



EMN Ad-Hoc Query on IE Ad-Hoc Query on Returns to Algeria by both charter and commercial removals

Requested by Elaine BYRNE on 26th July 2016

Return

Responses from Austria, Belgium, Blocked / Unknown, Croatia, Czech Republic, Estonia, Finland, Germany, Greece, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Norway (23 in total)

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

Background information:

The Irish Naturalisation and Immigration Service (INIS) would like to launch an ad hoc query among Member States concerning returns to Algeria.

Ireland has an increasing number of Algerian nationals who are the subject of Deportation Orders. While we have successfully deported a relatively small number of such nationals and acquired travel documents from the Algerian Embassy, Ireland is keen to find out about the experiences of other Member States in relation to returns to Algeria.

Also Ireland has never chartered to Algeria. What are other Member States experiences in this regard and has any country successfully chartered there?

This query relates to both charter and commercial removals.

Summary

Responses were received from: Austria, Belgium, Croatia, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom and Norway (24 in total)


1. Do Member States successfully remove illegal migrants to Algeria?
 - Austria, Belgium, Croatia, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Luxembourg, Malta, Latvia, the Netherlands, Poland, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom (21 in total) have successfully removed illegal migrants to Algeria.
 - Belgium, Czech Republic, France, Luxembourg, Portugal, the Netherlands, Sweden, and the UK have encountered problems or delays issuing travel documents and/or identification of returnee as an Algerian citizen.
1. In Member States' experience, do the Algerian authorities refuse to accept any particular category of deportees?
 - Luxembourg has encountered problems in the past with Algerian authorities taking a long time to issue visas for escorts.
 - Sweden, Germany and Hungary have experienced difficulties in returning individuals in situations where potential returnees have family in the respective Member State.
 - France reports facing difficulties in returning individuals released from prison.
1. Have any Member States successfully carried out charter operations to Algeria? If not why not?
 - Belgium and France have, in the past, chartered flights to Algeria under specific agreements. France has made several requests to charter flights but Algerian authorities have either refused or not responded to their requests.



- Greece has requested joint return operations though Frontex but the request has been refused by Algerian authorities.
 - Spain, Luxembourg, Finland, Germany, Greece and Hungary report that Algerian authorities do not allow charter flights.
1. Have Member States carried out commercial removals to Algeria? Have difficulties been encountered with attempts to remove commercially and what are those difficulties, if any.
 - Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Luxembourg, Latvia, the Netherlands, Slovak Republic, Slovenia, Sweden, United Kingdom and Norway return individuals on commercial flights to Algeria.
 - Greece experience difficulties with the Algerian Consul only issuing travel documents once a travel reservation is made by the Greek Authorities, often resulting in the data of the reservation being incorrect and requiring the Greek authorities to alter the data at the last minute.
 - Belgium and Hungary refer to using commercial flights transiting via Rome to make returns to Algeria.
 - Spain has a bilateral agreement with Algeria to return individuals by commercial ferry. Up to 15 returnees per trip are allowed. France has also, on occasion, made return by maritime routes.





Questions


1. Do Member States successfully remove illegal migrants to Algeria?
2. In Member States' experience, do the Algerian authorities refuse to accept any particular category of deportees?
3. Have any Member States successfully carried out charter operations to Algeria? If not why not?
4. Have Member States carried out commercial removals to Algeria? Have difficulties been encountered with attempts to remove commercially and what are those difficulties, if any.




Responses



	Country	Wider Dissemination	Response
	Austria	Yes	<ol style="list-style-type: none"> 1. In 2016, there have been both voluntary and forced returns. Source: Federal Ministry of the Interior. 2. N/I. Source: Federal Ministry of the Interior.




			<p>3. N/I. Source: Federal Ministry of the Interior.</p> <p>4. Yes, commercial flights have been used. Source: Federal Ministry of the Interior.</p>
	Belgium	No	
	Blocked / Unknown	No	<p>2. When the third country national has a valid travel document, usually there is no problem for the deportation. When they do not hold a valid travel document but other papers, we are dependent on the willingness of cooperation of the Embassy of Algeria: voluntary return is highly supported by the Embassy but forced return is more problematic, especially if the third country national has a spouse or even just a partner (not acknowledged by law) in Hungary (even when the deportation is a side-punishment ordered by the court for criminal activity). In these cases the Embassy is supporting the third-country national, giving legal aid and sometimes hindering our process by not issuing the travel document claiming that they have to be sure that all legal remedies were depleted (even if these legal remedies do not have any suspending effect!). When it comes to undocumented cases, the Embassy is identifying the citizenship of the person concerned based on fingerprints. The procedure is lengthy and we receive confirmation on identity randomly.</p> <p>4. No.</p> <p>6. The Algerian authorities do not agree to use charter flights for deportation</p> <p>8. Hungary uses only commercial flights, transiting in Rome mostly. The OIN (the Office of Immigration and Nationality) had some cases where medical assistance was also needed during the flight therefore not only the police officers and the representative of the OIN, but also a paramedic/doctor travelled with. We faced no particular problem when using commercial flights.</p>
	Croatia	Yes	<p>1. In year 2015 Croatia had both, voluntary and forced returns to Algeria.</p>


			<p>2. No information.</p> <p>3. Croatia has never engaged in the charter return operations to Algeria due to such a small number of deportees.</p> <p>4. N/A</p>
	Czech Republic	No	
	Estonia	Yes	<p>1. Estonia does not have significant number on Algerian returnees. So far we have managed to acquire relevant travel documents for the returnees and have managed to return few Algerian nationals.</p> <p>2. So far we have no experience with a case where Algerian authorities refuse to accept any returnees.</p> <p>3. Due to the low number of Algerian returnees Estonia has not organized any charter flights to Algeria.</p> <p>4. Estonia has carried out removals to Algeria with commercial flights. So far there have not been any difficulties.</p>
	Finland	No	
	Germany	Yes	<p>1. From the whole of Germany, 56 DZ citizens have been removed to Algeria between 01 January 2016 and 30 June 2016. Accordingly, the removal of DZ citizens out of Germany is successful. The AZR (Central Register of Foreigners) lists 21,694 Algerian nationals living in Germany. 3,609 of these are obliged to leave the country and 2,427 have been granted an exceptional leave to remain whereas 1.182 do not have any right to remain.</p>





			<p>2. We do not have information about any particular group of persons not being accepted for the removal to Algeria. However, some German Federal States have reported that the issuance of documents in lieu of passports can be problematic if an Algerian national states that he/she has a German child or spouse or if an Algerian national indeed states that he/she is merely engaged to a German national. In spite of the identity having been confirmed, the issuance of documents in lieu of passports does not take place in principle even if the person concerned is obliged to leave the country under an enforceable decision. The General Consulate always asserts such social/family or humanitarian reasons in order to delay the issuance of documents in lieu of passports applied for. To issue a „laisser-passer“ for minors under the age of 19 years is not possible.</p> <p>3. Algeria does not accept the removal with collective charter flights. The General Consulate emphatically refuses charter flights.</p> <p>4. Algeria only accepts scheduled flights. The difficulty for removals on scheduled flights is that on such flights only 1 to 2 persons, plus, if required, accompanying personnel per scheduled flight can be removed.</p>
	Greece	Yes	<p>1. For the period of January 2016-July 2016 Greece has returned -211- Algerian irregular migrants. This number involves -160- people returned to Turkey, -43- people returned to Algeria by forced return and -8- people returned voluntarily. Greece’s main target is to use all the possible ways to return Algerians, the most important at the moment being the Declaration between EU-Turkey (although hindered by the burst of asylum applications).</p> <p>2. From our experience there haven’t been cases of refusals of acceptance of returnees by the Algerian Authorities.</p> <p>3. Greece has not attempted to organize national return operations to Algeria until now because of refusal of a chartered flight by the Algerian Authorities. As such, the commercial flights have been the prime way of forced returns in the recent years passed. Greece has asked FRONTEX many times in the past about the possibility of a joint return operation with destination to</p>

			<p>Algeria, however it has not been implemented till today because of refusal again by the Algerian Authorities.</p> <p>4. Greece is able to return holders of valid passports through commercial flights according to the signed contract with the travel agency until the end of September of 2016 through the emergency AMIF funding, while the Embassy is not issuing travel documents for those not willing to return, examining though more closely and issuing (sometimes) cases that we emphasize on for different reasons. One other problem is the fact that the Algerian Consul shall issue travel documents only when a travel reservation is made by the Greek Authorities, meaning that often the data of the reservation are not the correct ones and putting pressure on us to alter the data at the very last moment.</p>
	Ireland	No	
	Latvia	Yes	<p>1. Since 2010 Latvia has carried out 11 successful removals of citizens of Algeria to their home country.</p> <p>2. Latvia has a good cooperation with Embassy of Algeria in Poland (Warsaw). There were no refusals to accept any particular category of deportees received from the Embassy of Algeria in Poland.</p> <p>3. Latvia does not have experience in organization of charter flights to Algeria. Latvia usually organize removals to Algeria by the use of commercial flights.</p> <p>4. In 2014 and in 2015 Latvia carried out removals in transit through international airport of Italy. Italian competent authorities responsible for authorisation of transits requested to provide escort of citizens of Algeria till destination country.</p>
	Lithuania	Yes	<p>1. Lithuania does not have such experience of detaining and removing illegal migrants to Algeria.</p>

			<p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p>
	Luxembourg	Yes	<p>1. Yes. Luxembourg carries out voluntary and forced returns to Algeria. In 2014, 3 persons returned voluntary returned to Algeria. In 2015, 1 person was returned by force.</p> <p>2. 2. No. In the past one of the main problems with the Algerian authorities has been the forced return of Algerian nationals escorted by Luxembourgish police officers. In some cases, the period for issuing a visa for the escorts by the Algerian authorities took very long (See First instance Administrative Court, third chamber, n° 38072 of 29 June 2016). Another problem is the time taken by the identification process of its nationals by the Algerian authorities or the constraints they impose on the organisation of the return, such as that the return flight should be made by a commercial direct flight from Charleroi (Belgium), Brussels (Belgium) or Metz (France) with Air Algérie and that the number of returnees should not exceed 2 individuals (First instance Administrative Court, first chamber, n° 38116 of 11 July 2016).</p> <p>3. No, the Algerian authorities do not allow charter flights.</p> <p>4. The main problem is that the commercial removals have to be carried out with Air Algérie and that it is very difficult to book seats for the returnee and the escorts.</p>
	Malta	Yes	<p>1. Refer to the attached</p> <p>2. Refer to the attached</p> <p>3. Refer to the attached</p> <p>4. Refer to the attached</p>

	Netherlands	Yes	<ol style="list-style-type: none"> 1. Yes, though limited in numbers, the Netherlands has successfully removed illegal Algerian migrants to Algeria, also in 2016. However the issuing of Emergency Travel Documents is very limited, so most Algerians are removed on original documents. 2. The experience of the Netherlands is that Algerian authorities do not refuse to accept any particular category of deportees. 3. The Netherlands has not carried out charter operations to Algeria, there has not been a sufficient number of Algerian deportees with the required travel documents to do so. 4. The Netherlands carries out removals through commercial flights to Algeria and has not encountered difficulties in doing so.
	Poland	Yes	<ol style="list-style-type: none"> 1. Yes 2. No 3. No, the main reason is the low number of foreigners from Algeria who stay illegally in Poland. 4. The main difficulty is that Algerian national carrier (Air Algerie) does not accept DEPU/DEPA status of persons at the board.
	Portugal	Yes	<ol style="list-style-type: none"> 1. No. 2. PT finds really difficult for the Algerian diplomatic representation to recognize their citizens and issue an ETC. 3. PT does not organize charter operations, in general.

			<p>4. The removals carried out to Algeria by PT are always by commercial flight. The main problems are related to an eventual refusal of the commander of the flight in having the deportee on board.</p>
	Slovak Republic	Yes	<p>1. The Slovak Republic managed to successfully execute the expulsion of nationals of DZA to their home country 6-times in last 5 years.</p> <p>2. Cooperation with the officials of the diplomatic mission of Algeria in the last few years can be assessed as being on a better level; they accepted our requests for issuance of the emergency travel documents. The Slovak Republic has no records of refusing any category of deportees.</p> <p>3. With regards to the situation of the Slovak Republic, there was no need to carry out a charter operation so far.</p> <p>4. The Slovak Republic has executed administrative expulsions in the years: 2012 – 1 x AE – deportee had a travel document 2015 – 2 x AE – both deportees had a valid travel document 2016 – 1 x AE, 1 x AVR – in both cases the emergency travel documents were issued by the diplomatic mission of DZA in Vienna. In all these cases commercial flights were used, without any difficulties, removals were carried out in a regular way.</p>
	Slovenia	Yes	<p>1. In case an alien is holding a valid passport, force return is possible. In case an alien does not holding a valid travel document, acquiring travel document through diplomatic consular representation is not possible if alien does not express his/her request or agree upon that before.</p> <p>2. We do not have such experience.</p> <p>3. No.</p> <p>4. Yes. With incorporation in to the AVR procedures and cooperation with IOM.</p>

	Spain	Yes	<p>1. Yes.</p> <p>2. No.</p> <p>3. No. Charter flights are not accepted by Algerian authorities. On the other hand, commercial ferry connections currently cover our needs.</p> <p>4. Following our bilateral readmission agreement with Algeria, we use commercial ferry connections between different Spanish cities and different Algerian cities. Up to 15 returnees per trip are allowed. Sometimes, use of commercial flights is also made.</p>
	Sweden	Yes	<p>1. Yes and no. Sweden is able to return to Algeria, but only on valid passport alternatively after approval and issued temporary travel document issued by the Embassy of Algeria. Although the co-operation with the embassy can be considered as good, the handling for the establishment of nationality and the delivery of travel documents stays long (from several weeks to years in fact).</p> <p>2. Refusals in practice are also arbitrary, as far as the reasons for refusal are concerned. The embassy also commits obstruction in those cases where potential returnees have family in Sweden.</p> <p>3. No. Sweden do not have many return cases to Algeria and prior approval is necessary before a return can take place.</p> <p>4. All return from Sweden is conducted with regular flights, after approval and on valid travel passport or travel document issued by the Embassy of Algeria in Stockholm.</p>
	United Kingdom	No	
	Norway	Yes	<p>1. YES.</p>

			<p>2. We have not experienced that Algerian authorities have refused to accept their own citizens, but occasionally they have not been able to verify the identity of some (claimed Algerian) citizens.</p> <p>3. No, this has not been considered in Norway, as there is no need for a charter operation. Besides, we are not sure how Algerian authorities will respond to a request for a charter operation.</p> <p>4. Yes Norway has carried out such removals. We have not encountered any particular difficulties related to these removals, compared with commercial removals to other destinations.</p>
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