



## **Ad-Hoc Query on the use of escort missions (on commercial flights) other than the own police escorts**

**Requested by BE EMN NCP on 19<sup>nd</sup> February 2015**

**Compilation produced on 27<sup>th</sup> March 2015**

**Responses from Belgium, Bulgaria, Croatia, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom plus Norway (23 in Total)**

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### **1. Background Information**

The escorting of persons to their country of origin (forced removal) or to a country to which they will be admitted (in the case of persons refused entry at the border (“INADS”) or in the case of a Dublin transfer or a bilateral readmission treaty (transfer)) could be done by national police escorts or by other (private) escorts. Belgium would like to obtain information on the organization of escorts by other (private) escorts on commercial flights (no charter flights).

Escorts by other (private) escorts on commercial flights are used by some countries under different forms: some allow private escorts hired by an airline company to escort a refused person (at the border) it brought in (for example: Royal Air Maroc uses security to escort a Congolese INAD to Rabat),

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some use official agents of the state of the person to be escorted (for example: Algerian agents come to collect an Algerian deportee and escort him to Algeria on Air Algérie). Some use the security agents of the airline company which is used on direct flights (for example: a Turkish citizen escorted by the security of Turkish Airlines to Istanbul).

Other hypotheses are: use of the security of the airline company with a stop over (for example: an Armenian escorted by Aeroflot to Moscow and then to Yerevan). Or, the use of a private escorting enterprise to do all possible escorts, if allowed.

Belgium would also like to know whether private escort missions are used on airlines who are registered in your own country.

Question:





Do you use other escorts than your own police escorts during removal operations?

If your answer is yes, please could you elaborate on the following issues:

- For which categories (TCN refused entry at the border, Transfers, removals)? And in which cases?
- What is the juridical basis? Is there jurisprudence?
- Who is the provider? What is the size?
- What are your experiences?
- What is the economic assessment?
- How is the monitoring organized?





We would appreciate to have your responses by **Monday 16 March 2015**.

## 2. Responses

		Wider Dissemination?	
	<b>Belgium</b>	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Bulgaria</b>	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Croatia</b>	Yes	No, only police officers are allowed to escort returnees during the removal. Note that “removal” refers to transport from inland to abroad, not to procedure after refusal of entry at the BCP.
	<b>Czech Republic</b>	Yes	1.NO – The Czech Republic uses as escort missions only its own police escorts, not other (private) ones.




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			2.N/A
	<b>Estonia</b>	<b>Yes</b>	No. In Estonia, private escorts are not allowed in forced removal process. All escorts are carried out by the Police and Border Guard Board or by the Estonian Internal Security Service.
	<b>Finland</b>	<b>Yes</b>	In Finland, the police carries out all escorts of those being removed from the country. Private escorts are not used.
	<b>France</b>	<b>Yes</b>	No. France does not use private escorts. French police escorts belong to the Central Directorate of the Border Police (DCPAF) either from the national unit dedicated to escort, support and intervention (UNESI) or from other units with qualified persons. Please note that for European charter flights (Common joint return operations FRONTEX), France, as organizing or participating member state, can benefit from police officer escorts who are nationals of the return country (i.e. Albania, Georgia). Lastly, for implementation of non-admission measures at the border, some airlines company refuse police officers on board and hire their own private escorts.
	<b>Germany</b>	<b>Yes</b>	Question: "Do you use other escorts than your own police escorts during removal operations?" Yes, we do. In the framework of a removal by plane, Germany also uses private escort services.  Question: "For which categories (TCN refused entry at the border, transfers, removal)? And in which cases?" Private security agents can be used for all forms of escort missions (including refused entries and transfers). The Bundespolizei [ <i>Federal German Police</i> ] places escort orders exclusively with selected and contractually bound airlines as well as with officers from third countries with which they have entered into a contract, for the hiring of security escort agents. Therefore, the missions are carried out within the limits of the offered routings and/or countries of destination. All decisions for the use of one's own escort agents or private escort missions are always taken with regard to the individual case.  Question: "What is the juridical basis? Is there jurisprudence?" The individual basis for escort missions with private security escort agents are the agreements entered into with third countries which allow such an escort mission with their own officers. In other cases, private escorts are based on contracts which the Bundespolizei entered into with the respective airlines. There are judgments regarding the payment of the costs for private escorts.  Question: "Who is the provider? What is the size?" In case of removals with Air Algerie (to Algeria), Air Serbia (to Serbia) and Montenegro Airlines (to Montenegro) security escorts are carried out with officers of the respective countries of destination. Private security escort agents are being offered by the following airlines: Adria Airways, Aeroflot, Bulgaria Air, Middle East Airlines, Tarom, Transaero, Ukraine International Airlines and Georgian Airways.








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			<p>In 2014, 31 per cent of all escort missions were carried out by private escorts.</p> <p>Question: "What are your experiences?" The use of private escorts is generally regarded as a positive thing. There have not been any serious problems so far. A removal with a private escort service has advantages in contrast to a removal with German officers. A removal carried out with an escort person of the person's home country can lead to a higher degree of acceptance, on the part of both the person to be returned and the personnel on board of the plane.</p> <p>Question: "What is the economic assessment?" A private escort can have economic advantages in contrast to an escort with one's own officers, dependent on the case.</p> <p>Question: "How is the monitoring organized?" Monitoring is guaranteed through regular presence of observers on the flight. Such a presence of observers is carried out with advance notice and also without giving such a notice in advance.</p> <p>Question: "Are private escort missions used on airlines which are registered in your own country." No. We do not use any private security agents on escorted removal missions with German airlines.</p>
	<b>Hungary</b>	<b>Yes</b>	No
	<b>Italy</b>	<b>Yes</b>	Italy does not provide for private escort services during removal operations on commercial flights. Under <i>Circular of the Ministry of the Interior – Department of Public Security</i> of 5 May 2010, only qualified police personnel (as a rule, two for each person to repatriate) should be employed who have completed a "Training Course for State Police personnel to be employed in escort services for the purposes of repatriating foreign nationals". These courses are only intended for personnel serving with the <i>Questure</i> (Police Headquarters), Border Police Offices and the Central Directorate of Immigration and Border Police of the Ministry of the Interior. In charter flights, the person in charge of the escort service should be an official who has completed a "Training course for persons in charge of escort services on charter flights".
	<b>Latvia</b>	<b>Yes</b>	<p>In accordance with legislation of the Republic of Latvia only the State Border Guard officers are entitled to escort third country nationals, who are forcefully removed from the territory of the Republic of Latvia. Latvian national legislation does not allow to use private escorts in return procedure.</p> <p>In case of return of foreigners with issued refusal at the border (inadmissible foreigners), the State Border Guard of Latvia does not provide escorting to the destination country. The State Border Guard is responsible for organizing return of inadmissible foreigner back to the country the person arrived from. The legal basis for return of inadmissible foreigners are: an agreements on mutual cooperation, readmission and ICAO Convention.</p> <p>In accordance with Immigration Law the Ombudsmen bureau carry out monitoring of forced return procedure, but refusals of entry are not covered by the removal procedure.</p>





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	<b>Lithuania</b>	<b>Yes</b>	In Lithuania escort services during the forced removal are provided by the State Border Guard Service officers or police. Officers providing escort undergo a training provided by the Frontex agency. Private companies are not allowed to do escort services as removal is considered a coercive measure therefore only law enforcement personnel can do it.
	<b>Luxembourg</b>	<b>Yes</b>	No. Luxembourg does not use other escorts than police escorts during removal operations.
	<b>Malta</b>	<b>Yes</b>	MT does not use private escorts on forced removal operations.
	<b>Netherlands</b>	<b>Yes</b>	For removal operations, the Netherlands allows no other escorts than the escorts from the Royal Netherlands Marechaussee (RNM). Carriers, who are obliged to take persons refused entry at the border (inadmissibles) back to the country of departure, can use RNM escorts or use their own private escorts. Carriers who use own escorts are, among others: Emirates, Aeroflot, Egyptair and Kenia Airways. SLM uses sometimes escorts of the RNM and sometimes their own escorts. National carriers have to use RNM escorts (private escorts are not authorized to use constraints on national carriers). The Netherlands have no incidents with handing over persons to private escorts of commercial carriers. The RNM hand over the inadmissible to the escorts outside the plane. The Inspectorate of Security and Justice monitors the enforced repatriation and the return operation in which departing foreign nationals are escorted by the RNM to their destination country. The Inspectorate monitors the entire repatriation process of foreign nationals. This includes the supervision on the return of foreign nationals to their country of origin or another country where entry is guaranteed. The monitoring starts from the moment that the returnee leaves his (semi) permanent place of residence and concludes with the handing over of the returnee to the local authorities (thus the Inspectorate is also present during the flight). The Inspectorate does not monitor removals which are escorted by private escorts.
	<b>Poland</b>	<b>Yes</b>	Poland does not allow private escorts during removal operations. The only entity responsible for providing foreigners with escort [if needed] is Polish Border Guard. However, on the basis of Article 333 of the Act of 12 December 2015 on Foreigners, representatives of non-governmental or international organisations providing assistance to foreigners may be present as observers in the course of activities associated with bringing a foreigner to the border or at an airport or sea port of the state to which he/she is to be transferred, taken in connection with the forced execution of a decision on imposing the return obligation.
	<b>Portugal</b>	<b>Yes</b>	The escorts in Portugal of foreign citizens are made by the SEF, with regard to administrative and judicial expulsions and inadmissible. However in situations of police cooperation the Portuguese Polícia Judiciária through INTERPOL does the transfer of citizens to whom there is an extradition request. The Police (INTERPOL) of the nationality country of the citizen to be transferred may also travel to Portugal and execute the escort.
	<b>Slovak Republic</b>	<b>Yes</b>	No, apart from police escorts, Slovak Republic does not use any other escorts during removal operations.


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	<b>Slovenia</b>	<b>Yes</b>	Police are the only service in title to do the escort in removal procedures. No other service us authorised to conduct escort.
	<b>Spain</b>	<b>Yes</b>	Spain only uses police escorts for removal operations. Refusals of entry are a different situation, where carriers are responsible for the trip back and are free to use private escorts as allowed by applicable law on their respective territories, including vessels and airplanes.
	<b>Sweden</b>	<b>Yes</b>	In Sweden the escorting of persons out of the country (for the reasons stated in the question) can only be carried out by employees of the Swedish Prison and Probation Service, the Swedish Migration Board or the Swedish Police.
	<b>United Kingdom</b>	<b>Yes</b>	<p>1. Do you use other escorts than your own police escorts during removal operations? Yes, the Home Office has a contract with a private company, Tascor, who provide escorts during the course of all removals.</p> <p>2. For which categories (TCN refused entry at the border, Transfers, removals)? And in which cases? Tascor provide both In-Country escorting, Overseas escorting and staff Charter Operations. In-Country escorting involves transferring detainees between Immigration Removal Centres (IRC), picking detainees up from police stations, prisons and moving them into immigration detention and to airports for removal. Overseas escorted removals involve Tascor staff travelling with a detainee to their final destination and handing them over to officials at the airport. These moves take place on regular scheduled flights. Escorted removals are necessary for those detainees who following a thorough risk assessment, are deemed to pose a risk of disruption. The level of potential risk determines the number of escorts required. If a detainee has any medical issues, a medic supplied by Tascor will also travel. The escorts themselves are accredited in Control and Restraint techniques and are able to use force to facilitate a removal if considered proportionate and justified. Any decision to do so must be clearly documented. Additionally Tascor also staff charter flights organised by the Home Office back to destinations including Afghanistan, Pakistan, Kosovo/Albania, Ghana/Nigeria, and Jamaica.</p> <p>3. What is the juridical basis? The legal basis for the use of escorts primarily drawn from the Immigration Act 1971 and the Immigration and Asylum Act 1999.</p> <p>4. Who is the provider? What is the size? The current service provider is Tascor Border Services. At present they employ approximately 220 overseas escorts.</p> <p>5. What are your experiences? The majority of removals are completed though resourcing issues within Tascor has lead to the cancellation of some removals. Following criticism of previous Control and Restraint techniques used by escorts, the introduction of the Home Office Manual for Escorting Safely (HOMES) training has meant escorts are better equipped to carry out their roles. Detainee and escort safety is at the forefront of this training.</p> <p>6. What is the economic assessment?</p>

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			<p>The Home Office and the police do not have the operational capacity to complete this work. The service provider is more cost-effective, flexible and, following the introduction of the Home Office Manual for Escorting Safely (HOMES) training, better trained to complete the work than our own staff.</p> <p>7.How is the monitoring organized? Home Office staff monitor removals on a regular basis and ensure that the welfare of those being removed is maintained throughout the course of the removal. Should escorts fail to do so, the service provider will be informed and a financial penalty imposed.</p>
	Norway	Yes	<p>In accordance with the Norwegian Immigration Act Section 90, “the police may escort the foreign national out” if the foreign national does not comply with an order to leave the realm. Each removal is led by a police officer, and no forced removals are contracted out to private escort companies as this would be contrary to Norwegian laws and regulations. It should however be noted that approximately 2/3 of removals are not escorted.</p>

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