



Ad-Hoc Query on Payment of the Costs Associated with (Administrative) Expulsion

(Update of the CZ EMN Ad-Hoc Query from 11 May 2011, its compilation produced on 11 July 2011)

Requested by CZ EMN NCP on 11 November 2014

Compilation produced on 27 January 2015

Responses from Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Portugal, Slovak Republic, Slovenia, Sweden, United Kingdom plus Norway (18 in Total)

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1. Background Information

The Czech Republic is currently reconsidering its policy regarding issuing and delivering decisions on the obligation of a foreigner to cover costs associated with (administrative) expulsion. These costs include mainly costs of accommodation of a foreigner in a detention centre and also airfare. In order to cover these costs there has to be a decision issued and delivered to the respective foreigner.

One of the difficulties we are facing lies in the fact that the exact amount a foreigner is obliged to pay for is known just before his/her expulsion. Therefore, there is not sufficient time to issue a decision and deliver it immediately to a foreigner (also due to many obligatory procedural steps). Therefore, we issue that decision earlier but only for a part of the period of detention for which the amount of costs is known.

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Also, the delivery of the decision might be a challenge. In case we would issue a final decision on all costs it would be necessary to deliver it to the foreigner to the country he/she was expelled to. However, we consider this procedure as inefficient and also very expensive.

Finally, the sanctions directive (2009/52/EC) enables us to recover these costs by the employer who employed an illegally staying foreigner. However, this does not work in practice.

The questions are following:

1. How does your national system of deciding about the obligation to cover costs associated with (administrative) expulsion work?
 - Is it necessary to issue a decision about the obligation to pay for costs?
 - Do you deliver this decision to a foreigner before he/she is expelled?
 - If yes, do you know the exact amount of the costs adequately in advance or, if not, how do you proceed in such a situation?
2. Do you regularly issue this decision to the employers who employed an illegally staying foreigner? How do you find out that the respective employer employed illegally staying foreigner?
3. Please describe your recovery system, is it efficient in practice?
4. Who and in which order bears the costs associated with (administrative) expulsion? (foreigner himself/herself , employer, person inviting, carrier)
5. What are the consequences if a person who is obliged to cover the costs associated with administrative expulsion has not covered them?
6. Is there a possibility of a judicial review of an administrative decision on the obligation to cover the costs of administrative expulsion?

We will very much appreciate receiving your responses by **5 December 2014**.

2. Responses

		Wider dissemination?	
	Austria	Yes	<p>1. The following information relate to procedures under the Aliens Police Act, the Federal Office for Immigration and Asylum Procedures Act and the Aliens Police Act - Implementing Decree.</p> <p>The relevant provisions on costs compensation are found in <u>Art. 113 Aliens Police Act</u>, whereby the following cost shall be reimbursed by the alien:</p>

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		<ul style="list-style-type: none"> • Costs that occur in execution of forcible returns; • Costs of the execution of detention pending deportation; • Costs, which incur for the use of “more lenient measures”; • Costs of interpretation services. <p>The decision on the obligation to pay costs is to be issued by the police administration of the federal province, responsible for the collection of costs is the one corresponding to the residence of the alien. The decision is delivered to the foreigner prior to deportation. The exact costs are known in advance, prior to deportation.</p> <p>According to Art. 53 Federal Office for Immigration and Asylum Procedures Act, the alien shall reimburse the following costs:</p> <ul style="list-style-type: none"> • Costs that occur in enforcement of a measure to terminate residence pursuant to part 8 of the Aliens Police Act • Costs of interpretation arising in connection with procedural acts pursuant to parts 7 and 8 of the Aliens Police Act <p>These costs are to be ordered by the Federal Office for Immigration and Asylum by administrative decision, and shall be collected by the police administration of the federal province, in whose area of administration the alien resides. The decision is delivered to the foreigner prior and the exact costs are known in advance.</p> <p>Art. 10 Aliens Police Act - Implementing Decree determines, that as costs that occur for the authority in execution of an exclusion order, an expulsion or forcible returns or in enforcement of detention pending deportation particularly</p> <ul style="list-style-type: none"> • Costs for use of means of transportation (e.g. train, bus or flight ticket), • Costs for accompaniment by the organs of public security • Costs for medical care during detention pending deportation • Costs for expenditures on materials (e.g. food) <p>come into consideration.</p> <p>2. Article 53 (2) Federal Office for Immigration and Asylum Procedures Act stated that an employer, who employs an alien in contravention of article 3 (1) of the Act Governing the Employment of Foreign Nationals, shall reimburse the costs, as referred to in paragraph (1) (see costs under question 1 above), in the event of the rendering of a return decision against that alien pursuant to article 52 in conjunction with article 53 (1) and (2) 7 of the Aliens Police Act.</p> <p>The determination if someone is in unlawful employment occurs by controls by the competent authorities.</p> <p>3. No statement in this regard can be made. It is recommended to use the reply from 2011.</p> <p>4. The expulsion is regulated in Art. 66 Aliens Police Act. The regulation as to costs under question 1 applies.</p> <p>5. The enforcement is only possible insofar as the necessary maintenance is not endangered thereby. Costs which are not recoverable shall be borne by the Federal Government. Is an enforcement possible, the provisions of the Administrative Enforcement Act shall apply.</p>
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			<p>6. The admissible judicial remedy against a “mandatory decision” on cases of amounts of money to be charged under a law (Art. 57 General Administrative Procedure Act) is an appeal lodged with the issuing authority. Thereupon a positive or negative decision is issued. Against this decision an appeal thereafter before the Federal Administrative Court would be possible Source: Ministry of the Interior</p>
	Belgium	Yes	<p>1.</p> <ul style="list-style-type: none"> - Yes - Yes - The real costs, on basis of the effective removal costs and (possible) escort costs. This is mentioned on the so-called micro-file (document in the internal database of the Immigration Office. In case of a visa application this file will be consulted). In case of moonlighting (undeclared work): the employer pays the costs (number of days detained in the detention center – as of 27.01.2014: 190 Euro a day – and the possible escort costs). <p>2. Via the administrative report of the police and the control of the administrative file of the Immigration Office. In case a decision to forcible return an irregular staying moonlighter has been taken, a letter will be send to the employer in order to claim the costs.</p> <p>3.</p> <ul style="list-style-type: none"> - An irregular staying migrant will have to reimburse the removal costs if he submits a visa application. - In case of a moonlighter: a letter and 2 reminders are send to the employer to collect the due amount; in case of refusal a letter is send to the FPS Finance in order to claim the money via the tax collection system. <p>4. In case of moonlighting it is the employer; in the other cases it is the irregular staying migrant or his guarantee.</p> <p>5. See also above. The employer is urged by the FPS Finance to pay the amount or the amount is claimed via the (annual) tax system. In all other cases a (possible) visa will be refused until the removal costs have been paid.</p> <p>6. In case of moonlighting a judicial review can be brought up before the Industrial Court.</p>
	Czech Republic	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Estonia	Yes	<p>1. According to the national law an alien is obligated to bear the costs related to stay in Estonia or departure from Estonia. This also includes the obligation to bear the costs related to his or her departure from Estonia, including the costs of the compulsory enforcement of the duty to leave, of the stay in the detention centre and police detention house which are borne in connection with the expulsion of an alien. In order to recover the costs of expulsion a claim is issued to the alien with copies of relevant documents proving the costs. Usually the date of departure is known at least several days before the actual departure based on which also the relevant expulsion costs are calculated. The claim can be compiled and issued to an alien in a swift manner.</p> <ul style="list-style-type: none"> - Yes it is necessary to issue a decision about the relevant costs

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		<ul style="list-style-type: none"> - Yes the decisions is handed to a foreigner on his/her departure - Yes when the date of departure is set then it is possible to also compile relevant information and exact amount is calculated. <p>2. Yes, it is done in every case where the link between a sponsor (including the employer of an alien) and an alien can be proven and the alien does not bear the costs himself. The links can be proven based on the collected information during the proceeding. In case of employers there are many ways to prove the fact that the person has been employed in a certain place (statements of the person, checks of the work place, employment registration, documentation of an employer etc).</p> <p>3. At first proportional period of time is given to an alien to settle the claim. If the person does not settle the claim it can be recovered pursuant to the procedure provided for in the Code of Enforcement Procedure or the claim can be drawn up against the sponsor which can also be recovered pursuant to the procedure provided for in the Code of Enforcement Procedure. The recovery can be carried out efficiently if the person or an employer has assets in Estonia. As relating to the recovery system in a situation where the costs have to be recovered abroad there are seldom cases when the costs were recovered in practice. On the other hand if an alien has unsettled claims in Estonia he is not be granted the right of entry to Estonia.</p> <p>4. At first the claim is drawn up towards an alien, If an alien does not bear the costs of the compulsory enforcement of the obligation to leave or of the stay in the detention centre or police detention houses, the sponsor is obligated to compensate for the specified costs, but not more than 32,000 euros. In order to compensate for the costs, an administrative authority shall issue a precept to a sponsor to compensate for the costs of compulsory enforcement of the duty to leave of an alien. Upon a failure to comply with the precept, the precept shall be compulsorily enforced and the costs shall be recovered pursuant to the procedure provided for in the Code of Enforcement Procedure. In case there are several sponsors then the principle of joint and several liability applies and the claim can be drawn up against all of the sponsors or to one of the sponsors.</p> <p>5. If an alien has unsettled claims in Estonia he is not be granted the right of entry to Estonia.</p> <p>6. Yes, the appeal can be presented to the administrative court as first instance.</p>	
	Finland	Yes	As a rule a foreigner to be removed from the country is obligated to get a travel ticket and leave the country at his/her own expense. In case the foreigner is without means the removal takes place at the expense of the State of Finland unless the carrier which transported him/her to Finland is obligated to transport him/her back. The situations in which carriers are obligated to return third-country nationals are regulated in Chapter 11 of the Finnish Aliens Act. Employers' joint and several liabilities in employing illegally resident employees are provided by Chapter 11a of the Finnish Employment Contracts Act. The Chapter also contains provisions on employers' liabilities related to certain returns. According to the Employment Contracts Act, an employer who has hired an illegally resident employee or employees shall be liable to pay a financial sanction of a minimum of EUR 1,000 and a maximum of EUR 30,000. Furthermore, an employer on whom a financial sanction is imposed shall be liable to compensate for the costs of returning employees in cases where the return procedures have been implemented, provided that the employer has, through their own actions, influenced the employees' entry or residence.

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			<p>Imposing a financial sanction and compensating for the costs of return is provided by Section 6, Chapter 11a of the Employment Contracts Act. Financial sanction is ordered by the Finnish Immigration Service and the financial sanction and costs of return are payable to the state. A financial sanction may not be imposed on anyone who is suspected of the same act in a criminal matter in which pre-trial investigation, consideration of charges, or a trial is pending. Additionally, a financial sanction may not be imposed on anyone who has been legally sentenced to punishment for the same act. The Finnish Immigration Service shall, upon application, cancel a financial sanction if the party on whom it was imposed is suspected of the same act in a criminal matter pending in a court of law or is later sentenced to punishment for the same act.</p> <p>It is to be noted that the above mentioned provisions concerning employers have not been applied in practice so far.</p>
	France	Yes	<ol style="list-style-type: none"> 1. The costs associated with (administrative) expulsion are covered by the French government: third country nationals in an irregular situation are not required to pay these costs. 2. Employers who employed third country nationals in an irregular situation may have to bear the costs related to the return to their country of origin, under articles R. 626-1 and R. 626-2 of the Code for Entry and Residence of Foreigners and the Right of Asylum (<i>Code de l'entrée et du séjour des étrangers et du droit d'asile</i>). Labour inspectorates are the authority finding out about the violation of the law, according to article L. 8251-1 of the Labour Code (<i>Code du travail</i>). 3. The decision to impose a financial penalty to the employer who employed third country nationals in an irregular situation, in the form of a lump-sum contribution, lies with the Director General of the French Office for Immigration and Integration (<i>Office français de l'immigration et de l'intégration</i>). As a consequence, it is incorrect to say that all employers concerned with this situation are in the obligation to cover the costs associated with (administrative) expulsion as, on the one hand, these costs are not directly charged to them, and on the other hand, the effective expulsion of the third country national in an irregular situation is not a condition to the payment of this financial penalty. 4. The costs associated with (administrative expulsion) can only be borne by the employer who employed third country nationals in an irregular situation and who has been fined, under the conditions explained in questions 2 and 3. 5. An employer who is obliged to cover the costs associated with administrative expulsion and who has not covered them is subject to legal prosecution. 6. Yes, there is a possibility of a judicial review of an administrative decision on the obligation to cover the costs of administrative expulsion through administrative courts.
	Germany	Yes	<ol style="list-style-type: none"> 1. The competent authority of a Land (Federal State) issues a demand for payment of the debt as owed which can be linked to the decision taken on the basis of the conditions governing residence. To make sure that the demand for payment can be delivered to the foreigner without any difficulties and that therefore the debt can actually be collected (and if actions against any other debtor cannot be

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		<p>taken), it is logical that the demand for payment should be issued prior to his/her deportation, unless this would mean that the deportation would be hampered or delayed.</p> <p>2. Any employer or entrepreneur who employs a foreigner illegally, either knowingly or because he/she has not given sufficient care to the verification of the work permit of the foreigner, is first in line with respect to the liability for the payment of the costs incurred for the termination of residence. Information concerning illegal employment is made known by the authorities responsible for the fight against clandestine and illegal employment and also through the indications made by the foreigners themselves (e.g. if the foreigner makes a demand for payment of his/her outstanding wages).</p> <p>3. Should it not be possible to quantify the actual amount of the debt in the demand of payment, or should the recovery of the costs not seem to be guaranteed after the deportation, a security in the form of monies or material assets can be demanded from the foreigner. This is also possible without prior enforcement order and without setting a deadline if the collection of the debt would be jeopardized without such actions. In the case of the foreigner having to be deported or removed from the country by force or if the residence is only permitted for the duration of the asylum procedure, any airplane return tickets or other travelling tickets in his possession can be confiscated. The success of the procedure does depend mainly on the foreigner having any assets on him/her that may be confiscated for the repayment of the debt whilst taking into consideration any funds required upon arrival in the country of destination.</p> <p>4. Employers and human traffickers are first in line with respect to any liability and jointly and severally liable. The authority responsible takes the decision at its discretion on which debtor will be charged with the repayment of costs, to do this, it is not necessary to identify all of the debtors. Apart from the foreigner, the person who has issued a corresponding declaration of commitment to the Department for Foreigners or to the Foreign Representation as well as the carrier with whom the foreigner arrived in Germany.</p> <p>5. As a rule the issuance of a residence title at a later date or the reissuance of such a title only occurs if and when any outstanding debt has been paid. Should the guarantor not fulfil his/her obligation to pay the debt when required to do so, a record to this effect will be made in the Visa Warning File.</p> <p>6. Yes.</p>
 Italy	Yes	<p>1. Compared to the previous query of 2011, the Italian situation has remained unchanged. The costs associated with the decision to carry out an <i>administrative expulsion</i> are covered by the state budget; the TCN does not bear any cost.</p>

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	Latvia	Yes	<p>1. - In accordance with Immigration law the expenses related to the removal, detention and keeping under guard of a foreigner or transfer to the country, which is taking him or her back shall be recovered from:</p> <ol style="list-style-type: none"> 1) the foreigner or 2) inviter of the foreigner or 3) from employer, if employer has illegally employed the foreigner who is illegally staying in the Republic of Latvia, 4) carrier. <p>A decision on recovery of expenses related to removal, detention and keeping under guard and transfer of a foreigner is issued in case if it is expedient.</p> <ul style="list-style-type: none"> - A decision on recovering of expenses is issued after the removal of a foreigner. In 2010 there were issued 20 decisions on recovery of expenses on removal out of 94 removed foreigners. The amount of expenses repaid by the foreigners is insignificant. <p>The decision on recovery of expulsion costs is send to the person by post (in case if decision is taken with regard to alien it is send to him/her abroad by post).</p> <p>There is a Regulation adopted on 22.11.2011 by the Cabinet of Ministers "Procedures for Determining and Recovering of Expenses which have arisen due to the Forced Return, Detention and Holding under Temporary Custody of a Foreigner or Returning of a Foreigner to the Country, which Takes the Person back", which defines the procedures on decision making and procedures related to recovering of expenses on removal.</p> <p>Since 2011 the decisions on recovery with regard to all mentioned subjects have not been issued and the expenses related with removals of foreigners are covered from the Return fund.</p> <ul style="list-style-type: none"> - There are expenses listed in the above-mentioned Regulation of the Cabinet of Ministers that can be included into the costs to be recovered (e.g. expenses related with accommodation, transportation, translator, obtaining of travel documents, etc.). <p>1. There were no cases when decisions of recovering expenses on removal were issued to the employers. The decision on recovery of expenses shall be issued to the employer if there are evidences confirming that the person is employed illegally.</p> <p>The decisions were not issued to the inviters and carriers.</p> <p>2. It is not possible to characterize the recovery system in Latvia as it is not applied.</p> <p>3. In case if the decision on recovery can be issued with regard to foreigner, inviter, employer, the expenses are recovered proportionally. In case if the foreigner was transported to the Latvian state border by the carrier, the decision on recovery of expenses on return is issued to the carrier.</p> <p>4. If the foreigner has not recovered the expenses related with removal in accordance with Immigration law a decision on entry ban can be issued for this foreigner.</p> <p>5. Yes, it is possible.</p>
	Lithuania	Yes	1. According to the Article 131 of the Law on the Legal Status of Aliens of the Republic of Lithuania,

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		<p>1. An alien shall be expelled from the Republic of Lithuania or returned to the country of origin or foreign country to which he has the right to depart:</p> <ol style="list-style-type: none"> 1) at his own expense; 2) at the expense of the natural or legal persons who invited the alien to the Republic of Lithuania; 3) at the expense of the carriers in cases established by the laws of the Republic of Lithuania. 4) at the expense of the employer to whom the alien has been working illegally. <p>2. In the absence of resources specified in paragraph 1 of this Article, an alien shall be expelled from the Republic of Lithuania or returned at the expense of the State. The state resources shall be recovered in the manner prescribed by legal acts from the natural or legal persons who invited the alien to the Republic of Lithuania or from the carriers who brought the alien to the Republic of Lithuania or another country which took a decision to expel the alien.</p> <p>Although the Law has special provisions on costs of return and expulsion, the recovery mechanism does not work in practice and there have been only few cases when the costs of expulsion were recovered.</p> <p>2. No practice.</p> <p>3. The Law regulates the recovery of the costs but does not regulate the recovery mechanism (it is not provided for what to do if the foreigner has financial resources but is not willing to cover the costs of the expulsion or if the foreigner does not have enough resources). There have been several cases when the person who had invited the alien to the Republic of Lithuania covered the costs (the price of the ticket). There have been only a few cases when the foreigner bought the ticket at his/her expense. The calculation of other costs is not regulated.</p> <p>The carrier is obliged to cover the costs only if the foreigner was not allowed to enter the territory of Lithuania. This liability is laid down in the Law on Fundamentals of Transport Activities.</p> <p>4. All subjects specified in the Article 131 can bear the costs of expulsion.</p> <p>5. There is no special rule laying down the responsibility to the person who had not covered the costs associated with (administrative) expulsion work. There is only a common compensatory damage norm envisaged in the Civil Code.</p> <p>6. Decisions made in accordance with the Article 131 may be appealed against.</p>
 Luxembourg	Yes	<p>1.</p> <ul style="list-style-type: none"> - According to the provisions of article 126 of the amended Law of 29 August 2008 on Free Movement of Persons and Immigration, the repatriation costs have to be borne by the foreigner that is being expelled. The bill n° 5802 on Free Movement of Persons and Immigration when dealing with article 126 states that the foreigner must bear the repatriation costs without prejudice to provisions of the law which allow the State to recover the expenses of the repatriation or the removal from the guarantor if s/he is still bound. - No. The law does not contemplate taking a decision in that sense and neither the Minister of Foreign and European Affairs nor the Directorate of Immigration do deliver a specific decision in relation with this topic.

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			<ul style="list-style-type: none"> - The costs of repatriation are normally covered by the State. As in practice most TCNs who are going to be removed do not have money, issuing an invoice will not be effective. <p>2. Article L. 572-8 paragraph 1 of the Labour Code as amended by the Law of 21 December 2012 states that the employer who has employed a third-country national in an irregular migration situation is responsible to cover the expenses to repatriate the TCNs illegally employed in the case that a procedure of return is engaged. Article 573-1 of the Labour Code as amended by the Law of 21 December 2012 establishes that the infractions for illegal employment of third country nationals can be investigated or verified by the officers and agents of the Grand ducal police by the Customs and Excise agents (who hold a rank of brigadier principal), the members of the Inspectorate of Labour and Mines (ITM) and by the public servants who holds a rank of deputy clerical officer in the Department granting authorizations of establishment to businesses duly authorized by the Minister of Economy. However, the members of the ITM outrank the later. Article 573-1 paragraphs 1 and 2 indicates that the determination of illegal employment can be made by random controls, by denunciation or because somebody files a complaint against the employer.</p> <p>3. In the case of illegal employment the cost collection is done by the Luxembourg Registry (Administration de l'enregistrement et des domaines - AED) through the ordinary procedure in civil courts.</p> <p>4. As we mentioned in 1.a) the TCN staying illegally in the territory is responsible for the repatriation costs. However, if there is a guarantor in case that the TCN does not cover the repatriation costs, the guarantor will be liable if s/he is still bound by the financial support statement ("prise en charge"). In the case of illegal employment, the employer who employed the foreigner illegally bears the costs of administrative expulsion.</p> <p>5. In the case of a TCN who has been expelled due to the lack of funds, the costs of repatriation are normally assumed by the State. In the case of a TCN who was illegally employed, after the final judgment, the property of the employer can be seized.</p> <p>6. Yes.</p>
	Netherlands	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Portugal	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Slovak Republic	Yes	<p>1.</p> <ul style="list-style-type: none"> - According to the Act no 404/2011 Coll. on Residence of Aliens and Amendment and Supplementation of Certain Acts, the detained foreigner is obliged to cover costs for food (Article 80) and costs associated with administrative expulsion (Article 91) including accommodation, food and transportation of the detained foreigner, costs associated with the detention of the foreigner and all other financial costs. The Slovak Republic does not issue the decision about the obligation to cover the costs; the foreigner is issued the calculation of costs. - N/A. The foreigner is issued only the calculation of costs.

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			<ul style="list-style-type: none"> - The costs for food for the detained foreigner are calculated with exact amounts. It is also possible to calculate the costs for transportation e.g. a flight ticket. It is not possible to calculate accommodation costs for one foreigner and due to this fact these costs are not included. <p>2. The Act on Residence of Aliens constitutes this as an alternative for payment of costs for detained foreigner. However, this has not been applied in practice yet.</p> <p>3. The foreigner is issued a personal card statement where all the costs associated with his/her placement in the detention facility are indicated. These costs include e.g. flight ticket, travel ticket, balance payment for medication, food and all other necessary financial costs for the foreigner. The acceptance of the personal card statement is confirmed with a signature by the foreigner. If the foreigner does not have financial means to cover the costs, the costs incurred are covered by the state.</p> <p>4. The payment of costs associated with administrative expulsion is constituted by the Article 80 of the Act no 404/2011 on Residence of Aliens and Amendment and Supplementation of Certain Acts as follows: A foreigner reimburses the costs associated with administrative expulsion from his/her own financial means, or from the sum deposited at a diplomatic mission. If it is not possible, the costs of administrative expulsion are reimbursed by the person who employed the foreigner without authorisation, the person which mediated an unauthorised employment to the foreigner, the person which undertook to do so in an authenticated invitation, or a carrier which failed to fulfil its lawful obligations.</p> <p>5. If it is not possible to cover the costs incurred according to the procedure mentioned in question 4, they are covered by the state through the ministry.</p> <p>6. N/A. The Slovak Republic does not issue such a decision.</p>
	Slovenia	Yes	<p>1. An alien with the decision on the restriction of movement due to illegal stay, detained in the Centre for Foreigners, must cover his own living and accommodation costs in the Centre for Foreigners as well as deportation costs to the extent of his won resources.</p> <ul style="list-style-type: none"> - Police warn the alien about the obligation in the explanation of the accommodation order, - as regards deportation costs, no special decision is issued, - Subsistence and accommodation costs in the Centre currently amount to 20 EUR per day. Deportation costs depend on individual case. <p>2. Legal persons offering jobs to aliens illegally staying in RS are liable under the Aliens Act (Article 146). Based on the Act on Prevention of Illegal Work and Employment of Aliens the Police submit a proposal for instigating a misdemeanour procedure to competent services.</p> <p>3. The costs of aliens in the Centre who give their resources for safekeeping when they are accommodated there are successfully charged. As regards the application of paragraph 4, Article 84 of Aliens Act concerning the several liabilities in covering the costs of a person who transferred the alien across the national border illegally or allowed him an illegal employment or work, or illegal stay in Slovenia, we have had no such practice since 2005.</p>

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			<p>4. Subsistence, accommodation and deportation costs are under the solidarity principle borne also by the person who transferred the alien across the national border illegally or enabled him illegal work or employment, or illegal stay in Slovenia, as well as the natural or legal person who allowed the alien to obtain a visa or residence permit based on documents which did not sow the real purpose of the aliens' entry in the country.</p> <p>5. There are no consequences for an alien who was deported but did not settle the costs. The same applies also to other persons. If there are unpaid fines according to the law the Customs administration protects the execution of a penalty under the provisions of the Misdemeanour Act.</p> <p>6. Yes.</p>
	Sweden	Yes	This question is not applicable to Sweden since in Sweden the government agency responsible for the expulsion is arranging, booking and paying for the travel costs.
	United Kingdom	Yes	<p>1. The United Kingdom does not recover administrative costs for removal from individual returnees and there is currently no provision for the recovery of expulsion costs in UK domestic legislation.</p> <p>2. The UK does not recover administrative costs for removal from employers illegally employing a third country national.</p> <p>3. n/a</p> <p>4. The UK Home Office funds all forced removals. The Home Office receives funding from the European Union towards its removals programme which offset some of the gross costs and help fund some of the various voluntary removals schemes.</p> <p>5. n/a</p> <p>6. n/a</p>
	Norway	Yes	<p>1. The obligation to cover the costs of return work is mentioned in the return decisions of the Norwegian directorate for migration and the Norwegian immigration appeals board. It also mentions that the person in question can be rejected at the border if he/ she returns without having covered the return costs.</p> <p>The decision is most often handed over to the returnee in advance of the removal, by his/ her lawyer. In rare cases, the decision is read to the returnee when the returnee is picked up by the police for his/ her return. (translation provided)</p> <p>The costs to be covered are mainly costs connected to the returnee's transport out of Norway, and not costs related to the detention period the returnee might have been subjected to, nor to the costs of writing the expulsion decision. These costs are mainly the airfare for the returnee. If the use of escorts is necessary due to the behaviour of the returnee, the cost of the overtime hourly wage for any necessary</p>

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		<p>escorts comes in addition to the costs of the airfare.</p> <p>When a returnee is found to have sufficient money before a return, his/ her money can be confiscated. In such cases, the returnee will be asked to sign a form stating that he/ she voluntarily gives up the money in order to cover the costs for his/ her journey. If he/ she refuses to sign, the money will still be confiscated, but the money will be put into a neutral account, and the Norwegian Execution and Enforcement Commissioner (In Norwegian: Namsmannen) will make a decision about whether the money can be confiscated or not.</p> <p>In other cases, return expenses are recovered (paid back by the returnee) when a person who has been returned by the police wishes to return to Norway, for example, if he/ she wants to apply for family reunification. In several instances, the foreigner or his/ her Norwegian family member may then contact the police in order to cover the original travel expenses incurred.</p> <p>When a person shows up at a Norwegian border and the border police discover that he/ she has an outstanding debt to the Norwegian government for a previous return(s), the foreigner may be rejected at the border if he/ she does not immediately cover the debt. When the foreigner wants to cover the return debt (typically 3rd country citizens with a residence permit in a Southern European country), the border police contact the police unit responsible for all forced returns from Norway (the National Police Immigration Service) to calculate the return costs.</p> <p>2. No. But according to the Norwegian Immigration Act § 108, an employer should be punished with a fine or prison up to two years for employing a foreigner without a work permit. The general control of employers and work contracts etc. in Norway are usually made by the Norwegian Labour Inspection Authority. The standard of proof is the same level as for other criminal offences.</p> <p>3. See description above. In 2013, the National Police Immigration Authorities recovered approximately 1 million NOK (114 000 Euro) in travel debt. There is of course potential for recovery of higher amounts, but the amount of work in trying to recover money from persons living abroad must be taken into consideration.</p> <p>4. The foreigner he / she bears the costs, or possibly personal contacts/ relatives living in Norway, in cases where others volunteer to cover the costs. If a person has overstayed his/ her visa, and there is a reference person/ and/or guarantor for the visitor, that guarantor may have to pay the travel costs.</p> <p>5. A foreigner with a return debt can be rejected at the border if he/ she returns without having covered the return costs. The return debt can also be a reason for turning down a later visa application, or other types of residence permit.</p> <p>6. Yes. As mentioned above, in cases where the deportee is in possession of enough funds to cover travel costs for the return trip, and the deportee does not voluntarily offer to pay, or willingly give up the confiscated money to cover the travel expenses, the confiscation may be appealed to the Norwegian Execution and Enforcement Commissioner.</p>
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