



AD HOC QUERY ON 2021.51 BILATERAL READMISSION AGREEMENTS: INVENTORY, CHARACTERISTICS AND EFFECTIVENESS (Part 1)

Requested by COM on 19 August 2021

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovakia, Slovenia, Spain, Sweden (24 in Total)

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1. Background information

With this research, the EMN aims to obtain insight into:

- The implementation, monitoring and evaluation and effectiveness of bilateral readmission agreements.
- The content and technical framework of bilateral readmission agreements signed or entered into force between 2014-2020, and which issue-linkages apply.

The aim of these two ad-hoc queries is to collect information on the content and implementation of existing bilateral readmission agreements, to create insight into their scope and impact, and facilitate further qualitative and quantitative research. The scope comprises bilateral readmission agreements with third countries that have been signed and/or have entered into force. EU readmission agreements are excluded from the scope, but (bilateral)

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implementing protocols and agreements that were signed by a bloc of Member States are included. Member States are furthermore invited to provide information regarding soft-law instruments for questions where this is relevant (Q4-Q9).

Agreements that have been formally suspended are included only if they were active and suspended during the period 2014-2020. Agreements that were suspended prior to 2014 are thus excluded.

The ad-hoc query consists of two parts.

The first query (**Q1 to Q7**) asks about the implementation, monitoring and evaluation and effectiveness of bilateral readmission agreements. To this end, NCPs are invited to provide information 1) on agreements that may have been replaced by EU Readmission Agreements; 2) on the available evaluations or monitoring reports and statistics on bilateral readmission agreements; and 3) on the impact of the Member States' bilateral readmission agreements on return and readmission procedures specifically and on irregular migration more broadly, and for any challenges identified in your Member State, based on secondary sources.

The second query (**Q8 to Q11**) will zoom in to focus on bilateral readmission agreements that were signed by the Member States or entered into force during the period 2014-2020, by asking more detailed questions on their content and the technical and financial resources involved. NCPs will be invited to provide information 1) on whether the readmission agreements are linked with cooperation in other policy fields, and which issue-linkages are most common; 2) on whether Member States have included readmission clauses in other types of agreements with third countries, and 3) whether resources have been made available to third countries to implement the readmission agreements.

2. Questions

1. In your Member State, are any older bilateral readmission agreements still in force for third countries with which an EU Readmission Agreement has since been adopted? Y/N. If yes, for which third countries are the preceding agreements still in force?

If your Member State did not have any readmission agreements in place for third countries with which an EU Readmission Agreement was later adopted, please answer "not applicable".

2. Have any of your readmission agreements been formally suspended in the period 2014-2020? If yes, which agreements and when were they suspended? Please also provide the reason for the suspension, if available.

3. Does your Member State collect statistics on the number of requests it submits for readmission to third countries, and the share that is approved or denied? Y/N If yes, please briefly describe whether the data is disaggregated by specific readmission agreements (note: it is not necessary to provide statistics).

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4. Does your Member State have bilateral readmission agreements in place that are not used in practice (i.e. no readmissions have taken place in the period 2014-2020)? If yes, please provide some examples of agreements that are not used in practice, and if available also state the reason why no readmissions have taken place.

5. Have any evaluations or monitoring reports been conducted in the period 2014-2020 on bilateral readmission agreements of your Member State? Y/N. If yes, can you indicate for which agreements and if possible, can you please provide a link to these evaluations/reports?

6. Does your Member State have any information available on whether its readmission agreements have improved return to third countries? Y/N (Improvement may be interpreted as one or more of the following aspects: i) Increasing returns and/or successful requests for readmission; ii) Speeding up return (e.g. reducing the time needed to completing the return, removing legal obstacles); iii) Quality of the return or reintegration (e.g. more sustainable return and reintegration, better protection of returnees) If yes, please elaborate. If possible, can you please provide the links to the source?

7. What challenges has your Member State experienced regarding the implementation of bilateral readmission agreements for your Member State in the period 2014-2020? Please note NCPs are asked not to provide general obstacles on return, but only challenges that directly relate to the implementation of bilateral readmission agreements.

We would very much appreciate your responses by **14 October 2021**.


3. Responses

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¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

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		Wider Dissemination ²	
	EMN NCP Austria	Yes	<p>1. Yes. North Macedonia (FLG III No. 11/2007) Date of signature: 05.05.2006 In force since: 01.02.2007</p> <p>Bosnia and Herzegovina (FLG III No. 100/2007) Date of signature: 05.05.2006 In force since: 01.09.2007</p> <p>Montenegro (FLG III No. 66/2004 and No. 124/2007) Date of signature: 25.06.2003 In force since: 29.04.2004</p> <p>Serbia (FLG III No. III 66/2004) Date of signature: 25.06.2003 In force since: 29.04.2004</p> <p>Suspended due to European readmission agreements.</p>

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."


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			<p>---</p> <p>Source: Ministry of the Interior</p> <p>2. No.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>3. n/i</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>4. n/i</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>5. n/i</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>6. n/i</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>7. n/i</p> <p>---</p>
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			Source: Ministry of the Interior
	EMN NCP Belgium	Yes	<p>1. Remark: the answers relate to agreements that are legally binding, as in treaties.</p> <p>No.</p> <p>For your information: bilateral agreements that are <u>no longer in force</u> because an EU Readmission Agreement have been adopted.</p> <ul style="list-style-type: none"> • Agreement between the Benelux-States and Armenia signed in 2009 but never entered into force because the EU Readmission Agreement entered into force on the 1/1/2014. • Agreement between the Benelux-States Bosnia-Herzegovina: signed in 2006 and entered into force 1/5/2008. The EU Readmission Agreement with Bosnia Herzegovina entered into force on 1/1/2008. • Agreement between the Benelux-States and Macedonia: signed in 2006 and entered into force 1/12/2008. The EU Readmission Agreement with Bosnia Herzegovina entered into force on 1/1/2008. • Agreement between the Benelux-States and ex-Yugoslavia: signed 2002 and entered into force 29/5/2004. This Agreement was assumed by Serbia but not by Montenegro, although it was applied as such by Montenegro. • Agreement between the Government of the Kingdom of Belgium and the Government of the Republic of Albania signed on 17/4/2001. <p>For your information : bilateral readmission agreements <u>in force</u>:</p> <ul style="list-style-type: none"> • An agreement between the States of the Benelux and the Republic of Kazakhstan on readmission was signed on 2/3/2015 and entered into force on 1/6/2017. • An agreement between the States of the Benelux and the Republic of Kosovo on the readmission of person who have entered and/or are residing without authorization, was signed on 12/5/2011 and entered into force on 1/4/2014. <p>2. No.</p> <p>3. Yes.</p> <p>Statistics are not kept per specific readmission agreement but per country. For this purpose, the number of readmission applications submitted, the number of agreements received and the number of issued travel documents</p>



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			<p>is kept. It is of course possible to see per country whether there was cooperation with the third country within the framework of a specific readmission agreement. If applicable there is disaggregation by third country nationals as well.</p> <p>4. No.</p> <p>5. No. However, the degree of cooperation is monitored using the statistics.</p> <p>6. No (assuming that the scope of this question is also situated in the period 2014 – 2020).</p> <p>7. None.</p>
	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<p>1. When there is a bilateral readmission agreement and a readmission agreement at European level, the agreement at European level is applied.</p> <p>2. There have not been any suspended readmission agreements in the period 2014-2020.</p> <p>3. Statistics on the number of readmission applications are collected, including information about the country to which the application is addressed and the registration number of the application. This information is gathered in order to track the time limits for replying. The positive/negative response of the requested country shall also be noted, as well as the date for the planned return of the person(s) indicated in the application and whether the return has been carried out.</p> <p>4. There are no bilateral readmission agreements that are not used in practice.</p> <p>5. There have not been any special monitoring records for applying bilateral readmission agreements.</p> <p>6. The readmission agreements have improved return to third countries because they are legally bound.</p>


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			7. The challenges are related to the issuance of travel documents for nationals of third country that do not have diplomatic or consular missions on the territory of the Republic of Bulgaria.
	EMN NCP Croatia	Yes	<p>1. Yes. The preceding agreements are still in force for Albania, Bosnia and Herzegovina, Montenegro, Macedonia, Serbia.</p> <p>2. No.</p> <p>3. Yes. Statistic is disaggregated by specific readmission agreements (every country separately).</p> <p>4. Albania and North Macedonia. In both cases, co-operation with embassies in Zagreb is a much faster way to obtain documents for foreigners and return them to country of origin.</p> <p>5. Yes, evaluation is done every time when bilateral meeting on border matters is planed (Serbia, Bosnia and Herzegovina, Monte Negro)</p> <p>6. Yes. When there are differences in the interpretation of certain provisions of the readmission agreement or when we notice that the way of evaluating direct and indirect evidence has changed, these topics are discussed at bilateral meetings, at the local or national level.</p> <p>7. N/A</p>
	EMN NCP Cyprus	Yes	<p>1. NO</p> <p>2. NO</p>


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			<p>3. Yes. The data are disaggregated by EU and Bilateral Readmission Agreements and per country</p> <p>4. YES, because there was no need due to good cooperation with TCs</p> <p>5. No. However a qualitative assessment of the cooperation with TCs, which of course includes the implementation of any agreement, is made yearly in the framework of Frontex' IRMA Return Data Collection</p> <p>6. NO</p> <p>7. N/A</p>
	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<p>1. Yes. The Czech Republic had made the readmission agreements with Moldova and Armenia before the EU RAs entered into force. Both of them are still in force.</p> <p>2. No.</p> <p>3. Regarding effected readmissions, there are statistics (according to individual RAs). Regarding submitted requests, there are no complete statistics. The Czech Republic has access to this information only in case of neighbouring states, but not in case of other states (the refused requests are not stated).</p> <p>4. No, the readmission agreements are used; only if there is no person from the state with which the RA was made, then of course the RA is not used. In case of the Czech Republic, this applies to Hongkong, Macao and Cape Verde.</p> <p>5. The police has not published any reports on the subject matter, but it shares ad-hoc information on individual countries with the Ministry of the Interior (specifically with the Department for Asylum and Migration Policy - DAMP). This information is then published in an annual Report on the situation in the field of Migration and Integration (one part of this report is dedicated to readmission, available only in Czech language). It is possible to find this information on the web of the Ministry of the Interior (https://www.mvcr.cz/migrace/clanek/vyrocní-zpravy-</p>



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			<p>o-situaci-v-oblasti-mi...) or there is information on readmission agreement in the EMN Annual Policy Report on Asylum and Migration (https://www.emncz.eu/en/publication/), available also in English</p> <p>6. Yes, generally the RA improves the level of cooperation, for instance the time limits, issuance of travel documents, returns to the country of origin, identification of persons. Aside from these improvements, there are also some problems, for instance Russia and its time limits.</p> <p>7. As has been mentioned above, the time limits with Russia represent a challenge. In general, if the Czech Republic cannot solve a specific problem bilaterally, we try to solve the problem through JRC.</p>
	EMN NCP Estonia	Yes	<p>1. No.</p> <p>2. No.</p> <p>3. Yes, we collect, but only for internal/national use. The data is divided by readmission countries.</p> <p>4. No.</p> <p>5. No.</p> <p>6. Yes, readmission agreements have simplified and efficient return of third country nationals, but no evaluation has been carried out on it.</p> <p>7. Estonia has bilateral readmission agreement only with Kosovo. During the period 2014-2020 there hasn't been expulsions to Kosovo. Thus we have no experiences.</p>


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	<p>EMN NCP Finland</p>	<p>Yes</p>	<p>1. No</p> <p>2. No</p> <p>3. Yes, statistics are available disaggregated by country but it is not disaggregated per agreement.</p> <p>4. We have bilateral agreements with EU / Schengen MS which are not used in practice: Bulgaria (1998), Estonia (1996), Latvia (1997), Lithuania (1997), Romania (2001) and Switzerland (2010).</p> <p>5. No</p> <p>6. No</p> <p>7. No challenges in the implementation of bilateral agreements.</p>
	<p>EMN NCP France</p>	<p>Yes</p>	<p>1. NO</p> <p>2. NO</p> <p>3. Yes, the statistics are disaggregated by country of origin.</p> <p>4. No. Every bilateral readmission agreements has been used at least once in the period.</p> <p>5. The European Court of Auditors presented in September 2021 a report on the readmission cooperation and participated in the evaluation of the European Union readmission agreements' evaluation, which are used by France[1]. Otherwise, no public evaluation of the readmission agreements has been produced in the above-mentioned period.</p> <p>[1] https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=59347</p>


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			<p>6. It depends on the cooperation degree of the country and the date of entry into force of the agreement, as we are able to submit readmission cooperation statistics only since 2012. Consequently, the evaluation of the improvement of readmission agreements, which entered into force before 2012, is not possible.</p> <p>For Albania, two years after the entry into force of the application protocol to the EU readmission agreement in December 2015, we can observe an improvement of the number of forced returns (+16%) between 2015 and 2017. After 2017, the number of return stagnates.</p> <p>For Kosovo, after the entry into force of both, the readmission agreement and the application protocol, we can observe a short improvement of the number of forced return (+29%) between 2014 and 2015, but then the number decrease of 47% between 2015 and 2019. The identification rate increased between 2014 and 2016, but decreased between 2016 and 2020. In terms of travel documents issuance, the issuance rate always increased between 2014 and 2019.</p> <p>7. The most important challenge for the application of readmission agreements was observed in 2020, because of sanitary measures and the fall of the number of returns, which means that even if travel documents were issued, the returns were impossible.</p> <p>Moreover, the continuous challenges of the implementation of such agreements reside in the fact that third countries are not always cooperating with our services in order to provide the best conditions of process for readmission in the origin country of the individuals.</p> <p>Finally, one of the constant challenge of the readmission agreements is the knowledge and, therefore, the use of them by the local return services in France. In fact, the deconcentrated services are not systematically aware of the existence of such tools to ensure a good cooperation in terms of readmission and return.</p>
	<p>EMN NCP Germany</p>	<p>Yes</p>	<p>1. Yes, regarding the following bilateral readmission agreements</p> <ul style="list-style-type: none"> - Albania (2003) - Bosnia and Herzegovina (1997) - Georgia (2008)


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			<ul style="list-style-type: none"> - Macedonia (2004) - Serbia (2002) <p>All of the abovementioned bilateral readmission agreements are still in force. Yet, they are all superseded by the respective EU-Readmission Agreement.</p> <p>2. No</p> <p>3. Yes, statistics may be disaggregated by specific readmission agreements. The statistics are in general provided, if such data is requested by the EU Commission to provide input for meetings of the various implanting committees foreseen in the EU Readmission Agreements.</p> <p>4. Some bilateral readmission agreements may have no or very limited use in practice due no case load (e.g. South Korea, Syria). As far as bilateral readmission agreements exist alongside EU Readmission agreements with the same third country, they are no longer used in practice. In general, these agreements are superseded by the respective EU readmission agreement, as far as the provisions of the latter are incompatible with those of this agreement.</p> <p>5. Whether provisions of a bilateral readmission agreement are adhered to are subject to a continuous assessment and challenges are addressed with the respective country of origin if needed. There are no periodic monitoring reports.</p> <p>6. Practice shows that readmission agreements are an essential tool to improve return cooperation, if these agreements are fully implemented. They can provide for the necessary procedures, e.g. to receive travel documents and allow for a coordinated return procedure.</p> <p>7. The full implementation of the agreed procedures remains one of the main challenges.</p>
	<p>EMN NCP Greece</p>	<p>Yes</p>	<p>1. Yes. For Bosnia & Herzegovina and Turkey</p>



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			<p>2. No</p> <p>3. Yes. The data is disaggregated by specific readmission agreements</p> <p>4. Yes. The implementation of the Protocol between Greece-Turkey for the implementation of Art. 8 of the Police Cooperation Agreement has been unofficially suspended by the Turkish side since March 2018. Readmission requests concerning 11.420 third country nationals still pending by the Turkish side</p> <p>5. No</p> <p>6. No</p> <p>7. The implementation of the Protocol between Greece-Turkey for the implementation of Art. 8 of the Police Cooperation Agreement has been unofficially suspended by the Turkish side since March 2018. Readmission requests concerning 11.420 third country nationals still pending by the Turkish side</p>
	<p>EMN NCP Hungary</p>	<p>Yes</p>	<p>1. No</p> <p>2. No</p> <p>3. Yes, the Hungarian police collects the readmission statistics disaggregated by sex and age.</p> <p>4. No</p> <p>5. No</p> <p>6. The readmission procedure between Hungary and Montenegro is very high level, the communication and the cooperation in the field of return is impeccable. The Hungarian Police have already created the communication</p>


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			<p>channel and readmission procedures before implemented the bilateral agreement referring to the EU-Montenegrin readmission agreement.</p> <p>7. Please see answer provided for Q6.</p>
	EMN NCP Ireland	Yes	<ol style="list-style-type: none"> 1. Not applicable. 2. No. 3. No (statistics not collected). 4. No. 5. No. 6. No. 7. No information available.
	EMN NCP Italy	Yes	<ol style="list-style-type: none"> 1. No, inasmuch as EU readmission agreements prevail over bilateral agreements and arrangements that have already been concluded or that may be concluded in the future 2. NO 3. Statistics are collected on requests for identification submitted to the diplomatic representations of third countries, with specification of the results (positive, negative, no response). The data is therefore broken down for each "third" country.


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			<p>4. No, the agreements in place were applied during the reporting period. Obviously, the results and frequency of use are different depending on the third country involved</p> <p>5. As part of the collaborative relationships with the signatory countries of bilateral readmission agreements, there are periodically moments of joint analysis and evaluation on the implementation of the agreements.</p> <p>6. The evaluation is carried out on the basis of statistics (number of requests for identification, number of replies obtained, number of passes issued, number of returns carried out) and information (reports by the local offices on relations with the Consulates of reference or, in any case, on the functioning of the procedures governed by the readmission agreements; reports by escort operators on the return operations carried out, reports by liaison officers employed in various capacities at the embassies in "third" countries).</p> <p>7. The problems that are most frequently observed in the application of readmission agreements are: the respect of response times; the difficulties in organizing consular interviews when the request for identification is not "paper based"; the limited validity of the passes, etc..</p>
	<p>EMN NCP Latvia</p>	<p>Yes</p>	<p>1. Yes. Latvia has bilateral readmission agreements in force with the following third countries, with which EU Readmission agreement has been adopted: Armenia, Georgia, Ukraine. Since the EU readmission agreements with these third countries are in force Latvia applies the EU readmission agreements and has started and still continues negotiations on Implementing protocols with third countries. Currently Latvia has signed Implementing Protocols to EU readmission agreements with Russia (2009) and Moldova (2010).</p> <p>2. No, there were no any readmission agreement suspended in the period of 2014-2020.</p> <p>3. Latvia collects statistics on the number of readmission requests submitted to the certain third country, positive or negative replies received from the certain third country, laissez-passer requested and received, number of citizens</p>

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			<p>and third country nationals returned under the readmission agreement to the certain third country. The data is disaggregated by specific readmission agreement.</p> <p>4. Latvia has bilateral readmission agreement with the third countries with which the EU agreements are concluded, they are Armenia, Georgia and Ukraine. Latvia does not apply bilateral readmission with these third countries, but applies EU readmission agreements, because they are of the higher power under the national readmission agreements.</p> <p>As regards to the bilateral readmission agreements Latvia has concluded with third countries with which EU does not have readmission agreements, such as Kazakhstan (2016), Uzbekistan (2004), they were not used in practice because there were no readmission cases to these countries during the time period of 2014-2020.</p> <p>5. No, there were no evaluations or national monitoring reports conducted on bilateral readmission agreements in the period 2014-2020.</p> <p>6. No, such information is not available because the assessment on implementation of bilateral readmission agreements is not carried out in Latvia. The State Border Guard of Latvia as authority responsible for implementation of readmission agreements, considers that readmission agreement in case if third country is cooperative is able to provide smooth, effective and rapid return of persons to the certain third country.</p> <p>7. Taking into account that Latvia did not have readmission cases implemented under bilateral readmission agreements in the time period 2014-2020 there were no challenges experienced.</p>
	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<p>1. Yes. Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Armenia on Readmission of Persons with Unauthorized Stay, which was signed on 15 September 2003 and came into force on 22 May 2004, remains in force alongside Agreement between the European Union and the Republic of Armenia on the Readmission of Persons Residing without Authorization, which entered into force on 1 January 2014. Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Moldova on Readmission of Persons with Illegal Entry or Residence on the Territory of the Republic of Lithuania or of the Republic of Moldova, which was signed on 6 December 2001 and entered into force on 14 February 2004, remains</p>


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			<p>in force alongside Agreement between the European Community and the Republic of Moldova on the Readmission of Persons Residing without Authorization, which came into force on 1 January 2008. In addition, Protocol between the Government of the Republic of Lithuania and the Government of the Republic of Moldova on the Implementation of the Agreement between the European Community and the Republic of Moldova on the Readmission of Persons Residing without Authorization was signed on 29 September 2010 and came into force 5 December 2011.</p> <p>2. Yes. Agreement between the Government of the Republic of Lithuania and the Government of Ukraine on Readmission of Persons, which was signed on 21 September 1996 and entered into force on 29 March 1997, was terminated on 1 January 2020, when it was superseded by Protocol between the Government of the Republic of Lithuania and the Cabinet of Ministers of Ukraine Implementing the Agreement between the European Community and Ukraine on the Readmission of Persons, in accordance with Part 5 of Article 13 of the Protocol.</p> <p>3. No.</p> <p>4. Yes. Agreement between the Government of the Republic of Lithuania and the Swiss Federal Council regarding Readmission of Persons (Readmission Agreement), signed on 26 September 1996, in effect since 1 November 1966, was not used by Lithuania in the given period. Similarly, Agreement between the Government of the Republic of Lithuania and the Government of Iceland on the Readmission of Persons Entering a Country and Residing there without Authorization, which was signed on 4 April 1997 and came into force on 24 April 1997, was not used by Lithuania in 2014-2020. Agreement between the Government of the Republic of Lithuania and the Government of the Socialist Republic of Vietnam on the Readmission of Citizens, which was signed on 23 January 2019 and came into effect on 15 November 2019, has not yet been used, possibly due to the restrictions on travel related to the global pandemic.</p> <p>5. No.</p> <p>6. There is no such information.</p>
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			<p>7. Given the low readmission numbers, the country has not encountered any challenges directly related to the implementation of bilateral readmission agreements.</p>
	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<p>1. No. As a general rule, readmission agreements concluded between the EU and a third country supersede those of the BENELUX States* with the same country. (*N.B.: Luxembourg does not negotiate and sign its own bilateral readmission agreements.)</p> <p>Furthermore all the readmission agreements in force in Luxembourg for third countries with which an EU Readmission Agreement has been adopted have been the subject of protocols negotiated by the Benelux States implementing the European Union's readmission agreements and have been or will be approved by law in Luxembourg.</p> <p>In the last six years Luxembourg has only signed a bilateral agreement but which was not a specific readmission agreement : the Agreement between the State of the Grand Duchy of Luxembourg and the Republic of Cabo Verde on the concerted management of migratory flow and solidarity development, signed in Luxembourg on 13 October 2015, which entered into force on 1 March 2020. However, the agreement states in article 9, (7) that: "This article [on readmission] shall cease to be applicable on the date of entry into force of the Readmission Agreement between Cabo Verde and the European Union and its Protocol of Application between Cabo Verde and the BENELUX States."</p> <p>2. NO.</p> <p>3. Yes. In principle, Luxembourg collects statistics on the number of requests it submits for readmission to third countries; the statistics are disaggregated by third-country and the share that is approved or denied. However, there is no disaggregation by own nationals or by third country nationals.</p> <p>4. No. In principle bilateral agreements, as any other private or public agreement, are signed to be used only in case the factual situation requires their implementation and enforcement.</p>



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			<p>5. No. There has not been any evaluation or monitoring reports been conducted in the referred period on bilateral readmission agreements in Luxembourg.</p> <p>6. Yes. In 2019, 44 individuals were subject of forced return to the Western Balkans countries with which there are readmission agreements amounted: this represents 33,6% of the total number of forced returns (131). In 2020, the number of forced returns to countries of the Western Balkan countries (23) amounted to 35,9% of the forced return carried out (64). (Improvement may be interpreted as one or more of the following aspects: i) Increasing returns and/or successful requests for readmission; ii) Speeding up return (e.g. reducing the time needed to completing the return, removing legal obstacles); iii) Quality of the return (e.g. more durable return, better integration). If yes, please elaborate. If possible, can you please provide the links to the source?</p> <ol style="list-style-type: none"> 1. As mentioned above the bilateral return agreement facilitates the forced return of the nationals from the country with which Luxembourg has bilateral agreements. 2. Readmission agreements sometimes provide a solution to the general challenges to return faced by Luxembourg such as a lack of diplomatic representations (in the context of agreements signed with the Benelux States) and countries of origin that do not cooperate in general. For example, many North or Western African countries, for which no readmission agreements exist, cooperation on return is sometimes more problematic. 3. Information not available. <p>7. The general challenges that Luxembourg faces with respect to enforcing return are:</p> <ol style="list-style-type: none"> 1. Deadlines are not always respected by the third country. 2. Countries do not cooperate in relation to readmission applications of third-country nationals or stateless persons (as opposed to own nationals). 3. Although the country of origin may issue travel documents to their nationals under a readmission agreement, in some cases it introduced obstacles for the accompanying personnel (e.g. police) to receive the authorisations to enforce the return making impossible to carried out the return. 4. The Luxembourg diplomatic representation abroad is very limited so it depends on the diplomatic representations of other Member States (i.e. Belgium, France, Germany, Hungary, the Netherlands, Portugal, Slovenia and Spain). Cooperation under a readmission agreement often depends on diplomatic relations
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			and the government in place in the country of origin. As mentioned under Q6, readmission agreements concluded by the EU or the Benelux are perceived as a solution to this challenge.
	EMN NCP Malta	Yes	<ol style="list-style-type: none"> 1. Not applicable. 2. Not applicable. 3. Yes. Data is disaggregated by country of origin and not according to Readmission Agreements. 4. Maltese authorities do not have bilateral readmission agreements; only MoUs on Migration Matters. It would not appear that, so far, the MOUs have had a significant impact on the readmission process. 5. No 6. Not applicable 7. Not applicable
	EMN NCP Netherlands	Yes	<ol style="list-style-type: none"> 1. Yes. <ul style="list-style-type: none"> • For the Protocols implementing the EU Readmission Agreements for Serbia and for Bosnia and Herzegovina, it is stated in the Protocol that it takes precedence over an older Agreement between the Netherlands, Belgium and Luxembourg and the Federal Government of the Federal Republic of Yugoslavia from 2002.[1] However, the older Agreement remains in force between Curaçao, Sint Maarten and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba) on the one hand and Serbia and Bosnia and Herzegovina on the other hand.[2] • A Readmission Agreement between the Netherlands, Belgium and Luxembourg and North Macedonia from 2006, preceding the EU Readmission Agreement from 2008, is still in force.[3]

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			<p>[1] Agreement between the Government of the Kingdom of the Netherlands, the Government of the Kingdom of Belgium and the Government of the Grand Duchy of Luxembourg and the Federal Government of the Federal Republic of Yugoslavia on readmission and acceptance of persons that do not or no longer fulfil the conditions for entering or staying on the territory of the other Contracting State, done at Belgrade on 19 July 2002.</p> <p>[2] Article 15, Protocol between The States of the Benelux (the Kingdom of Belgium, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands) and Bosnia and Herzegovina implementing the agreement between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorisation (Implementing protocol); Article 17, Protocol between the Governments of the States of the Benelux (the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands) and the Government of the Republic of Serbia on the implementation of the Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation.</p> <p>[3] https://wetten.overheid.nl/BWBV0003149/2008-12-01</p> <p>2. No.</p> <p>3. Yes, the Netherlands collects statistics on the number of requests it submits for readmission to third countries, and the share that is approved or denied. In our national administration relevant data are disaggregated, they include e.g. third country, date of submission, type of reply third country, date of reply third country and processing time by third country. Readmission applications submitted through the Readmission Casemanagement System (RCMS) are processed in the same manner.[1]</p> <p>[1] Information provided by the Repatriation and Departure Service, 3 October 2021.</p> <p>4. No.</p> <p>5. Yes. In 2019, the Ministry of Justice and Security published a policy review regarding the return of migrants. In this review, the bilateral readmission agreements between the Benelux and various third countries were discussed, but nothing could be concluded about the effectiveness of the agreements.[1]</p>
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			<p>Furthermore, in 2015 the Advisory Committee for Alien Affairs conducted an evaluation of return policy, focusing on the Strategische Landenbenadering (Strategic Country Approach), which includes the conclusion of bilateral readmission agreements and Memoranda of Understanding, as well as conditionality (positive and negative) in international cooperation.[2] Three goals of the Strategic Country Approach were evaluated: raising awareness of return issues among parties who could positively influence the effectiveness of return policy; creating a political consideration between return and other Dutch interests; and increasing the effectiveness of return policy by improving the cooperation of countries of origin on the forced return of their own nationals. The evaluation also looked at the effectiveness of specific agreements (see Q6).</p> <p>[1] Ministry of Justice and Security. (2005). Beleidsdoorlichting begrotingsartikel 37.3 De terugkeer van vreemdelingen, p. 12.</p> <p>[2] ACVZ (2015), Beleidsadvies: Strategische landenbenadering migratie, https://www.adviescommissievoorvreemdelingenzaken.nl/binaries/adviescommissievoorvreemdelingenzaken/documinten/publicaties/2015/6/25/strategische-landenbenadering-migratie/Strategische_landenbenadering_migratie_ACVZ_beleidsadvies_20150625.pdf, last accessed on 8 September 2021, p. 18.</p> <p>6. The 2015 evaluation by ACVZ concluded that readmission agreements (bilateral and EURA) had reached mixed results. For Armenia, Azerbaijan, Georgia, Ukraine, the Russian Federation and Serbia, the effectiveness of return had been increased. For these countries the bilateral readmissions agreements caused an increase in returns and successful requests for readmission. In the case of Serbia it is noteworthy that also the voluntary returns increased since the bilateral readmission agreement was signed in 2013. The exact numbers of forced return per country can be found in the report.[1]</p> <p>For Pakistan and Sri Lanka, the readmission agreements had little result as the improvement of the cooperation of countries of origin on the forced return of their own nationals was not achieved.[2] In recent years however, cooperation based on the EURA with Pakistan and Sri Lanka has improved.[3]</p> <p>[1] ACVZ 2015, p. 60-62. [2] ACVZ 2015, p. 101. [3] Information provided by experts of the Repatriation and Departure Service, 3 October 2021.</p>
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			<p>7. In the 2015 evaluation by ACVZ, it was noted that the inclusion of the “third-country clause” in readmission agreements is an obstacle in negotiations with third countries.[1] In practice, the Netherlands rarely makes use of this clause.[2]</p> <p>[1] ACVZ 2015, p. 101. [2] ACVZ 2015, p. 13.</p>
	<p>EMN NCP Poland</p>	<p>Yes</p>	<p>1. YES Agreement between the government of the People's Republic of Poland and the government of the USSR on legal relations on the Polish-Soviet state border as well as cooperation and mutual assistance in border matters, signed in Moscow on February 15, 1961 (readmission clause in Art. 40 applied in case of accelerated readmission with Russia / Kaliningrad Region and Belarus)</p> <p>2. In terms of bilateral agreements with third countries – no. In terms of EU agreements with third countries, the Embassy of Republic of Albania informed Polish Ministry of Foreign Affairs on suspension of EU readmission agreement (on 9 April 2021 – was valid until 4 May 2020)</p> <p>3. YES, we collect the statistics. It is disaggregated by specific agreements / countries and by answers (positive / negative).</p> <p>4. NO.</p> <p>5. YES. There are no links to these reports. The evaluation of Agreement between the Government of the Republic of Poland and the Government of the Socialist Republic of Vietnam on transferring and readmitting citizens of both States (summarizing meeting) is carried out every two years.</p>


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			<p>The evaluation of Agreement between People’s Republic of Poland and USSR on border matters (concerning accelerated readmission with Russia and Belarus) is carried out every 6 month during border meetings between “main border plenipotentiaries”.</p> <p>6. YES. The bilateral Readmission Agreement of 22.04.2004 between Poland and Vietnam has much improved the effectiveness of returns to Vietnam. Before the agreement the procedure verification run via Vietnamese Embassy, lasted long time and mostly wasn’t successful. After both countries signed the agreement the implementing protocol was elaborated and signed. The whole correspondence is sent directly from the Polish Border Guard to the Immigration Department of the Vietnamese Ministry of Public Security. The protocol enables to organize visits of Vietnamese experts of identification. This procedure made the identification much easier and quicker, as well. Since 1 November 2018 the Polish Liaison Officer is deployed in Hanoi [EURLO] (firstly in the frame of Belgian AMIF project, then since 2020 in the frame of Frontex activity).</p> <p>7. The challenge has been the pandemic situation, when the Vietnamese airspace was closed for international air connections in March 2020 (it results with the lack of possibility of executing returns to Vietnam on schedule flights, however first charter was possible in December 2020).</p>
	<p>EMN NCP Slovakia</p>	<p>Yes</p>	<p>1. No.</p> <p>2. No.</p> <p>3. Yes, the Slovak Republic collects such statistics. The statistics shows the country into which the third country national is readmitted.</p> <p>4. Yes, Bilateral readmission agreement of the SR with Vietnam, Implementation Protocols with Albania, Russia, North Macedonia, Montenegro, Bosnia and Herzegovina, Moldova, Georgia. The third country national concerned are issued administrative expulsion thus it is not necessary to use the readmission. In some cases, readmission agreements are used to obtain emergency travel documents, the same applies to readmission agreements with EU Member States.</p>


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			<p>5. The SR did not prepare any such reports on bilateral readmission agreements. The SR conducted only control of the formal side of readmission. Every year evaluation of cooperation with third countries in cooperation with European Commission and Frontex is conducted in line with Article 25a of the Visa Code. The SR conducted this evaluation based on requirements from the European Commission.</p> <p>6. Yes, they help in obtaining emergency travel documents.</p> <p>7. Under challenges we can list not taking over the third country national from the side of Serbia, in spite of evidence about residence on the territory of Serbia (2 cases).</p>
	EMN NCP Slovenia	Yes	<p>1. There are agreements with Bosnia and Herzegovina, Serbia and North Macedonia in place.</p> <p>2. Not applicable.</p> <p>3. Yes, we collect those statistics and they are published in IRMA. No, the data is not disaggregated by specific readmission agreements.</p> <p>4. No.</p> <p>5. No.</p> <p>6. Slovenia has very good cooperation with the former Yugoslav countries and there is no need for improvement.</p> <p>7. During the migration crisis in 2015/2016, Slovenia had considerable challenges in terms of readmission to Croatia. During the migration crisis, it appeared that none of the bilateral readmission agreements was not functioning in practice. In fact, lack of effective readmission among the Western Balkan was one of the circumstances during that particular times and an additional problem among the others during that time.</p>


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	<p>EMN NCP Spain</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Yes, with Bosnia Herzegovina and Northern Macedonia, as well as a migration framework agreement with Cape Verde. 2. No 3. Not exactly. We do have statistics on readmissions per country, but maybe not all of them can be considered as requiring the application of the readmission agreement. We also have statistics on travel documents requested from each third country, but once more this does not necessarily cover all possibilities offered by a readmission agreement. 4. None of Spain's readmission agreements can be considered to lack practical application. It is true, however, that the caseload for some of them may be temporarily very low, due to different circumstances or to the fact that they were signed with countries that are currently EU Member States. 5. No 6. No 7. Readmission agreements are often not respected by the other party, or additional conditions are imposed in practice that render the content of the agreement useless.
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	<p>EMN NCP Sweden</p>	<p>Yes</p>	<p>1. No.</p> <p>2. Yes, Sweden had a MoU with Afghanistan during the period 2016-2020, which has been suspended since October 2020.</p> <p>3. Yes, the data is disaggregated by specific readmission agreements.</p> <p>4. No.</p> <p>5. No.</p> <p>6. Yes, the readmission agreements for Vietnam and Kosovo have speeded up the process for verification and issuance of emergency travel documents and hence enabled more effective returns. Link to readmission agreements with: Vietnam and Kosovo.</p> <p>7. The Swedish Migration Agency would especially like to stress the challenges with the Russian federation. In addition to the difficulties in relation to implementing parts of the EU readmission agreement, the Russian federation does not meet the procedures set out in the implementing protocol between Sweden and the Russian federation. For example, Russian authorities only communicate in Russian without translating any of their correspondence.</p>
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