



European Migration Network (EMN)

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 - Sweden

Top-line 'factsheet'/Executive summary

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.

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 competent authorities should strive for a voluntary return and only use force as a last resort.

One of the main tasks for the Swedish Migration Board is to carry out voluntary returns of persons who are not entitled to stay in Sweden. Only if that is not possible should force be used and the case of the irregular third-country national is turned over to the Swedish police. Both these authorities can impose an entry ban on a third-country national not cooperating with the authorities in the return process. The threat of the imposition is meant to serve as an incentive to the third-country national to leave the country within the time period given to them in a decision of refusal-of-entry or expulsion. Entry bans are not new to Swedish legislation but have not historically been used to a large extent. With the implementation of the Return Directive into Swedish legislation in 2012 this changed since the imposition of entry bans became an obligation instead of a possibility. Since the implementation, Sweden has issued more than 18 000 entry bans (April 2014).

A police authority's decision on refusal of entry and the Migration Board's expulsion order should contain a period for voluntary departure unless any circumstances speak against granting this period. Central among these circumstances is the risk of the third-country national absconding. The period should be set to two weeks for those who are refused entry and to four weeks for those who are expelled. An entry ban should be issued in cases where a period for voluntary departure has not been granted or if the alien has not left the country within that period. An entry ban is usually set to one or two years, but can be set to a maximum of five years in some cases. The entry ban entails a prohibition to enter the Schengen area and Romania and Bulgaria during the time the ban is valid. Before issuing an entry ban, authorities can take into consideration the fact that the third-country national has close relatives in Sweden and refrain from issuing the ban. An entry ban can be suspended if the third-country national can prove that he or she left Sweden within the period for voluntary departure. There have not been any evaluations on the impact of the entry ban but experts have observed that the threat of it has led to a drop in the number of

unfounded asylum applications.

Readmission agreements are another tool in facilitating an effective and sustainable return. They aim to facilitate the effective removal process of irregular third-country nationals and are typically applicable regardless of the individual's willingness to return. Sweden can use both bilateral agreements and the EU readmission agreements. Sweden has had readmission agreements with other states for many years out of which many have now been overtaken by agreements negotiated and concluded by the EU. If there is an EU agreement, Sweden will use that agreement instead of a bilateral one. The most commonly used Swedish bilateral agreements are with Kosovo and Vietnam. Swedish authorities have mainly positive experiences of using readmission agreements since they provide a form for exchanging information and setting deadlines, which makes them predictable in the day-to-day work. EU readmission agreements have the advantages of putting EU weight behind the agreement but also to provide uniformity between different Member States and different third countries.

Section 3 Entry bans

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

Yes.

- 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.

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:

According to Chapter 8, Section 21 of the Aliens Act, a removal order should contain a period for voluntary departure. The period should be set to two weeks for those who are refused entry and to four weeks for those who are expelled.

A police authority's decision on refusal of entry and the Migration Board's expulsion order which does not contain a period for voluntary departure, should be combined with a re-entry ban, unless special reasons relating to the alien's personal circumstances speak against that a ban is announced.

A period for voluntary departure shall not be granted if

- there is a risk of the alien absconding
- the alien poses a risk to public order and safety
- the alien is denied to enter the country through a removal order
- the alien is arrested in connection with his or her irregular crossing of an external border and then refused entry
- the alien is given an removal order with immediate execution by the Swedish Migration Board, or
- the alien is expelled following a crime conviction.

An entry ban should be issued in cases where a period for voluntary departure has not been granted or if the alien has not left the country within that period.

When determining whether there is a risk of the alien absconding the following exhaustive list of criteria is assessed considering the circumstances in each individual case. To be considered is if the alien:

1. has previously stayed away, gone into hiding
2. has stated that he or she does not intend to leave the country after a decision on expulsion
3. has occurred during any identity that has been false/incorrect
4. has not helped to clarify his or her identity and thereby hampered the examination of the application for a residence permit
5. has deliberately given false information or withheld material information
6. has previously been in violation of a re-entry ban
7. has been convicted of an offense punishable by imprisonment
8. has been expelled following a criminal conviction by a court

Table 3.1: Grounds for imposing entry bans See explanatory text above for Swedish legislation and practice

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 ¹		<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 identity, previous violation of voluntary departure or entry ban, etc.</i>
The third-country national concerned poses a risk to public policy, public security or national security ² .		<i>Examples of indicators may include the following: A third-country national who is convicted of an offence carrying a penalty involving</i>

¹ As stipulated in the Return Directive Article 11 (1) (a) in combination with Article 7(4).

² As stipulated in the Return Directive Article 11 (1) (a) in combination with Article 7(4).

		<i>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.³.</i>
The application for legal stay was dismissed as manifestly unfounded or fraudulent ⁴		
The obligation to return has not been complied with ⁵		
Other (e.g. please indicate and add rows as appropriate)		

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

Grounds for not imposing entry bans	Yes/No	Please provide information on the criteria/indicators used to decide whether particular grounds apply in individual cases
Humanitarian reasons	Yes.	Particular reasons relating to the TCN's personal circumstances, e.g. the alien has children or other close relatives in Sweden or the Schengen area, or other reasons out of the TCN's control.
Right to family life (Article 8 ECHR)	Yes.	See above.
Health reasons	No.	See above.
Other reasons	Yes.	The TCN has a residence permit in another MS.

³ Based on Article 96 of the Schengen Implementing Agreement (SIA).

⁴ As stipulated in the Return Directive in Article 11(1)(a) in combination with Article 7(4).

⁵ As stipulated in the Return Directive Article 11(1)(b).

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

Categories of third-country national who can be issued an entry ban⁶	Who comply voluntarily with return decision (Y/N)	Who do not cooperate with return decision (Y/N)
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)	No.	Yes.
Third-country nationals who are subject to a refusal of entry in accordance with Article 13 of the Schengen Borders Code	No.	No.
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	No.	No.
Third-country nationals who are subject to return as a criminal law sanction or as a consequence of a criminal law sanction	N/A	N/A
Other (please indicate and add rows as appropriate)	-	-

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.

The scope of the entry ban is the entire Schengen area plus Romania and Bulgaria.

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.

The Swedish Migration Board, the police and the migration courts.

⁶ Based on Article 2 Return Directive

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

A case officer at the Swedish Migration Board, the police, the migration courts and in practice sometimes the legal counsellor of the TCN.

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

According to Chapter 14 Section 7 a of the Aliens Act, a decision of a police authority or the Swedish Migration Board to issue an entry ban or to revoke a decision on a period for voluntary departure may be appealed to a migration court.

The Swedish Migration Board's rejection of an application to revoke a re-entry ban may be appealed to a migration court.

Q8. Please indicate whether entry bans can be withdrawn or suspended in your Member State, specifying the categories of third country national that 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	Yes.	If the third-country national can demonstrate that he or she has left the territory in full accordance with the return decision
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)	An entry ban is not imposed.	
Minors	For this category and the ones below, there are no specific grounds for withdrawing or suspending an entry ban. However the period for voluntary departure can be extended due to circumstances in the individual case.	
Unaccompanied Minors		
Disabled people		

Elderly people		
Pregnant women		
Single parents with minor children		
Persons with serious illness		
Persons with mental disorders		
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)		
Other humanitarian reasons, (please indicate and add rows as appropriate)		
Other individual cases or certain categories of cases for other reasons (please indicate and add rows as appropriate)		

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 an entry ban imposed by a police authority can only be suspended or withdrawn by the Swedish Migration Board, a migration court or the Migration Court of Appeal. And if a decision on an entry ban taken by e.g. the Swedish Migration Board is challenged in a migration court and the court does not change the decision, then the Board cannot withdraw or suspend the decision anymore.

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/No)

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) Alerts are entered into the SIS as standard practice as soon as they have entered into force.

Q11a. Does your Member State share information on the use of entry bans with other Member States? (Yes/No)

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

If we receive a question from another Member State we can share information on all the types of information

listed in Q11b.

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

See reply under Q11a

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 can be shared via e-mail on a case-by-case basis or via the Schengen Information System as a standard practice.

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.

An authority issuing a residence permit or a national visa shall, in connection with the issuance perform the inspection and consultation imposed by European Parliament and Council Regulation (EU) No 265/2010 amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562 / 2006 as regards movement of persons with a long-stay visa.⁷

If a TCN is registered in SIS a case officer initiates a consultation case the country having issued an entry ban towards the TCN. Sweden uses four different forms (M, G, O, N). Primarily, the Swedish authorities request information about the reason for the entry ban and if possible photo and/or fingerprint to be sure that this is the same person. To request information, use is made of the form G (secure SIS - hit) or M (possible SIS - hit). If it turns out to be the same person and the reason for the entry ban is not considered severe enough to impede the grant of a residence permit in Sweden, Sweden sends an N form with the request that the MS in question will delete the SIS block. The Swedish Police Authority owns the Schengen system so all forms will be sent automatically from the Migration Board's Sirene⁸ System to the Police Authority system that forwards our form to the right country. The same applies when Sweden gets a response on the matter. The Police Authority forwards the form to the Sirene system alternatively forwards the response to the mailbox of the Swedish Migration Board and then onwards to the case officer handling the case.

Form O is used when Sweden has a person who has already been granted a residence permit in Sweden and it is

⁷ Alien Regulation (Utlänningsförordningen) (2006:97)

⁸ Supplementary Information Request at the National Entry

discovered that the person has an SIS alert in a Schengen country.

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.

No, we never issue a residence permit or any other authorisation offering a right to stay if there is a SIS alert. 90 residence permits were issued after consultation with another MS of which the TCN was the object of an entry ban.

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.

After consultation with the imposing MS the reason for the entry ban can be judged not to be severe enough to impede the granting of a residence permit, e.g. in the case of a minor offence. Even if the reason for the entry ban is of a more severe nature, then the Swedish Migration Board might be able to grant a residence permit, e.g. when the alien in question has refugee status.

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.

No.

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	No.	
Contribute to ensuring compliance with voluntary return ⁹	No.	

⁹ 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?

Cost-effectiveness of entry bans	No.	
Other aspects of effectiveness (please specify)	No.	

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 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 1st until December 31st of each year.

Please note that the Return Directive was implemented in Sweden from May 1, 2012. Please also note that the number may not correspond to the number reported in the SIS-system as only the entry bans that entered into legal force is reported to SIS.

Table 3.6: National statistics on entry bans

Indicators (refer to 12 month period, if possible data should be disaggregated by category of third-country national)	Y/N	2009	2010	2011	2012	2013
Number of entry bans imposed	Yes	42	62	87	3 151	10 392
Number of decisions to withdraw an entry ban						
Number of decisions to suspend an entry ban	Yes				12	121
Number of persons who are the subject of an entry ban who have been re-apprehended inside the territory (not at the border)	Not available	Not available	Not available	Not available	Not available	Not available
Proportion of persons issued an entry ban who have returned voluntarily – out of the total number of persons that were issued an entry ban		36 %	24 %	21 %	33 %	16 %
Proportion of persons who were not issued an entry ban who have returned voluntarily – out of the total		41 %	52 %	54 %	53 %	57 %

number of persons that were imposed a return decision						
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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

Challenges associated with entry bans	Y/N	Reasons
It is difficult to ensure compliance with entry bans on the part of the third-country national concerned	Yes	Persons tend to return to Sweden regardless of an active entry ban.
It is difficult to monitor compliance with entry bans	No.	Normally not but once someone has entered the Schengen area it's difficult.
It is difficult to secure the cooperation of other MS in the implementation of entry bans ¹⁰	No	
It is difficult to secure the cooperation of the country of origin in the implementation of entry bans	No info	
Other challenges (please specify and add rows as necessary)	-	-

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.*

Persons coming from Western Balkans with unfounded applications often decide not to apply or withdraw their application due to the risk of receiving a re-entry ban.

Section 4. Readmission agreements¹¹

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

¹⁰ This could for example relate to problems in the use of the Schengen Information System, and/or the lack of a common system.

¹¹ 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.

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?

The Swedish Migration Board when it comes to voluntary returns and the Swedish police when it is the question of a forced return.

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	1244	1288	1225	1025	870	841	774	673
Own nationals	1244	1288	1225	1025	870	841	774	673
Third-country nationals (including stateless persons)	-	-	-	-	-	-	-	-

Table 4.2: National Statistics on the number of readmission applications made under EU Readmission Agreement to Serbia

	Number of readmission applications made to Serbia based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	1074	924	752	520	765	646	497	386
Own nationals	1074	924	752	520	765	646	497	386
Third-country nationals (including stateless persons)	-	-	-	-	-	-	-	-

Table 4.3: National Statistics on the number of readmission applications made under EU Readmission Agreement to the Russian Federation

	Number of readmission applications made to the Russian Federation based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	55	138	168	137	33	69	77	65
Own nationals	55	138	168	137	33	69	77	65
Third-country nationals (including stateless persons)	-	-	-	-	-	-	-	-

Table 4.4: National Statistics on the number of returns under EU Readmission Agreement to the Republic of Macedonia

	Number of readmission applications made to the Republic of Macedonia based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	59	93	91	110	37	70	52	64
Own nationals	59	93	91	110	37	70	52	64
Third-country nationals (including stateless persons)	-	-	-	-	-	-	-	-

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.	Obstacles can occur if national legislation does not correspond with the readmission agreement.
Countries do not respect the deadlines	Yes.	Not respecting deadlines can sometimes be understandable when we make

		requests which contain very little or incorrect information on the returnee.
Countries do not cooperate in relation to readmission applications of third-country nationals (as opposed to own nationals)	N/A	In an application the Swedish Migration Board assumes the person in question is their own national and don't apply for readmission stating that a person is a TCN or stateless.
Countries do not cooperate in relation to readmission applications of stateless persons (as opposed to own nationals)	N/A	In an application the Swedish Migration Board assumes the person in question is their own national. Sweden does not apply for readmission stating that a person is a TCN or stateless.
Countries do not issue travel document to enable readmission/return	Yes.	Countries may require the personal appearance of a police officer or case officer of the Swedish Migration Board.
Gaps in own (Member) State's administrative capacity to implement readmission agreement	No.	-
Other obstacles (please add columns as necessary)	None.	-

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	No.	
Other (please indicate and add rows as necessary)	No.	

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)	2009	2010	2011	2012	2013

and third country nationals, including stateless persons)					
Number of readmission applications sent	298	1244	1288	1225	1025
Number of readmission applications that received a positive reply	254	1149	1146	1079	865
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		929	1 011	1 031	848

22. 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.

The positive aspects are uniformity; that most agreements are similar regardless of third country and that the conditions are the same for the sending country as for any other MS, and the weight that an EU Readmission Agreement has in comparison with a bilateral one.

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

Yes, including those overtaken by EURAs

Country	Date of signature	Date of entry into force
Armenia	7 November 2008	19 April 2009
Bosnia-Herzegovina	29 March 2005	1 August 2005
Bulgaria	26 May 1998	28 February 1999
Cyprus	26 January 2005	17 February 2006
Estonia	25 March 1997	2 May 1997
France	14 February 1991	29 June 1991

Iraq (MoU)	18 February 2008	18 February 2008
Kosovo	4 October 2011	1 January 2012
Croatia	4 April 2001	7 April 2003
Latvia	9 April 1997	1 May 1997
Lithuania	10 February 1997	24 May 1997
Macedonia	23 October 2006	1 June 2007
Montenegro (Agreed minutes)	18-19 May 2005	19 January 2006
Poland	1 September 1998	9 April 1999
Romania	2 April 2001	10 February 2002
Serbia (Agreed Minutes)	9-10 September 2004	10 September 2004
Switzerland	10 December 2002	9 January 2003
Slovakia	13 June 2004	5 April 2005
Germany	1 June 1954	1 June 1954
Vietnam	16 June 2008	31 Dec 2008

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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 the Republic of Kosovo

	Number of readmission applications made to third country Republic of Kosovo based on separate bilateral readmission agreements				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	-	-	371	323	-	6	206	226
Own nationals	-	-	371	323	-	6	206	226
Third-country nationals (including stateless persons)	-	-	-	-	-	-	-	-

Table 4.8: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to the Republic of Armenia

	Number of readmission applications made to third country Republic of Armenia based on separate bilateral readmission agreements				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	-	-	10	49	-	-	4	13
Own nationals	-	-	10	49	-	-	4	13
Third-country nationals (including stateless persons)	-	-	-	-	-	-	-	-

Table 4.9: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to the Socialist Republic of Vietnam

	Number of readmission applications made to third country Socialist Republic of Vietnam based on separate bilateral readmission agreements	How many have concerned voluntary return?

	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	7	25	24	8	2	16	5	4
Own nationals	7	25	24	8	2	16	5	4
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	Y	For example the readmission agreement does not fully correspond with national legislation
Countries do not respect the deadlines	Y	This is in some cases is understandable considering that the information given to them from Sweden is not sufficient enough or totally wrong.
Countries do not cooperate in relation to readmission applications of third-country nationals (as opposed to own nationals)	N	We have not experienced this.
Countries do not cooperate in relation to readmission applications of stateless persons (as opposed to own nationals)	N	We have not experienced this.
Countries do not issue travel document to enable readmission/return	Y	This is not very common but could happen when national legislation does not correspond with the agreement, e. g. when a travel document only is issued after an application of the returnee.
Gaps in own (Member) State's administrative capacity to implement readmission agreement	N	

Other obstacles (please add columns as necessary)		
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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.

No readmission agreement focuses exclusively on forced returns. The readmission agreements with Bosnia-Herzegovina and Macedonia include an article encouraging both Parties to promote the use of voluntary return.

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.

No. Sweden uses EU Readmission agreements for countries where they exist.

Q28. Has your (Member) State conducted any evaluations of the effectiveness of separate bi-lateral readmission agreements? No.

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

Table 4.11: Evaluations on separate bilateral readmission agreements

Aspects of effectiveness	Covered in national evaluations (Y/N)	Main findings
Recognition rates of readmission applications	No.	
Other (please indicate and add rows as necessary)	No.	

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 the Republic of Kosovo

Indicators	2009	2010	2011	2012	2013
(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)					
Number of readmission applications sent				371	323
Number of readmission applications that received a positive reply				326	231
Number of requests for travel documents in the context of a readmission application	N/A	N/A	N/A	N/A	N/A
Number of travel documents issued by third country after the positive reply	N/A	N/A	N/A	N/A	N/A
Number of persons who were effectively returned			6	225	271

Table 4.13: Indicators measuring the effectiveness of separate bilateral readmission agreement with the Republic of Armenia

Indicators (Refer to 12 month period for readmission applications made to third country 2. 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				10	49
Number of readmission applications that received a positive reply				3	22
Number of requests for travel documents in the context of a readmission application	N/A	N/A	N/A	N/A	N/A
Number of travel documents issued by third country after the positive reply	N/A	N/A	N/A	N/A	N/A
Number of persons who were effectively returned				11	13

Table 4.14: Indicators measuring the effectiveness of separate bilateral readmission agreement with the Socialist Republic of Vietnam

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)	2009	2010	2011	2012	2013
Number of readmission applications sent	12	7	25	24	8
Number of readmission applications that received a positive reply	-	2	10	16	6
Number of requests for travel documents in the context of a readmission application	N/A	N/A	N/A	N/A	N/A
Number of travel documents issued by third country after the positive reply	N/A	N/A	N/A	N/A	N/A
Number of persons who were effectively returned		3	18	9	8

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.

Positive aspects:

Technical provisions for governing the readmission procedure and transit operations.

Means of evidence of citizenship and identity (not only for nationals but also third-country nationals and stateless persons).

Sets the time frame (for example when a readmission application must be replied to in writing)

Negative aspects:

They can in some cases prolong the procedure instead of facilitating the same.

However, our conclusion is that both bilateral and EU readmission agreements, in general, are beneficial to the return process. Since 2005, EU agreements have improved greatly. In some cases an implementing protocol can be an effective tool to improve the existing readmission agreement.

Section 5. Entry bans and readmission agreements: understanding the synergies with reintegration assistance

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, there are no restrictions for someone imposed with an entry ban to apply for and receive reintegration assistance or financial reintegration support. The Regulation on financial reintegration support contains no such exception.

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? Yes/No.

Yes.

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.

N/A

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?

N/A

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.

There is no legislation saying that the Swedish authorities cannot offer re-integration assistance to returnees removed on the basis of a readmission agreement. Financial reintegration support is granted based on the grounds stipulated in Regulation¹² (2008:778) on financial reintegration support and has nothing to do with the existence of a readmission agreement. However, as of now, the Swedish Migration

¹² Regulation on financial reintegration support for some aliens/Förordning (2008:778) om återetableringsstöd för vissa utlänningar

Board does not grant financial reintegration support to any nationals of the countries with which Sweden has a readmission agreement.

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

Yes.

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

Entry bans can work as a deterrent and lead to a higher share of voluntary returns within the legal period, in particular since an entry ban imposed by Sweden is applicable in the entire Schengen area. There are, however, a number of third-country nationals with an active entry ban who still will try to enter into Schengen territory. An entry ban can also lead to the third-country national going into hiding for the duration of the entry ban since the length of the entry ban starts running from the day it enters into force and not from the time when the third-country national actually leaves the Schengen area. Readmission agreements facilitate to a large extent the process of returning a third-country national, by providing clear provisions on what means of evidence to be used when it comes to identity and citizenship and by indicating what type of information to be exchanged and what timeframes to be expected. The formalities of a readmission agreement can however prolong the procedure but overall these agreements are beneficial to the return process, in particular since they can be improved by implementing protocols.
