998 / 21.09.2000 Kosovo 02.12.2009 / In the process of being ratified Macedonia 08.10.1998 / 17.06.1999 Mauritius 15.11.2007 / Immediate Mexico 06.10.1997 / 16.07.1998 Nicaragua 20.04.1999 / 13.09.2000 Panama 30.04.1999 / 30.05.1999 Paraguay 10.04.1997 / 13.12.1997

		El Salvador 26.06.1998 / 01.05.1999 Saint Lucia 23.04.2005 / 01.05.2006 Serbia and Montenegro 25.04.2006 / - Switzerland-Liechtenstein 28.10.1998 / 01.03.2000 Surinam 30.11.2004 / Not ratified on the Surinam side Uruguay 05.11.1996 / 24.07.1997 Venezuela 25.01.1999 / 30.12.2001
	13	Albania: signed 18.11.2002 / in force: 01.08.2003 Algeria: signed 14.02.1997 / in force: 12.05.2006 Armenia: signed 16.11.2006 / in force: 20.04.2008 Bosnia-Herzegovina: signed 20.11.1996 / in force: 14.01.1997 Georgia: signed 06.09.2007 / in force: 01.01.2008 Kazakhstan: signed 10.12.2009 / in force: not yet entered into force Kosovo: signed 14.04.2010 / in force: 01.09.2010 Morocco: signed 22.04.1998 / in force: 01.06.1998 Macedonia: signed 24.06.2002 / in force: 01.05.2004 Serbia: signed 16.09.2002 / in force: 01.04.2003 South Korea: signed 10.12.2004 / in force: 22.03.2005 Syria: signed 14.07.2008 / in force: 03.01.2009 Vietnam: signed 21.07.1995 / in force: 21.09.1995
Germany		
Greece	3	Turkey (2002); Bosnia-Herzegovina (2007); Switzerland (2008)
Hungary	2	Kosovo: signed 15.05.2012 / in force: 09.08.2012
Ireland	NA	Switzerland: signed 04.02.1994 / in force: 10.03.1996 (but applicable since 08.07.1995)
	5	Armenia (signed on 26.06.2002, in force from 17.05.2003), Georgia (signed on 11.07.2008, in force from 13.01.2009), Republic of Kazakhstan (signed on 16.09.2011, not in force yet), Ukraine (24.07.1997, in force from 17.05.1998), Republic of Uzbekistan (signed on 07.04.2004, in force from 17.06.2004).
Latvia		
	6	4 agreements in force before the EURAs (Russia, Ukraine, Moldova and Armenia) Belarus, 16 September 2009 and entered into force on 7 July 2010 ⁹³ Kazakhstan, signed on 6 October 2011, but has not entered into force yet
Lithuania		
	4	Bosnia-Herzegovina (signed on 19 July 2006), FYROM (signed on 30 May 2006), Armenia (signed on 3 June 2009), Kosovo (signed on 12 May 2011), Serbia/Montenegro (signed on 19 July 2002) and Switzerland (signed on 12 December 2003) + Luxembourg bilateral Memorandum of Understanding with Nigeria (signed on 28 March 2006)
Luxembourg		
Malta	NA	
	5	Armenia, signed in 2009, but not expected to enter into force in view of the EURA Bosnia-Herzegovina, entered into force on 01/05/2008 Serbia/Montenegro, entered into force on 29/05/2004 Kosovo, signed on 12/05/2011, entered into force on 01/04/2014 FYROM, entered into force on 01/12/2008
Netherlands		
	2	Vietnam - concluded on 22 April 2004 and entered into force on 14 May 2005 Switzerland , signed 19.09.2005, entry into force 31.03.2006
Poland		
	3	Ukraine, signed on 29 June 1993 and entered into force on 28 March 1994; FYROM, signed on 05 May 2000 and entered into force on 01 November 2002. Vietnam, signed on 17 October 2005 and entered into force on 20 January 2006
Slovakia		
	5	Bosnia and Herzegovina (2007) Canada (1996) Kosovo (2011)
Slovenia		

⁹³ This is not a separate readmission agreement. However, a readmission clause is included in the agreement between the Republic of Lithuania and the Republic of Belarus on the Lithuanian-Belarusian State Border Legal Regime.

		Macedonia (1998) Serbia (2001) Montenegro (2001) Swiss Confederation (2005)
Spain	2	Algeria (2002) Mauritania (2003)
Sweden	10	Armenia 2009; Bosnia-Herzegovina 2005; Iraq 2008; Kosovo 2012; FYROM 2007; Montenegro 2006; Serbia 2004; Switzerland 2003 Slovakia 2004; Vietnam 2008
United Kingdom	16	Afghanistan – Memorandum of Understanding (MoU) signed 01/10/2002 Algeria Readmission Agreement – signed 11/07/2006 Angola MoU – signed 06/11/2007 Burundi MoU – signed 02/03/2007 China MoU – signed 10/05/2004 Democratic Republic of Congo MoU – signed 24/04/2009 Iraq MoU – signed 26/01/2005 Kuwait MoU – signed 28/11/2012 Malaysia MoU – signed 04/04/2011 Nigeria MoU – signed 01/06/2005 Rwanda MoU – signed 23/06/2008 Sierra Leone MoU – signed 11/09/2012 20 Good practices in the return and reintegration of irregular migrants: Member States' entry ban policy and use of readmission agreements between Member States and third countries Somaliland MoU – signed 03/06/2007 South Korea Readmission Agreement – signed 20/12/2011 South Sudan MoU – signed 14/11/2013 Vietnam MoU – signed 28/10/2004
Norway	19	Afghanistan, signed 10.8.2005, entered into force 10.8.2005 Albania, signed 12.9.2008, entered into force 1.5.2009 Armenia, signed 20.1.2010, entered into force 26.6.2010 Bosnia, signed 30.6.2005, entered into force 25.11.2007 Burundi, signed 10.3.2009, entered into force 10.3.2009 Ethiopia, signed 26.1.2012, entered into force 26.1.2012 Georgia, signed 10.11.2011, entered into force 25.1.2012 Hong Kong, signed 15.9.2006, entered into force 1.1.2007 Iraq, signed 15.5.2009, entered into force 15.5.2009 Kazakhstan, signed 12.10.2010, has not yet entered into force Kosovo, signed 15.10.2010, entered into force 1.1.2011 FYROM, signed 25.9.2006, entered into force 21.6.2007 Moldova, signed 21.3.2005, entered into force 9.8.2006 Montenegro, signed 16.12.2009, entered into force 16.12.2009 Russia, signed 8.6.2007, entered into force 1.12.2008 Serbia, signed 30.11.2009, entered into force 1.6.2010 Tanzania, signed 5.4.2011, entered into force 5.4.2011 Ukraine, signed 13.2.2008, entered into force 1.9.2011 Vietnam, signed 4.7.2007, entered into force 14.10.2007

Table A2.9 Number of readmission applications submitted by Member States on the basis of separate bilateral readmission agreements, 2010-2013⁹⁴

Member State / Country of bilateral readmission agreement		2010			2011			2012			2013		
		Total	Own nationals, % of total	TCNs (including stateless persons), % of total	Total	Own nationals, % of total	TCNs (including stateless persons), % of total	Total	Own nationals, % of total	TCNs (including stateless persons), % of total	total numbers	Own nationals, % of total	TCNs (including stateless persons), % of total
Belgium	Kosovo	NI	NI	NI	640	100%	0%	NI	NI	NI	123	100%	0%
Estonia	Kosovo	NI	NI	NI	NI	NI	NI	1	100%	0%	NI	NI	NI
Finland	Kosovo	NI	NI	NI	NI	NI	NI	NI	NI	NI	48	100%	NI
Luxembourg	Kosovo	54	NI	NI	35	NI	NI	21	NI	NI	93	NI	NI
Netherlands	Kosovo	NI	NI	NI	NI	NI	NI	NI	NI	NI	30	100%	NI
Sweden	Kosovo	NI	NI	NI	NI	NI	NI	371	100%	0%	323	100%	0%
Belgium	Armenia	28	100%	0%	188	100%	0%	NI	NI	NI	256	100%	0%
Luxembourg	Armenia	1	NI	NI	0	NI	NI	1	NI	NI	0	NI	NI
Sweden	Armenia	NI	NI	NI		NI	NI	10	100%	NI	49	100%	NI
Poland	Vietnam	187	NI	NI	123	NI	NI	146	NI	NI	101	NI	NI
Bulgaria	FYROM	6	50%	50%	5	0%	100%	14	71%	29%	25	52%	48%
Poland	FYROM	1	NI	NI	1	NI	NI	0	NI	NI	1	NI	NI
Bulgaria	Serbia	2	100%	0%	5	20%	80%	3	33%	67%	11	64%	36%
Croatia	Serbia	238	3%	97%	1227	1%	99%	1241	1%	99%	885	1%	99%
Spain	Algeria	2255	100%	0%	1907	100%	0%	1663	100%	0%	1088	100%	0%
Spain	Mauritania	23	87%	13%	53	72%	28%	22	27%	73%	110	12%	88%

Source: National Reports, 2014

⁹⁴ Data is not available in France, as only aggregate data for readmission requests is collected, without making the distinction between readmission requests submitted or not on the basis of readmission agreements.

Table A2.10 National statistics on the instances of voluntary return under the separate bilateral readmission agreements, 2010-2013

Member State / BRA		2010	2011	2012	2013
Luxembourg	<i>Kosovo</i>	22%	23%	43%	43%
Sweden	<i>Kosovo</i>	NI	NI	56%	70%
Sweden	<i>Armenia</i>	NI	NI	40%	27%

Source: National Reports, 2014, '0' indicates no applications whilst '0%' means no voluntary applications

Table A2.11 Share of readmission applications that received a positive reply out of the total number of readmission applications sent, 2010-2013

Member State / BRA		2009	2010	2011	2012	2013
Poland	<i>Vietnam</i>	96%	77%	75%	51%	93%
Finland	<i>Kosovo</i>	NI	NI	NI	NI	100%
Luxembourg	<i>Kosovo</i>	96%	89%	86%	100%	92%
Netherlands	<i>Kosovo</i>	NI	NI	NI	NI	33%
Bulgaria	<i>Serbia</i>	NI	100%	100%	100%	100%
Croatia	<i>Serbia</i>	92%	79%	97%	89%	87%
Luxembourg	<i>Armenia</i>	NI	100%	NI	100%	NI
Croatia	<i>Bosnia and Herzegovina</i>	NI	98%	92%	80%	94%

Source: National Reports, 2014

