

# European Migration Network (EMN)

*Common Template EMN Focussed Study 2014*

Final Version 5<sup>th</sup> March 2014

## Good Practices in the return and reintegration of irregular migrants: Member States' entry bans policy & use of readmission agreements between Member States and third countries

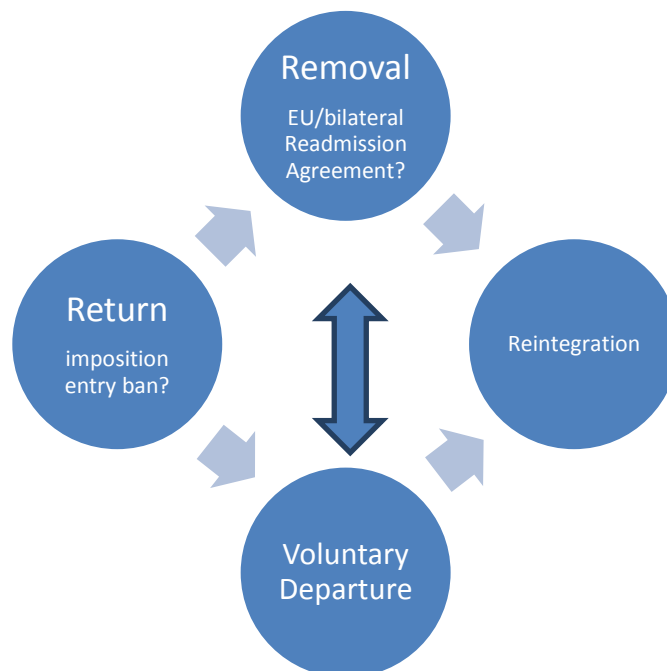
### 1 Background to the Common Template

#### 1.1 STUDY AIMS AND RATIONALE

A spectrum of policy measures is available to Member States to help them implement effective and sustainable returns of irregular third-country nationals. This Study is concerned with two return measures in particular: entry bans and readmission agreements.

A schematic overview of the return process is provided in Figure 1 below:

**Figure 1 Return Process**



Entry bans and readmission agreements are distinct measures that serve different purposes within the return process. The return process starts with the imposition of a return decision on an irregular third-country national. A return decision can be accompanied by an entry ban, prohibiting the third-country national concerned from re-entering the territory. Third-country nationals can either return voluntarily or be removed forcefully. The Recital to the Return Directive stipulates that voluntary return should be preferred over forced return<sup>1</sup> and a return decision therefore normally provides for a period of voluntary departure (exceptions as listed in Article 7 (4) Return Directive included). In this spirit, Member States have the option of withdrawing or suspending entry bans as an incentive to encourage third-country nationals to leave the territory voluntarily<sup>2</sup>. If, however, the obligation to return has not been complied with or was not granted following the exceptions listed in Article 7 (4) Return Directive, Member States must take all necessary measures to enforce the return decision so as to remove irregular third-country nationals from their territory.

The obligation for states to readmit their citizens is enshrined in international law<sup>3</sup>. Readmission agreements, whether EU, or separate bilateral readmission agreements reached between Member States and third countries, aim to facilitate the effective removal process of irregular third-country nationals. Readmission Agreements are typically applicable regardless of the individual's willingness to return. This Study will therefore explore the degree to which Readmission Agreements are used to carry out forced returns as well as the degree to which they facilitate voluntary returns. Finally, reintegration assistance aims to ensure the sustainability of returns by providing returnees with different forms of socio-economic support to promote their self-sufficiency e.g. vocational training, employment and education. This support may already start within the host country or following removal in the country of origin.

This Study focuses on entry bans and readmission agreements and is as such mainly concerned with the implementation of an *effective* return process. Whilst reintegration assistance is indispensable for ensuring the sustainability of returns, Member State approaches to reintegration assistance are not included in the scope of this Focussed Study; Work on reintegration assistance and the sustainability of return more broadly will be carried out under the REG (VREG). Nevertheless, the synergies between entry bans and readmission agreements, on the one hand, and reintegration assistance on the other hand, will be explored in a final concluding section.

The overall aim of this 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 at ensuring the effective return of irregular migrants to their countries of origin. The Study takes a practical approach by exploring how entry bans and readmission agreements are applied in practice, distinguishing between their voluntary and coercive elements. The study also analyses how effective the two measures are both from the point of view of the returnee as well as the Member States.

More specifically, the Study aims to:

- ★ Analyse similarities and differences between Member States concerning the **legal framework on entry bans** by reviewing the grounds for the imposition of entry bans (including review of the criteria/indicators used to decide whether particular grounds apply in individual cases); the categories of third-country national who can be imposed an entry ban; the territorial scope of entry bans; as well as the authority responsible for the imposition of an entry ban;

- ★ Explore the **practical application of entry bans** by mapping; the methods for informing third-country nationals of the imposition of an entry ban; possibilities of appealing entry bans; reviewing whether Member States make use of a graduated approach (including withdrawal/suspension of entry bans and not just their

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<sup>1</sup> Recital 10 Return Directive.

<sup>2</sup> Article 11 (3).

<sup>3</sup> Article 13 of the 1948 UN Universal Declaration of Human Rights enshrines the right to return to one's own country, the corollary of which must be the obligation of the state to allow one to do so.

imposition) 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 the **use of readmission agreements** between the EU or Member States on the one hand and third countries on the other hand, distinguishing between agreements concluded by EU and by Member States separately on a bilateral basis and specifying the extent to which such agreements are used in the context of forced and voluntary returns;
- ★ Collecting (new)statistical evidence on the use of readmission agreements, exploring practical challenges to their implementation and identifying good practices for their use.

## 1.2 SCOPE OF THE STUDY

It is not the Study's aim to provide an extensive overview of all measures used by Member States to combat irregular migration - in particular the study will not address measures aiming to *prevent* irregular migration. The Study also does not address all aspects of the EU's external policy on migration and asylum within which Member States' readmission agreements are embedded. Efforts will be made to avoid duplication between the Study and reports and evaluations already commissioned by the European Commission on the EU's return policies (e.g. DG HOME Study on the practical application of the Return Directive and the Commission's Evaluation on the Readmission Agreements<sup>4</sup>).

Instead, the Study examines the use of entry bans and readmission agreements by Member States in their efforts to implement effective return policies, identifying any examples of good practice. The Study focuses on entry bans that accompany return decisions, which are imposed with a view to returning irregular third-country nationals and preventing their re-entry into the EU/host Member State – in accordance with the Return Directive Article 11. Although Ireland and the United Kingdom have opted-out of the Return Directive, both Member States' apply entry bans (or equivalent measures) with similar aims as described under Article 11 Return Directive and as such these measures are included in the scope of this Study. The Study, however, does not cover any other national entry bans imposed for different purposes (e.g. those imposed as international sanctions).

## 1.3 EU LEGAL AND POLICY FRAMEWORK

Since 1999 the EU has been working to develop a comprehensive approach on migration and asylum. The return of irregular third-country nationals, is an important aspect in the fight against irregular migration and essential to the credibility of the EU common migration and asylum policy. The Hague Programme called for the development of a coherent return policy and the Stockholm Programme reaffirmed this need by calling on the EU and its Member States to intensify the efforts to return irregular third-country nationals by implementing an effective and sustainable return policy.

The main legal instruments for EU return policy include EU Readmission Agreements (EURAs) and the 2008 Return Directive<sup>5</sup>. EURAs impose reciprocal obligations on the contracting parties to readmit own nationals as well as in certain circumstances third country nationals or stateless persons who stayed on or transited through the territory of the other party. They further set out technical and operational criteria for this process. Their

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<sup>4</sup> COM (2011) 76 final, Communication from the Commission to the European Parliament and the Council, Evaluation of EU Readmission Agreements.

<sup>5</sup> 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.

potential contribution to an active return policy has long been recognised<sup>6</sup>. Since 1999, the Council has issued negotiating Directives to the Commission for 21 third countries. Since the entry into force of the Lisbon Treaty, the conclusion of Readmission Agreements has an explicit legal basis (Article 79(3) of TFEU). The Commission's 2011 Evaluation of EURAs indicated that there is scope for improving their implementation. For example, practical problems are experienced in the application of EURAs as Member States continue to use their own bilateral Readmission Agreements, thereby potentially jeopardising consistent application of EURAs and undermining the credibility of the EU Readmission Policy towards third countries.

The Return Directive, adopted in 2008, lays down common EU standards on forced return and voluntary departure. The Directive has a two-fold approach: on the one hand, it stipulates that Member States are obliged to issue return decisions to *all* third-country nationals staying irregularly on the territory of a Member State<sup>7</sup>. On the other hand, the importance of implementing return policy with full respect for the fundamental rights and freedoms and the dignity of the individual returnees, including the principle of '*non-refoulement*' is greatly emphasised. As a result, any return may only be carried out in compliance with EU and other international human rights' guarantees<sup>8</sup>.

The Return Directive stipulates different types of return measures. First, a broad distinction can be made between voluntary and forced return, with the Directive emphasising that voluntary return is preferred, although it also acknowledges the inevitable need for efficient means to enforce returns where necessary.

Article 11 of the Return Directive stipulates one concrete return measure: entry bans. It is emphasised in the preamble to the Return Directive that the effect of national return measures should be given a European dimension by establishing an entry ban prohibiting entry into and stay on the territory of all concerned States. This is however not an obligation and is left to the discretion of Member States. Some of the relevant elements of the provision are briefly summarised in the table below:

<b>Provisions</b>	<b>Description</b>
<b>Article 11 (1)</b>	Return decisions shall be accompanied by an entry ban: <ul style="list-style-type: none"> <li>(a) If no period for voluntary departure has been granted, or</li> <li>(b) If the obligation to return has not been complied with</li> </ul> In other cases return decision may be accompanied by an entry ban.
<b>Article 11 (2)</b>	Member States shall determine the length of the entry ban which may not exceed five years.
<b>Article 11 (3)</b>	Member States may withdraw or suspend an entry ban: <ul style="list-style-type: none"> <li>- If the returnee can demonstrate that he/she left the territory in full compliance with a return decision.</li> <li>- If the third-country national constitutes a victim of trafficking in human beings who has been granted a residence permit pursuant to Council Directive 2004/81/EC, he/she shall not be subject of an entry ban provided that the third-country national concerned does not represent a threat to public policy, public security or national security.</li> <li>- In individual cases, certain categories of cases, or for other reasons</li> </ul> Member States may refrain from issuing, withdraw or suspend an entry ban in individual cases for humanitarian reasons.

<sup>6</sup> I.e. following the Amsterdam Treaty Member States referred to readmission agreements as valuable tools to reduce irregular migration by effectively returning irregular migrants)

<sup>7</sup> E.g. third-country nationals who entered the EU territory illegally (clandestinely or by using fraudulent travel documents); rejected applicants for international protection; and visa over-stayers.

<sup>8</sup> E.g. the EU Charter of Fundamental Rights, the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms, the 1984 Convention against Torture and other Cruel, Inhuman and degrading treatment or punishment and the 1951 Geneva Convention related to the Status of Refugees as amended by the 1967 New York Protocol.

As illustrated above, the provision leaves a certain degree of discretion to Member States as to the implementation of entry bans. Member States are free to: a) define the categories of third-country national (only in particular cases); b) determine the exact length of the entry ban; and c) withdraw or suspend entry bans in some (undefined) cases. Entry bans can therefore be used as a coercive policy measure - sending a signal prior to arrival that it does not pay to come to the EU irregularly, or more as an “incentive” by withdrawing or suspending entry bans in certain circumstances. To date, little is known about the application of entry bans (e.g. the number of entry bans issued each year, categories of third-country nationals who are subject of the ban and if Member States make use of the graduated approach by withdrawing or suspending entry bans where relevant).

Although the Return Directive does not include an explicit provision on readmission agreements, it includes a reference to it in Recital 7, emphasising the need for EU and bilateral agreements with third countries to facilitate the return process.

It follows that whilst the EU acquis provides some common elements to the way that Member States should carry out their return policies, Member States are still left some discretion as to which measures to apply, in what circumstances, and how to implement these. Little is known about in particular their practical application and the effectiveness of these measures.

#### 1.4 RESEARCH QUESTIONS

- ★ What are the main similarities and differences in the **national legal frameworks** of Member States for the imposition of **entry bans** (in relation to national grounds for the imposition of entry bans, categories of third-country national who can receive an entry ban and its territorial scope)? Which authorities decide on the imposition of entry bans?
- ★ What are the main **similarities and differences** as regards the **practical application of entry bans**? How are third-country nationals informed of the imposition of an entry ban? Can individuals who are subject of an entry ban appeal against it? Do Member States make use of a graduated approach for the implementation of entry bans (withdrawing/suspending entry bans in order to encourage the voluntary departure of an irregularly staying third-country nationals)? Do Member States consult each other when considering issuing a residence title to a third-country national subject to an entry ban issued by another Member State? How much information is shared between Member States on the use of entry bans and what are the existing information-sharing mechanisms?
- ★ Are readmission agreements (both the EURAs and separate bilateral ones reached between Member States and third countries) also used for voluntary returns? How have EURAs provided added-value to Member States’ return policy? Do Member States continue to rely on separate bilateral readmission agreements in parallel to EURAs in relation to those third countries for which an EURA has been adopted?
- ★ How **effective** are **entry bans** and **readmission agreements** in ensuring return? What are the respective **challenges** experienced by Member States when implementing entry bans and carrying out return following EU and separate bilateral readmission agreements?
- ★ Do Member States have any **good practices** in place for the use of entry bans and readmission agreements to secure an effective return?

#### 1.5 AVAILABLE STATISTICS

Below is an overview of statistics that Member States are to provide in this Study, specifying the relevant sections of the Template.

##### *Eurostat*

Eurostat provides statistics relevant to this study, which will be incorporated into the respective sections of the national contributions to be produced by each EMN NCP.

- Third-country nationals found to be illegally present
- Third-country nationals ordered to leave

- Third-country nationals returned following an order to leave
- Persons refused at the border

#### *National statistics*

- Number of entry bans imposed
- Number of decision to withdraw an entry ban
- Number of decision to suspend an entry ban
- Number of persons who are the subject of an entry ban who have been re-apprehended
- Proportion of persons issued an entry ban who have returned voluntarily in order to get their entry ban withdrawn/suspended
- Number of persons returned to a particular third country under EU Readmission Agreements and under separate bilateral agreements, disaggregated where possible to: own nationals; third-country nationals including stateless persons (i.e. those who are sent back to their transit country and not country of origin); rejected asylum seekers; other (Tables 4.1, 4.2, 4.3, 4.7, 4.8, 4.9).
- Other relevant statistics gathered by the Member State that help to place the use of entry bans and readmission agreements in the context of each Member States' broader immigration policy (e.g. number of forced returns, number of voluntary returns, number of voluntary returns assisted by IOM, number of persons receiving reintegration assistance, etc.

## 1.6 DEFINITIONS

The following key terms, principally coming from Directive 2008/115/EC (the Return Directive) and the EMN Glossary, used in the Common Template are defined as follows:

**Third-country national (except for readmission context – see below)**: any person who is not a citizen of the Union (including stateless persons) within the meaning of Article 17 (1) of the Treaty and who is not a person enjoying the Community right of free movement, as defined in Article 2(5) of the Schengen Borders Code<sup>9</sup>;

**Illegal stay**: the presence on the territory of a Member State of a third-country national who does not fulfil the conditions of entry as set out in Article 5 of the Schengen Borders Code or other condition for entry, stay or residence in that Member State<sup>10</sup>;

**Return**: the process of a third-country national going back – whether in voluntary compliance with an obligation to return, or enforced – to: his or her country of origin, or; a country of transit in accordance with EU or bilateral readmission agreements, or; another third country, to which the third-country national concerned voluntarily decides to return and in which he or she will be accepted<sup>11</sup>;

**Voluntary return**: the assisted (in which case it would be Assisted Voluntary Return) or independent return to the country of origin, transit or third country, based on the free will of the returnee;

**Assisted Voluntary Return**: The provision of (logistical, financial and/or other material) assistance for the voluntary return of a returnee<sup>12</sup>;

**Voluntary departure**: compliance with the obligation to return within the time-limit fixed for that purpose in the return decision<sup>13</sup>.

**Forced return**: The compulsory return of an individual to the country of origin, transit or third country [i.e. country of return], on the basis of an administrative or judicial act<sup>14</sup>;

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<sup>9</sup> Article 3 (1) Return Directive.

<sup>10</sup> Article 3 (2) Return Directive.

<sup>11</sup> Article 3(3) Return Directive.

<sup>12</sup> EMN Glossary

<sup>13</sup> Article 3(8) Return Directive.

<sup>14</sup> EMN Glossary.

**Returnee:** a third-country national migrant who moves to a Country of Return, whether voluntary or forced<sup>15</sup>.

**Return decision:** an administrative decision or judicial act, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return<sup>16</sup>;

**Removal:** the enforcement of the obligation to return, namely the physical transportation out of the Member State<sup>17</sup>;

**Removal order:** administrative or judicial decision or act ordering a Removal<sup>18</sup>;

**Country of Origin:** the country that is a source of migratory flows (regular or irregular)<sup>19</sup>.

**Entry ban:** an administrative or judicial decision or act prohibiting entry into and stay on the territory of the Member States for a specified period, accompanying a return decision<sup>20</sup>;

**Risk of absconding:** existence of reasons in an individual case which are based on objective criteria defined by law to believe that a third-country national who is the subject of return procedures may abscond<sup>21</sup>;

**EU readmission agreement:** an agreement between the EU with a third country, on the basis of reciprocity, establishing rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territories of the third country or one of the Member States of the European Union, and to facilitate the transit of such persons in a spirit of cooperation<sup>22</sup>;

**Separate bilateral readmission agreement:** agreement or any other arrangement (MoU, exchange of letters etc) concluded by an EU Member State with a third country<sup>23</sup>;

**Third country national (clause) in the context of readmission agreements:** person who does not hold the nationality of either party to the readmission agreement and who may be readmitted under that agreement due to specific ties with (previous residence) or previous transit through one of the parties to the agreement;

**Own national (clause) in the context of readmission agreements:** person who holds the nationality of either party to the agreement and who is subject to readmission;

**Reintegration:** re-inclusion or re-incorporation of a person into a group or a process, e.g. of a migrant into the society of his/her country of return<sup>24</sup>;

**Reintegration assistance:** the assistance provided by programmes with the aim of making the reintegration process of each individual returnee a success. Assistance can be provided in various forms, such as identifying opportunities for work and education, cash-in-hand handed at the time of arrival but most often takes the form of payment of goods that go towards setting up a project to sustain the livelihood of the returnee on a long term basis<sup>25</sup>;

**Withdrawal of entry ban:** the reversal of the imposition of an entry ban;

**Suspension entry ban:** to render the entry ban temporarily ineffective.

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<sup>15</sup> EMN Glossary

<sup>16</sup> Article 3(4) Return Directive.

<sup>17</sup> Article 3(5) Return Directive.

<sup>18</sup> EMN Glossary.

<sup>19</sup> IOM

<sup>20</sup> Article 3(6) Return Directive

<sup>21</sup> Article 3(7) Return Directive.

<sup>22</sup> EMN Glossary

<sup>23</sup> It should be borne in mind that any EURA concluded with a third country takes precedence over bilateral agreements in force, concluded by an EU MS with that same third country.

<sup>24</sup> EMN Glossary.

<sup>25</sup> VREN, Final Recommendations, Booklet.

## 1.7 RELEVANT PREVIOUS/CURRENT WORK ON THE TOPIC

### *Relevant studies*

The following examples of studies on return are relevant to this Study:

- ★ Communication from the Commission to the European Parliament and the Council, COM (2011) 76 final, Evaluation of EU Readmission Agreements.
- ★ Matrix Insight Ltd, ICMPD, ECRE, "Comparative Study on Best Practices to interlink pre-departure re-integration assistance measures carried out in Member States with short and long-term reintegration measures in the countries of return", 2012.
- ★ IOM, Return Migration: Practices and Policies, 2004
- ★ IOM, "Assisted Voluntary Return and Reintegration in the EU" (brochures and info sheets).
- ★ IOM, "Assisted Voluntary Return and Reintegration Annual Report of Activities 2011"
- ★ IOM, "Focus on Migration: Voluntary Return and Reintegration", Number 3, 18th edition, December 2012.
- ★ ICMPD, "Study on Comprehensive EU Return Policies and Practices", 2002
- ★ A. Roig and T. Huddleston, "EC Readmission Agreements: A re-evaluation of the political impasse", European Law of Migration and Law 9 (2007) 363-387.
- ★ S. Dedja, "Human Rights in the EU Return Policy: the Case of the EU-Albania Relations"
- ★ J. Vranken, "European Cooperation on the Sustainable Return and Reintegration of Asylum Seekers", HIT Foundation, April 2010.
- ★ N. Coleman, "European Readmission Policy: Third-Country interests and Refugee Rights", Martinus Nijhof Publishers, Leiden 2009.

### *Relevant EMN Ad Hoc Queries and Studies*

#### Ad Hoc Queries

- ★ Voluntary Return Policy, *requested 18th December 2013*
- ★ Strengthening readmission and sustainable reintegration in Kosovo, *requested 17th December 2013*
- ★ The control mechanism on voluntary departures of TCNs, counting of the time period of entry bans, *requested 25th October 2013*
- ★ First experiences with the use of the Visa Information System (VIS) for return purposes, *requested 10th June 2013*
- ★ Removal policies for third-country nationals found to be illegally present, *requested 6th June 2013*
- ★ Unescorted forced removals, *requested 21st May 2013*
- ★ Return of unaccompanied minors, *requested 13th November 2012*
- ★ Readmission of third-country nationals, *requested 20th July 2012*
- ★ Possible use of biometrics and video conferences in the return (identification) process of irregular migrants, *requested 27th July 2012*
- ★ Dissemination of information (during the asylum procedure) on assisted voluntary programmes, *requested 25th January 2012*
- ★ Acceptance of return decision made by another Member State, *requested 6th May 2011*
- ★ Compulsory execution of the precept to leave, *requested 13th April 2011*
- ★ Forced return, *requested 4th March 2011*
- ★ Agreements on the readmission of irregular migrants signed with Vietnam, *requested 19th April 2010*
- ★ Removal orders for illegally residing third-country nationals, *requested 3rd February 2010*

#### EMN Studies

- ★ "Reducing Irregular Migration in the EU", EMN Study 2012

EMN NCPs are asked to list any other relevant (national) previous/current work on the study topic in their National Contribution.



OtherPL presidency notes

Note 15703/11 to Working Party on Integration, Migration and Expulsion/Mixed Committee on 26 October 2011  
[Defining of conditions where entry ban can be imposed and the means by which Member States can have rapid access to information on entry ban]

Note 15702/11 to Working Party on Integration, Migration and Expulsion/Mixed Committee on 26 October 2011  
[Current practices in Assisted Voluntary Returns (AVR) of third country nationals]

**1.8 ADVISORY GROUP**

For the purpose of providing support to EMN NCPs while undertaking this Focussed Study and for developing the Synthesis Report, an "Advisory Group" has been established. The members of the Advisory Group for this study, in addition to the EMN Service Provider (ICF GHK-COWI), are (currently) the BE, HU, IE, LV, LU, NL, SE, UK, NO EMN NCPs. EMN NCPs are thus invited to send any requests for clarification or further information on the Study to the following "Advisory Group" members:

- ★ BE EMN NCP: [Peter.vancostenoble@ibz.fgov.be](mailto:Peter.vancostenoble@ibz.fgov.be); [Geert.verbauwhede@ibz.fgov.be](mailto:Geert.verbauwhede@ibz.fgov.be);
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- ★ NL EMN NCP: [D.diepenhorst@ind.minvenj.nl](mailto:D.diepenhorst@ind.minvenj.nl); [SJ.Hees@ind.minvenj.nl](mailto:SJ.Hees@ind.minvenj.nl); [P.ho@dtv.minvenj.nl](mailto:P.ho@dtv.minvenj.nl);
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**1.9 TIMETABLE**

February 4 <sup>th</sup>	Circulation Version 1 of the Common Template
February 10 <sup>th</sup>	Comments due on first version
February 14 <sup>th</sup> (EMN NCP Meeting)	Circulation and discussion Second Version
Week commencing 3 <sup>rd</sup> March	Finalisation of the Common Template and launch of the Study
Completion of national reports by EMN NCPs	9 <sup>th</sup> May 2014
First draft Synthesis Report	23 <sup>rd</sup> May 2014
Final Synthesis Report	Week commencing 9 <sup>th</sup> June 2014

**2 Template for National Contributions**

The Template outlines the information that should be included in the National Contributions to this Focussed Study. The indicative number of pages to be covered by each section is provided in the guidance note. For national contributions, the total number of pages should not exceed 24 pages, excluding the statistics. A limit of 30 pages will apply to the Synthesis Report, in order to ensure that it remains concise and accessible.

Where data is not available for wider public dissemination, EMN NCPs may mark such data in the text as confidential or include it in a separate Annex to their National Contribution. This material will then be excluded from published (public) versions. Where an EMN NCP is in agreement, confidential data will be included in the Synthesis Report in an anonymous format.

### 3 STRUCTURE OF COMMON TEMPLATE

#### Top-line 'factsheet'/Executive summary

##### National contribution (one page only)

*Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.*

This national report focuses on entry bans, readmission agreements and the synergies of these two issues with reintegration assistance. The key national authority is the Foreign Police, which is responsible both for the imposition and decision making of entry bans as well as for making applications for readmission to third countries. As the following pages make clear, different levels of the institution are often involved in the decision-making processes. Where reintegration assistance was concerned, answers were also provided by relevant sections of the Department for Asylum and Migration Policy of the Ministry of the Interior, within whose jurisdiction this issue primarily falls.

In the Czech Republic, the imposition of **entry bans** is generally handled on a case by case basis. Therefore, while all suggested grounds for imposing entry bans are relevant, it is impossible to identify specific criteria/indicators for assessing whether the grounds apply in individual cases. The same is true for decisions not to issue an entry ban. The territorial scope of the entry ban depends on the category of the foreign national concerned. While third-country nationals (excluding those with permanent residence) are issued an entry ban valid for the entire EU territory, entry bans imposed on EU citizens and third-country nationals with permanent residence only cover the national territory of the Czech Republic. Third-country nationals who have been imposed an entry ban have the possibility to appeal the decision. This is laid down in national law, more particularly in the Administrative Procedure Code. When an appeal is lodged, the decision is reviewed by the Directorate of the Foreign Police, an institution superior in hierarchy to the relevant regional Foreign Police Department that issued the ban. The decision can also further be reviewed by the Administrative Court. Entry bans can be withdrawn or suspended depending on individual circumstances in case of all suggested categories of third-country nationals.

With regard to **readmission agreements**, applications for readmission to third countries are made by the Directorate of the Foreign Police. The Czech Republic has not experienced any significant challenges or practical obstacles in the implementation of either EU or bilateral readmission agreements. There are currently six bilateral readmission agreements with third countries, namely with Armenia, Canada, Kosovo, Moldova, Switzerland and Vietnam. Although none of these agreements include an article encouraging both parties to promote the use of voluntary return, this option is always promoted as the primary possibility. Where there are both EU and bilateral readmission agreements with the same country in force (the case of Moldova and Armenia), EU readmission agreements are used as these officially take precedence over the latter. Overall, our response in this section reflects the fact that readmission agreements focus exclusively on readmission cases involving forced returns.

Concerning the **synergies** of entry bans and readmission agreements with reintegration assistance, returnees who have been the subject of an entry ban can apply for re-integration assistance on the condition that they fulfil specific requirements and return within the framework of a voluntary return. As readmission agreements only concern forced returns, re-integration assistance is not offered to returnees who have been removed on the basis of a readmission agreement.

## Section 3 Entry bans (maximum 10 pages)

*This section reviews the national legal framework for imposing entry bans, in particular the grounds for issuing an entry ban (including criteria/indicators for assessing whether the grounds apply in individual cases), the categories of third-country national who can be issued such a ban, and the territorial scope of the entry ban. It also provides an overview of the authorities responsible for the imposition and decision-making of entry bans. The practical implementation of entry bans is explored by reviewing the extent to which Member States use a graduated approach, where entry bans are withdrawn or suspended depending on individual circumstances and the category of third-country national. Cooperation between Member States when implementing entry bans is addressed by reviewing whether Member States enter an alert into the SIS following imposition of an entry ban and by reviewing the information exchange/consultation processes including existing information sharing mechanisms between Member States. The section finally also includes questions about the perceived or actual effectiveness of entry bans, the main challenges associated with entry bans and any evidence of good practice.*

### SECTION 3.1 NATIONAL LEGAL FRAMEWORK ON ENTRY BANS: GROUNDS FOR IMPOSITION OF ENTRY BANS AND CATEGORIES OF THIRD-COUNTRY NATIONAL SUBJECT TO ENTRY BANS

Q1. In your Member State, which scenario applies to the imposition of entry bans?

a) Entry bans are automatically imposed in case the return obligation has not been complied with OR no period of voluntary departure has been granted

No.

b) Entry-bans are automatically imposed on all return decisions other than under a)

No.

c) Entry bans are issued on a case by case basis on all return decisions other than a)

No.

The imposition of entry bans is generally handled on a case by case basis.

Q2a. What are according to national legislation in your Member State the grounds for imposing entry bans? Please answer this question by indicating whether the grounds defined in national law include the following listed in the table 3.1 below. In the final column, please add more detailed information on the criteria/indicators used to decide whether particular grounds apply in individual cases:

**Table 3.1: Grounds for imposing entry bans**

Grounds for imposing entry bans	Yes/No	Please provide information on the criteria/indicators used to decide whether particular grounds apply in individual cases
Risk of absconding <sup>26</sup>	Yes	<i>Example: The risk of absconding may be measured in your (Member) State on the basis of an attempt to escape from detention, a statement about the person's reluctance to return to their home country, lack of a valid passport, lack of address or residence, previous declaration of false</i>

<sup>26</sup> As stipulated in the Return Directive Article 11 (1) (a) in combination with Article 7(4).

		<i>identity, previous violation of voluntary departure or entry ban, etc.</i> <b>- all these examples are relevant</b>
The third-country national concerned poses a risk to public policy*, public security or national security <sup>27</sup> . <b>* Please note that we understand this term as "public order".</b>	<b>Yes</b>	<i>Examples of indicators may include the following:</i>  <i>A third-country national who is convicted of an offence carrying a penalty involving deprivation of liberty of at least one year; a third-country national in respect of whom there are serious grounds to believe that he/she committed serious criminal offences or in respect of whom there is clear evidence of the intention to commit such offences; the third-country national has been subject to measures involving deportation, refusal of entry or removal, prohibition of residence, etc<sup>28</sup>.</i>  <b>- all these examples are relevant</b>
The application for legal stay was dismissed as manifestly unfounded or fraudulent <sup>29</sup>	<b>Yes</b>	<b>Specific criteria/indicators cannot be clearly identified as this issue is generally handled on a case by case basis.</b>
The obligation to return has not been complied with <sup>30</sup>	<b>Yes</b>	<b>Same as above</b>
Other (e.g. please indicate and add rows as appropriate)	<b>Yes</b>	<b>Repeated obstruction of administrative or judicial decisions.</b>

Q2b. What are the national grounds based upon which your Member State can decide **not** to issue an entry ban? Please answer this question by indicating whether the grounds defined in national law include the following listed in the table 3.2 below. In the final column, please add more detailed information on the criteria/indicators used to decide whether particular grounds apply in individual cases:

**Table 3.2: Grounds for not imposing entry bans**

<b>Grounds for not imposing entry bans</b>	<b>Yes/No</b>	<b>Please provide information on the criteria/indicators used to decide whether particular grounds apply in individual</b>
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<sup>27</sup> As stipulated in the Return Directive Article 11 (1) (a) in combination with Article 7(4).

<sup>28</sup> Based on Article 96 of the Schengen Implementing Agreement (SIA).

<sup>29</sup> As stipulated in the Return Directive in Article 11(1)(a) in combination with Article 7(4).

<sup>30</sup> As stipulated in the Return Directive Article 11(1)(b).

		<b>cases</b>
Humanitarian reasons	Yes	Specific criteria/indicators cannot be clearly identified as this issue is generally handled on a case by case basis.
Right to family life (Article 8 ECHR)	Yes	Same as above.
Health reasons	Yes	Same as above.

Q3. Please provide a short overview of the categories of third-country national that can be issued an entry ban by completing the table 3.3 below:

**Table 3.3: Categories of third-country national who can be issued an entry ban**

<b>Categories of third-country national who can be issued an entry ban<sup>31</sup></b>	<b>Who comply voluntarily with return decision (Y/N)</b>	<b>Who do not cooperate with return decision (Y/N)</b>
Third-country nationals staying illegally on the territory of a Member State (including residence/visa over-stayers, rejected applicants for international protection, third-country nationals who entered the territory illegally)	Y	Y
Third-country nationals who are subject to a refusal of entry in accordance with Article 13 of the Schengen Borders Code	Y	Y
Third-country nationals who are apprehended or intercepted by the competent authorities in connection with the irregular crossing by land, sea or air of the external border of a Member State and who have not subsequently obtained an authorisation or a right to stay in that Member State	Y	Y
Third-country nationals who are subject to return as a criminal law sanction or as a consequence of a criminal law sanction	Y	Y
Other (please indicate and add rows as appropriate)	N/A	N/A

Q4. Specify the territorial scope of entry bans that are imposed by your Member State, i.e. do they apply to the entire EU territory or do they only cover the national territory of the Member State? If both types of entry bans can be imposed, please indicate that this is the case.

<sup>31</sup> Based on Article 2 Return Directive

If they concern third country citizens (excluding those with permanent residence), entry bans apply to the entire EU territory.

If they concern EU citizens or third-country citizens with permanent residence, entry bans only cover the national territory of the Czech Republic.

Q5. Which institution(s) in your Member State decides whether or not to issue an entry ban on third-country nationals who are the subject of a return decision? Please specify whether this concerns for example the police, border police, immigration service, asylum agency etc.

Foreign Police authorities

### SECTION 3.2 PRACTICAL APPLICATION OF ENTRY BANS

Q6. Who informs third-country nationals of the imposition of the entry ban and what procedure is used to convey this information? Please specify

Third-country nationals are informed of the imposition of the entry ban by the Foreign Police. This information is conveyed in writing via post.

Q7. Do third-country nationals who have been imposed an entry ban have the possibility to appeal the decision? (Yes/No) Specify whether this is laid down in national law (make reference to the national legislation and the provision) and specify the concerned court of appeal

Yes. It is laid down in the Administrative Procedure Code. When an appeal is lodged, the decision is reviewed by the Directorate of the Foreign Police. The decision can also be reviewed by the Administrative Court.

Q8. Please indicate whether entry bans can be withdrawn or suspended in your Member State, specifying the categories of third country national who may be withdrawn/suspended from an entry ban, and explain the circumstances or reasons for this by filling out the table 3.4 below:

**Table 3.4: withdrawal and suspension of entry bans**

Categories of third-country national who can be exempted from an entry ban	Entry ban can be withdrawn or suspended (Y/N)	If yes, please provide information on the criteria/indicators used
Third-country nationals who can demonstrate that they have left the territory of the member State in full compliance with a return decision	Y	Specific criteria/indicators cannot be clearly identified as this issue is generally handled on a case by case basis. All circumstances of the case are therefore considered.

<p>Victims of trafficking in human beings who have been granted a residence permit pursuant to Council Directive 2004/81/EC (provided they do not represent a threat to public policy, public security or national security)</p>	<p>Y</p>	<p>According to the National legislation a reflection period is guaranteed to the third-country nationals concerned (Art. 3 of 2004/81/ES) in the overall duration of 1 month. Within this period an administrative procedure on expulsion or extradition may continue, but cannot be implemented.</p> <p>If the decision on administrative expulsion (entry ban) was not completed prior to the issuance of the residence permit with a purpose of protection, the procedure is terminated.</p> <p>If the third-country national who was issued with a residence permit with a purpose of protection has been issued a decision on administrative expulsion (re-entry ban) such decision could be withdrawn. The withdrawal is only possible if the information provided by the third country national concerned contributed to revelation or conviction of the perpetrators of the criminal activity; or if cooperation with prosecuting authorities could cause threat of life or health of the person concerned in case of departure (expulsion).</p> <p>The same applies also to the family members of the person concerned who were issued a residence permit with a purpose of protection.</p>
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Minors	Y (Relevant only to minors from 15 to 18 to whom entry ban can be issued.)	Specific criteria/indicators cannot be clearly identified as this issue is generally handled on a case by case basis. All circumstances of the case are therefore considered.
Unaccompanied Minors	Y (Relevant only to minors from 15 to 18 to whom entry ban can be issued.)	Same as above.
Disabled people	Y	Same as above.
Elderly people	Y	Same as above.
Pregnant women	Y	Same as above.
Single parents with minor children	Y	Same as above.
Persons with serious illness	Y	Same as above.
Persons with mental disorders	Y	Same as above.
Persons who have been subjected to torture, rape, or other serious forms of psychological, physical or sexual violence (e.g. victims of female genital mutilation)	Y	Same as above.
Other humanitarian reasons, (please indicate and add rows as appropriate)	Y	Same as above.
Other individual cases or certain categories of cases for other reasons (please indicate and add rows as appropriate)	Y	Same as above.

Q9. Is the institution responsible for the imposition of the entry ban the same as the authority that is competent to decide on withdrawal/suspension? Yes/ No. If not, or in case other actors are involved, please specify which ones and comment on the cooperation between the two actors.

Yes. However, while the imposition of the entry ban is issued by regional Foreign Police Departments (inferior in hierarchy), its withdrawal/suspension is decided by the Directorate of the Foreign Police (superior in hierarchy). The fact that both processes are handled by different actors within the same institution results in smooth cooperation. (The foreigner concerned can also request the decision to be reviewed by the Administrative Court.)

### SECTION 3.3 COOPERATION BETWEEN MEMBER STATES



Q10. Does your Member State enter an alert into the SIS when an entry ban has been imposed on a third-country national? (e.g. see Article 24 (3) of Regulation No 1987/2006 – SIS)? **Yes**

Please specify whether;

- a) Alerts are entered into the SIS as standard practice
- b) Alerts are entered into the SIS on a regular basis
- c) Alerts are entered into the SIS on a case-by-case basis

**a) As a standard practice.**

Q11a. Does your Member State share information on the use of entry bans with other Member States? **Yes**

- a) Your Member State exchanges information as a standard practice **Yes**
- b) Your Member State exchanges information on a regular basis **No**
- c) Your Member State exchanges information on a case-by-case basis **No**

**Yes. a) As a standard practice via SIS.**

Q11b. What type of information is shared with other Member States? Please indicate whether any or all of the following types of information are shared:

- a) Number of entry bans imposed **Yes**
- b) Identity of the individuals who have been imposed an entry bans **Yes**
- c) Reasons for imposing the entry bans **No**
- d) Decision to withdraw an entry ban and reasons for this **Yes**
- e) Decision to suspend an entry ban and reasons for this **Yes**
- f) Any other information (please specify)

**a), b), d), e)**

Q11c. How is information shared with other Member States? Please provide an overview of the existing mechanisms to share information (e.g. via the Schengen Information System, bilateral exchange of information either face-to-face, over the telephone, via e-mail, other?)

**Information is shared via the Schengen Information System.**

Q12a. Article 11 (4) stipulates that "where a Member State is considering issuing a residence permit or other authorisation offering a right to stay to a third-country national who is the subject of an entry ban issued by another Member State, it shall first consult the Member State having issued the entry ban and shall take account of its interests in accordance with Article 25 of the Convention implementing the Schengen Agreement". Please describe the processes how these consultations take place; indicate which authorities are involved as well as the method of consultation.

**Such consultation is done in writing. Once the decision authority (the Ministry of the Interior) identifies Schengen Information System record, the National office of SIRENE is requested to ensure provision of detailed information on the case. Once the information is received it is taken into consideration in the decision-making procedure. In case the Czech Republic issues the residence permit, the EU Member State that issued the entry ban is informed. The information is provided via SIRENE.**

Q12b. Has your Member State ever issued a residence permit or any other authorisation offering a right to stay to a third-country national who is the subject of an entry ban imposed by another Member State? (Yes/No); If yes, please indicate the number of residence permits issued to third-country nationals in these circumstances.

We are unable to determine the number of residence permits issued to third-country nationals in these circumstances as we do not collect any such statistics.

Q12c. In case your Member State has issued a residence permit or any other authorisation offering a right to stay to a third-country national who is the subject of an entry ban imposed by another Member State, please specify the circumstances based on which such decisions were taken.

There are no statistics available on such cases. However, in general the decisions were taken based on certain specific aspects of the case, which primarily involved family reunification issues.

### SECTION 3.4 EFFECTIVENESS OF ENTRY BANS

Q13. Has your Member State conducted any evaluations of the effectiveness of entry bans? (Yes/No) If yes, please provide any results pertaining to the issues listed in the table 3.5 below. The full bibliographical references of the evaluations can be included in an Annex to the national report.

#### 3.5: Entry ban's effectiveness

Aspects of the effectiveness of entry bans	Explored in national evaluations (Y/N)	Main findings
Contribute to preventing re-entry	Y	Although we do conduct certain evaluations, we are not able yet to provide any results pertaining to the issues concerned.
Contribute to ensuring compliance with voluntary return <sup>32</sup>	Y	Same as above.
Cost-effectiveness of entry bans	Y	Same as above.
Other aspects of effectiveness (please specify)	N/A	N/A

Q14. The following indicators have been developed in order to measure the effectiveness of entry bans as a means for enhancing the ability of (Member) States to carry out sustainable returns, or provide proxy measures

<sup>32</sup> i.e. to what extent does the graduated approach (withdrawal or suspension of the entry ban) contribute to encouraging third-country nationals to return voluntarily?

of their effectiveness. If your Member State collects any statistics that would permit the population of these indicators, please indicate this is the case and provide the statistics for the last 5 years. The statistics should be provided as a total number from January 1<sup>st</sup> until December 31<sup>st</sup> of each year.

**Table 3.6: National statistics on entry bans**

<b>Indicators (refer to 12 month period, if possible data should be disaggregated by category of third-country national)</b>	<b>Y/N</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Number of entry bans imposed	Y	3790	3242	3030	2814	2545
Number of decisions to withdraw an entry ban	N	-	-	-	-	-
Number of decisions to suspend an entry ban	N	-	-	-	-	-
Number of persons who are the subject of an entry ban who have been re-apprehended inside the territory (not at the border)	Y	729	431	507	537	512
Proportion of persons issued an entry ban who have returned voluntarily – out of the total number of persons that were issued an entry ban	Y	205	185	182	209	247
Proportion of persons who were not issued an entry ban who have returned voluntarily – out of the total number of persons that were imposed a return decision	N	-	-	-	-	-

Q15. Please indicate whether your Member State has encountered any of the following challenges in the implementation of entry bans and briefly explain how they affect the ability of entry bans to contribute to effective returns.

**Table 3.7: Practical challenges for the implementation of entry bans**

<b>Challenges associated with entry bans</b>	<b>Y/N</b>	<b>Reasons</b>
It is difficult to ensure compliance with entry bans on the part of the third-	Y	Although we have encountered such challenges, we are not able yet to

country national concerned		determine how they affect the ability of entry bans to contribute to effective returns.
It is difficult to monitor compliance with entry bans	Y	Same as above.
It is difficult to secure the cooperation of other MS in the implementation of entry bans <sup>33</sup>	N	-
It is difficult to secure the cooperation of the country of origin in the implementation of entry bans	N	-
Other challenges (please specify and add rows as necessary)	N/A	N/A

Q16. Please describe any examples of good practice in your (Member) State's implementation of entry bans, identifying as far as possible the reasons why the practice in question is considered successful. *In the synthesis report, these good practices will be compared and those which appear most transferrable to other Member States will be highlighted.*

N/A

## Section 4. Readmission agreements<sup>34</sup> (maximum 10 pages)

*This section investigates the practical application of EU and separate bi-lateral readmission agreements of EU Member States with third countries. In particular, it attempts to ascertain how frequently EU and bi-lateral readmission agreements are used, any practical challenges Member States have experienced when carrying out return on the basis of readmission agreements and to what extent readmission agreements have been effective in ensuring the removal of irregular third-country nationals.*

### SECTION 4.1 INSTITUTIONAL SET-UP

Q17. Which authority is responsible for making applications for readmission to third countries in individual cases of forced and or voluntary return?

Directorate of the Foreign Police

(Readmission agreements with Slovakia, Germany, Austria and Poland fall under the jurisdiction of regional Foreign Police Departments, which are subordinate to the Directorate of Foreign Police. As these agreements, however, are outside the scope of this study, the only relevant institution is the above.)

<sup>33</sup> This could for example relate to problems in the use of the Schengen Information System, and/or the lack of a common system.

<sup>34</sup> Please note that this Section only concerns readmission agreements with third countries and that any other readmission agreements with EEA countries are outside the scope.

## SECTION 4.2 EU READMISSION AGREEMENTS

Q18. Please provide any available statistics on the number of readmission applications that your Member State has submitted on the basis of **EU readmission agreements**. In Table 4.1 you are required to provide statistics on the total number of all readmission applications made based on EURAs. In table 4.2, 4.3 and 4.4 you are required to only provide statistics for the three third countries to which most readmission applications are made. These statistics are to be provided separately for each third country by filling out table 4.1, 4.2 and 4.3 below. Please distinguish, if possible, between own nationals and third-country nationals or stateless persons.

**Table 4.1: National Statistics on the total number of readmission applications under EU Readmission Agreements**

	Total number of readmission applications made based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	357	39	7	0	N/A	N/A	N/A	N/A
Own nationals	357	39	7	0	N/A	N/A	N/A	N/A
Third-country nationals (including stateless persons)	0	0	0	0	N/A	N/A	N/A	N/A

**Table 4.2: National Statistics on the number of readmission applications made under EU Readmission Agreement to third country 1 (specify the concerned third country)**

## Ukraine

	Number of readmission applications made to third country 1 based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	314	38	0	0	N/A	N/A	N/A	N/A
Own nationals	314	38	0	0	N/A	N/A	N/A	N/A
Third-country nationals (including stateless persons)	0	0	0	0	N/A	N/A	N/A	N/A

**Table 4.3: National Statistics on the number of readmission applications made under EU Readmission Agreement to third country 2 (specify the concerned third country)**

## Russia

	Number of readmission applications made to third country 2 based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013

Total numbers	11	1	0	0	N/A	N/A	N/A	N/A
Own nationals	11	1	0	0	N/A	N/A	N/A	N/A
Third-country nationals (including stateless persons)	0	0	0	0	N/A	N/A	N/A	N/A

**Table 4.4: National Statistics on the number of returns under EU Readmission Agreement to third country 3 (specify the concerned third country)**

**Moldova**

	Number of readmission applications made to third country 3 based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	32	0	0	0	N/A	N/A	N/A	N/A
Own nationals	32	0	0	0	N/A	N/A	N/A	N/A
Third-country nationals (including stateless persons)	0	0	0	0	N/A	N/A	N/A	N/A

Q19. Has your (Member) State experienced any practical obstacles when implementing EU Readmission Agreements? Please answer this question by filling in the table below. Please specify in your answer whether problems are of a general nature and/or only experienced in relation to certain third countries. In case particular problems are experienced only in relation to specific third countries, please indicate which third countries these are (the latter is optional).

**Table 4.4 Practical obstacles for the implementation of EU Readmission Agreements**

Practical obstacles associated with EU readmission agreements	Yes/No	If yes, please specify whether only in relation to a specific third country, or more of general nature. Also illustrate the obstacle with an example in this column
Countries of origin do not cooperate in general	No	-
Countries do not respect the deadlines	No	-
Countries do not cooperate in relation to readmission applications of third-country nationals (as opposed to own nationals)	No	-
Countries do not cooperate in relation to readmission applications of stateless persons (as opposed to own	No	-

nationals)		
Countries do not issue travel document to enable readmission/return	No	-
Gaps in own (Member) State's administrative capacity to implement readmission agreement	No	-
Other obstacles (please add columns as necessary)	No	-

Q20. Has your (Member) State conducted any evaluations of the effectiveness of EU and/or its bilateral readmission agreements? **No.**

(Yes/No) If yes, what issues have the evaluations covered? Please provide any results pertaining to:

**Table 4.5 Findings of the evaluations of EU Readmission Agreements carried out by your MS (if applicable)**

Aspects of effectiveness	Covered in national evaluations (Y/N)	Main findings
Recognition rates of readmission applications	N/A	N/A
Other (please indicate and add rows as necessary)	N/A	N/A

Q21. The following indicators have been developed in order to provide (proxy) measures of the effectiveness of EU and bilateral readmission agreements. If your Member State collects any statistics that would permit the population of these indicators, please indicate this is the case and provide the statistics for the last 5 years

**Table 4.6: Indicators measuring the effectiveness of EU Readmission Agreements**

Indicators (refer to 12 month period, if possible data should be disaggregated by own nationals and third country nationals, including stateless persons)	2009	2010	2011	2012	2013
Number of readmission applications sent	247	357	39	7	0
Number of readmission applications that received a positive reply	247	357	39	7	0
Number of requests for travel documents in the context of a readmission application	We do not collect statistics pertaining to this issue.				
Number of travel documents issued by third country after the positive reply	We do not collect statistics pertaining to this issue.				

Number of persons who were effectively returned	247	357	39	7	0
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Q22. Please provide an assessment of the added value of the EU Readmission Agreements in facilitating the effective returns in comparison with the period before the EU Readmission Agreements were concluded.

No such evaluations have been conducted.

#### SECTION 4.3 SEPARATE BILATERAL READMISSION AGREEMENTS

Q23. Does your Member State have any separate bilateral readmission agreements in place with third countries? (Yes/No) If yes, please indicate the number of agreements, the third countries concerned, the date of the agreement, and the date of its entry into force

Excluding those with EEA countries (Austria, Bulgaria, Croatia, Germany, Hungary, Poland, Romania, Slovakia, Slovenia), the Czech Republic has 6 separate bilateral readmission agreements, namely with:

	Date of agreement	Date of entry into force
Armenia	17. 5. 2010	1. 4. 2011
Canada	8. 3. 1996	7. 10. 1996
Kosovo	24. 6. 2011	1. 2. 2013
Moldova	7. 8. 2003	9. 9. 2004
Switzerland	17. 9. 2009	1. 6. 2011
Vietnam	12. 9. 2007	21. 3. 2008

Q24. Please provide any available statistics on the number of readmission applications that your Member State has submitted on the basis of separate **bilateral readmission agreements**. Please only provide such statistics for the three third countries to which most readmission applications are made. The statistics are to be provided separately for each third country by filling out tables 4.7, 4.8, and 4.9. Please distinguish, if possible, between own nationals and third-country nationals or stateless persons. If there have been any instances of voluntary return under the separate bilateral readmission agreements, please indicate this in the last column of the tables:

**Table 4.7: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 1 (specify the country concerned).**

#### Vietnam

	Number of readmission applications made to third country 1 based on separate bilateral readmission agreements				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	126	9	8	20	N/A	N/A	N/A	N/A
Own nationals	126	9	8	20	N/A	N/A	N/A	N/A
Third-country nationals (including stateless persons)	0	0	0	0	N/A	N/A	N/A	N/A



**Table 4.8: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 2 (specify the country concerned).**

National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 2 (specify the country concerned).	Number of readmission applications made to third country 2 based on separate bilateral readmission agreements				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	-	-	-	-	-	-	-	-
Own nationals	-	-	-	-	-	-	-	-
Third-country nationals (including stateless persons)	-	-	-	-	-	-	-	-

**Table 4.9: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 3 (specify the country concerned).**

National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 3 (specify the country concerned).	Number of readmission applications made to third country 3 based on separate bilateral readmission agreements				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	-	-	-	-	-	-	-	-
Own nationals	-	-	-	-	-	-	-	-
Third-country nationals (including stateless persons)	-	-	-	-	-	-	-	-

Q25. Please indicate the most common problems encountered in the implementation of separate bilateral readmission agreements by filling in the table 4.10 below. Please indicate whether problems are of general nature or whether these are only experienced in relation to specific third countries. In case particular problems are experienced only in relation to specific third countries, please indicate which third countries these are (the latter is optional).

**Table 4.10: Practical obstacles experienced under separate bilateral readmission agreements**

Practical obstacles associated with separate bilateral readmission agreements	Yes/No	If yes, please specify whether only in relation to a specific third country, or more of general nature. Also illustrate the obstacle with an example in this column
Countries of origin do not cooperate in general	No	-
Countries do not respect the deadlines	No	-

Countries do not cooperate in relation to readmission applications of third-country nationals (as opposed to own nationals)	No	-
Countries do not cooperate in relation to readmission applications of stateless persons (as opposed to own nationals)	No	-
Countries do not issue travel document to enable readmission/return	No	-
Gaps in own (Member) State's administrative capacity to implement readmission agreement	No	-
Other obstacles (please add columns as necessary)	No	-

Q26. Do any of the separate bilateral readmission agreements signed by your (Member) State include an article encouraging both Parties to promote the use of voluntary return? If yes, please indicate with which countries these agreements have been signed. If no, please confirm whether the agreements focus exclusively on readmission cases involving forced returns.

Such provisions are not included in readmission agreements, even though we always promote the use of voluntary return.

Only the readmission agreement with Kosovo (one of the most recent readmission agreements) includes a provision stipulating that there is nothing that prevents the use of other formal or informal agreements to arrange for the person's return.

All readmission agreements then include a provision stipulating that the readmission agreement does not affect the rights and obligations of the parties involved arising from international law.

We confirm that readmission agreements focus exclusively on readmission cases involving forced returns.

Q27. Does your Member State prefer to use separate bilateral readmission agreements instead of EU Readmission agreements with particular third countries? (Yes/No) If yes, please indicate with which third countries and the reasons for this.

The Czech Republic has concurrently valid separate bilateral and EU Readmission agreements with two states only, namely with Moldova and Armenia. As EU Readmission agreements take precedence over any other, at least where the agreements were in conflict regarding a particular issue, there is no reason to prefer either the EU or the separate bilateral agreement. If some issues are addressed in one of the agreements only, this agreement is used. Our experience has proved that third countries themselves require the issues to be processed according to EU Readmission agreements.

Q28. Has your (Member) State conducted any evaluations of the effectiveness of separate bi-lateral readmission agreements?

(Yes/No) If yes, what issues have the evaluations covered? Please provide any results pertaining to:

No.

**Table 4.11: Evaluations on separate bilateral readmission agreements**

Aspects of effectiveness	Covered in national	Main findings
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	<b>evaluations (Y/N)</b>	
Recognition rates of readmission applications	N/A	N/A
Other (please indicate and add rows as necessary)	N/A	N/A

Q29. The following indicators have been developed in order to provide (proxy) measures of the effectiveness of separate bilateral readmission agreements. Please provide the statistics for the three third countries to which most readmission applications are made on the basis of such agreements – these should be provided in a separate table for each of the third countries concerned (third country 1 in table 4.12; third country 2 in table 4.13; and third country 3 in table 4.14). If your Member State collects any statistics that would permit the population of these indicators, please indicate this is the case and provide the statistics for the last 5 years.

**Table 4.12: Indicators measuring the effectiveness of separate bilateral readmission agreement with third country 1 (specify the country concerned)**

**Vietnam**

<b>Indicators (Refer to 12 month period for readmission applications made to third country 1. If possible data should be disaggregated by own nationals and third country nationals, including stateless persons)</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Number of readmission applications sent	134	126	9	8	20
Number of readmission applications that received a positive reply	134	126	9	8	20
Number of requests for travel documents in the context of a readmission application	We do not collect statistics pertaining to this issue.				
Number of travel documents issued by third country after the positive reply	We do not collect statistics pertaining to this issue.				
Number of persons who were effectively returned	134	126	9	8	20

**Table 4.13: Indicators measuring the effectiveness of separate bilateral readmission agreement with third country 2 (specify the country concerned)**

<b>Indicators (Refer to 12 month period for readmission applications made to</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
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<b>third country 2. If possible data should be disaggregated by own nationals and third country nationals, including stateless persons)</b>					
Number of readmission applications sent	-	-	-	-	-
Number of readmission applications that received a positive reply	-	-	-	-	-
Number of requests for travel documents in the context of a readmission application	-	-	-	-	-
Number of travel documents issued by third country after the positive reply	-	-	-	-	-
Number of persons who were effectively returned	-	-	-	-	-

**Table 4.14: Indicators measuring the effectiveness of separate bilateral readmission agreement with third country 3 (specify the country concerned)**

<b>Indicators (Refer to 12 month period for readmission applications made to third country 3. If possible data should be disaggregated by own nationals and third country nationals, including stateless persons)</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Number of readmission applications sent	-	-	-	-	-
Number of readmission applications that received a positive reply	-	-	-	-	-
Number of requests for travel documents in the context of a readmission application	-	-	-	-	-
Number of travel documents issued by third country after the positive reply	-	-	-	-	-
Number of persons who were effectively returned	-	-	-	-	-

Q30. Please provide an assessment of the added value of the separate bilateral readmission agreements in facilitating effective returns in comparison with the period before the separate bilateral

readmission agreements were concluded. Please only provide this assessment for the separate bilateral readmission agreements conducted with the three third countries to which most readmission applications are made.

No such evaluations have been conducted.

## Section 5. Entry bans and readmission agreements: understanding the synergies with reintegration assistance (maximum 3 pages)

*In view of the important role that reintegration assistance can play in ensuring the sustainability of returns, this section examines the dependencies that might exist between entry bans and readmission agreements, on the one hand, and reintegration assistance, on the other hand; it also explores the extent to which decision-makers in charge of issuing entry bans and making readmission applications cooperate with the officials in charge of granting / administering reintegration assistance. The answers to these questions will be used in the Synthesis Report to determine whether greater cooperation between the relevant authorities would lead to better outcomes for sustainable return.*

Q31. Do the authorities in charge of imposing an entry ban subsequently consult with and/or inform the authorities in the concerned third country to which the individual is to be returned? If yes, at which stage in the process of imposing an entry ban is the third country consulted/informed? And if yes, do third countries subsequently impose travel bans on third-country nationals who were imposed an entry ban?

No.

Q32. Is it possible in your (Member) State for returnees who have been the subject of an entry ban to apply for re-integration assistance? (Yes/No) If yes, please indicate in which circumstances.

Yes. Conditions and circumstances are not defined by law which remains neutral to this issue, thereby not excluding such persons from reintegration assistance application. Reintegration assistance could be provided under conditions specified in particular projects implemented by IOM or other organisations with financing from the European Return Fund or other sources.

In fact it is only the following group where the reintegration assistance is provided to person issued with the entry ban: An alien in irregular position who decides to return and applies directly to IOM for assistance.

In order to become eligible for reintegration assistance such person needs to fulfil legal condition first. He/she needs to apply for a departure order at the Foreign Police where according to the length of his/her irregular stay also an administrative decision on re-entry ban will be issued. Once the departure order is issued IOM can provide AVR including reintegration assistance.

Q33. (If answered yes to question 32), are the competent authorities involved in making decisions about the use of entry bans and granting of re-integration assistance the same? No.

Q34. (If answered no to question 33), have any formal cooperation mechanisms been set up to facilitate coordination? (e.g. Protocols, contracts, conventions, working arrangements, etc.). Yes/No. If yes, please describe.

No.

Q35. (If answered no to question 34), do the competent authorities consult with each other when making decisions? If yes, do these consultations take place on a regular basis as a standard practice, or are consultations only made on very few / exceptional occasions?

The decision on an entry ban is fully within the jurisdiction of the Foreign Police. The decision on reintegration assistance is limited by eligibility criteria defined by particular project. (See response to Q.32)

The two decisions are not mutually consulted and they cannot influence each other.

Q36. Does your (Member) State offer re-integration assistance to returnees who have been removed on the basis of a readmission agreement? Yes/No. If yes, please indicate in which circumstances.

No. There is no specific program for those whose return is organised within the framework of the Readmission Agreement. Existing programs only provide assistance to voluntary returnees.

Q37. (If answered yes to question 36), are the competent authorities involved in making readmission applications and granting re-integration assistance the same? Yes/No.

N/A

Q38. (If answered no to question 37), have any formal cooperation mechanisms been set up to facilitate coordination? (e.g. Protocols, contracts, conventions, working arrangements, etc.). Yes/No. If yes, please describe.

N/A

Q.39 (If answered no to question 38), do the competent authorities consult with each other when making decisions? If yes, do these consultations take place on a regular basis as a standard practice, or are consultations only made on very few / exceptional occasions?

N/A

## Section 6. Statistics

*Contextual statistics on number of returns, etc. may be added to this section (besides the specific statistics requested in the body of the report to populate the effectiveness indicators). The statistics working group will also be consulted about this possibility.*

## Section 7. Key findings/conclusions

*The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policymakers at national and EU level.*

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*Final Version 5<sup>th</sup> March 2014*