



## **Ad-Hoc Query on return of TCN to other reception countries**

**Requested by the BE National Contact Point on 12<sup>th</sup> February 2015**

**Compilation produced on 2 April 2015**

**Responses from Austria, Belgium, Czech Republic, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, Spain, Sweden, United Kingdom plus Croatia (19 in Total)**

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### **1. Background Information**

Belgium is looking for best practices concerning third country nationals, who are not allowed to stay anymore /or declared undesirable on the Belgian territory (for different kind of reasons, but mainly because of public order or national security reasons) but who cannot be returned to their country of origin because of reasons linked to international treaties or conventions (e.g. art. 3 European Convention of Human Rights; Geneva Convention) or because of the unwillingness of the country of origin to take them back.

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Belgium wants to know whether the partner states have concluded / developed agreements or modi operandi which allow them to send such persons to other third countries, who would accept these persons to reside on their territory, and which leverage or counterpart has been used for this acceptance.

As for now Belgium has not succeeded to conclude any agreement or use any modi operandi on that matter with any country.

**THE COMMUNICATED INFORMATION WILL ONLY BE USED ON A CONFIDENTIAL BASIS AND WILL SERVE TO MAKE A POLICY PROPOSITION TO THE SECRETARY OF STATE FOR ASYLUM AND MIGRATION.**

- 1) Do you have concluded / developed, or are you in the process of concluding/developing, agreements or modi operandi with third countries to accept nationals from another third country ? YES / NO
- 2) If YES:
  - a. With which third countries?
  - b. How went the negotiations?
  - c. On which level (political, administrative, Foreign Affairs, Migration, ...) were the negotiations organized
  - d. What were the results of the negotiations?
- 3) If YES: which kind of leverage has been used?
  - a. Migration and Development related leverage (e.g. student and or work visa, visa facilitation, development schemes in country of origin, ...) YES / NO
    - i. If so: which kind (elaborate if possible)
  - b. Specific Reintegration Packages for these persons YES / NO
  - c. Specific Reintegration Packages for own nationals YES / NO
  - d. Financial incentives for the State YES / NO
    - i. Development related financial incentives YES / NO
    - ii. Debt remission YES / NO
  - e. Other forms of co-operation on non-migratory related issues (e.g. Trade, Defense, ...) YES / NO – which kind?
  - f. Please elaborate if possible about the used means of leverage
- 4) Do you have concluded diplomatic guarantees with these third countries, in order to ensure a non-removal to the country of origin? YES / NO
  - a. If yes: please elaborate
- 5) Did you already effectively use the concluded or developed agreements or modi operandi? YES / NO








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- a. To which reception country?
- b. For which nationalities of third country nationals?
- c. How many? In which timeframe?
- d. What is the framework of the procedure / modus operandi?




Since the Secretary of State requests this information urgently, we would be grateful if you can provide a response by **Thursday, 26 February, 2015**.

Please send your answers to Mr. Geert Verbauwheide ([geert.verbauwheide@ibz.fgov.be](mailto:geert.verbauwheide@ibz.fgov.be)), advisor, director of the Identification and Removals Section of the Immigration Office.










## **2. Responses**

|   |                       | Wider Dissemination? |  |
|---|-----------------------|----------------------|--|
|    | <b>Austria</b>        | Yes                  | Austria is constantly trying to improve and strengthen the cooperation with third countries regarding forced and voluntary return.<br>However, Austria has not concluded or developed such agreements or modi operandi with other third countries as defined in the request. |
|  | <b>Belgium</b>        | Yes                  | No, Belgium has not concluded or developed such agreements or modi operandi with other third countries.  |
|  | <b>Bulgaria</b>       | Yes                  |  |
|  | <b>Cyprus</b>         | Yes                  |  |
|  | <b>Czech Republic</b> | Yes                  | 1. No. The Czech Republic has not concluded or developed such agreements or modi operandi.<br><br>2.-5. N/A  |
|  | <b>Denmark</b>        | Yes                  |  |
|  | <b>Estonia</b>        | Yes                  |  |











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|   |         |     |  |
|---|---------|-----|--|
|  | Finland | Yes | 1) No, Finland has not concluded such agreements with other third countries.   |
|  | France  | Yes | France has not concluded / developed such agreements or modi operandi with other third countries and does not plan to do so. France uses bilateral agreements or joint management agreements for migratory flows signed on a bilateral basis. In addition to that, EU agreements, which France is part to, are being developed and generally include some readmission measures for third-country nationals. France usually implements such agreements (bilateral or EU) for TCN readmission process. In this case, if a migrant, who is not recognized as a refugee, has been declared undesirable because of public order or national security reasons, he/she is supposed to return to his/her home country. If this is not possible, he/she can remain under house arrest for an unlimited period, usually until French authorities have verified that all conditions to his/her return are fulfilled (identity documents, situation in the country including health situation, air route).   |
|  | Germany | Yes | <p>1. Beyond the common regulations for takeover or readmission of third-country nationals in bilateral readmission agreements and EU readmission agreements, no agreements have been made as defined in the request.</p> <p>2.a..Regarding common agreements see:<br/> <a href="http://www.bmi.bund.de/SharedDocs/Downloads/DE/Themen/MigrationIntegration/AsylZuwanderung/RueckkehrFluechtlinge.pdf?__blob=publicationFile">http://www.bmi.bund.de/SharedDocs/Downloads/DE/Themen/MigrationIntegration/AsylZuwanderung/RueckkehrFluechtlinge.pdf?__blob=publicationFile</a> . Above that Germany has concluded a Memorandum of Understanding with NGA and CHN.</p> <p>b. Good</p> <p>c. Ministry of the Interior and Foreign Office</p> <p>d. After completion of the agreement or MOU, the cooperation with the countries of origin has fundamentally improved.</p> <p>3 None</p> <p>a. No</p> <p>b. No, they are carried out independently of the conclusion of a readmission agreement or MOU</p> <p>c. See under b.</p> <p>d. –</p> <p>e. Common foreign aid, independent of a readmission agreement.</p> <p>f. –</p> <p>4. No .</p> <p>5. Yes</p> <p>a. See link question 2 and the Migration Report:</p> |

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|   |             |     | <p><a href="http://www.bmi.bund.de/SharedDocs/Downloads/DE/Broschueren/2014/migrationsbericht_2013_de.html">http://www.bmi.bund.de/SharedDocs/Downloads/DE/Broschueren/2014/migrationsbericht_2013_de.html</a><br/> b. see 5a<br/> c. see 5a<br/> d. see 5a</p>  |
|    | Greece      | Yes |  |
|    | Hungary     | Yes | No, Hungary has not concluded or developed such agreements or <i>modi operandi</i> with other third countries. Hungary concluded only bilateral readmission agreements with a few third countries (e.g. Kosovo) or implements EU readmission agreements with neighbouring third countries (Serbia, Ukraine), which allow the readmission of third-country nationals or stateless persons (who are not nationals of the contracting party) who do not, or no longer, fulfil the conditions in force for entry to or stay on the territory of Hungary if the relevant conditions are met (but not because of security reasons or because the person declared undesirable on the territory of Hungary). |
|    | Ireland     | Yes | Ireland has no experience in this matter   |
|    | Italy       | Yes |  |
|    | Latvia      | Yes | <ol style="list-style-type: none"> <li>1) No, Latvia has not concluded or developed such agreements or <i>modi operandi</i> with other third countries.</li> <li>2) –</li> <li>3) –</li> <li>4) No.</li> </ol>   |
|  | Lithuania   | No  | <ol style="list-style-type: none"> <li>1. No.</li> <li>2. n/a</li> <li>3. n/a</li> <li>4. n/a</li> </ol> n/a   |
|  | Luxembourg  | Yes | No, Luxembourg has not concluded or developed such agreements or <i>modi operandi</i> with other third countries.  |
|  | Malta       | Yes |  |
|  | Netherlands | Yes | No, the Netherlands have not concluded or developed such agreements or <i>modi operandi</i> with other third countries (apart from readmission agreements with several countries which contain agreements concerning the readmission of citizens and taking over foreign nationals originating from those countries).  |

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|--|------------------------|------------|--|
|  |                        |            |  |
|   | <b>Poland</b>          | <b>Yes</b> | Poland has not concluded or developed such agreements or <i>modi operandi</i> allowing to facilitate return of third-country nationals to other third countries other than their country of origin.                            |
|   | <b>Portugal</b>        | <b>Yes</b> | No. Portugal has not concluded or developed such agreements or <i>modi operandi</i> with other third countries to accept nationals from another third country.   |
|   | <b>Romania</b>         | <b>Yes</b> |  |
|   | <b>Slovak Republic</b> | <b>Yes</b> | No, Slovak Republic has not concluded such agreements or <i>modi operandi</i> with third countries.  |
|   | <b>Slovenia</b>        | <b>Yes</b> |  |
|   | <b>Spain</b>           | <b>Yes</b> | No, Spain has not concluded such agreements or <i>modi operandi</i> with third countries (but a bilateral readmission agreement with Mauritania, linked to third country nationals who came from that country, was concluded). |
|   | <b>Sweden</b>          | <b>Yes</b> | 1) No, Sweden does not have any agreements or programs in the sense of this query.<br>2) - 5) Not applicable.  |
|   | <b>United Kingdom</b>  | <b>Yes</b> | The UK currently has no bilateral agreements in place with third countries to readmit third country nationals (TCNS) from a different country. The UK seeks to return TCNs to their country of origin in the first instance.   |
|   | <b>Croatia</b>         | <b>No</b>  | This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further   |
|  | <b>Norway</b>          | <b>Yes</b> |  |

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