



AD HOC QUERY ON 2021.52 Bilateral readmission agreements: Inventory, characteristics and effectiveness (part 2)

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) implementing protocols and agreements that were signed

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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-Q10).

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 To this end, NCPs are invited to provide information 1) on agreements that may have been replaced by EU Readmission Agreements; 2) on the available evaluations or monitoring reports and statistics on bilateral readmission agreements; and 3) on the impact of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 Q12) 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 the period 2014-2020, were any of the bilateral readmission agreements that were signed or entered into force in your Member State linked with cooperation in the following policy fields?

Available choices: Legal Mobility/migration, Trade, Development aid, Capacity Building, Reintegration Support, Other

2. If you click one or more options when answering question 1, please specify which issue-linkages have been included in your Member State's bilateral readmission agreement(s).

3. Which issue-linkages are most common? Please provide some examples.

4. Has your Member State included readmission clauses in other types of agreements (e.g. trade agreements) with third countries in the period 2014-2020? Yes/No/Unknown. If yes, please provide some examples.

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5. Have any resources been made available by your Member State for the third country to implement the bilateral readmission agreements signed or entered into force between 2014-2020 (e.g. for capacity building or reintegration)? Y/N If yes, could you provide some examples of resources made available and specify their purpose?

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

3. Responses

1

		Wider Dissemination ²	
	EMN NCP Austria	Yes	1. No, in the specific period only protocols concretizing the EU readmission agreements were concluded.---Source: Ministry of the Interior 2. n/a --- Source: Ministry of the Interior 3. n/a

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.

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>4. No.</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>EMN NCP Belgium</p>	<p>Yes</p>	<p>1.</p> <p>2. Remark: the answers relate to agreements that are legally binding, as in treaties. A Benelux visa waiver agreement for holders of diplomatic passports was signed on 02/03/2015 and entered into force on 01/08/2017.</p> <p>3. Not applicable.</p> <p>4. No. For your information 2 examples from 2018 but this does not have anything to do with binding agreements:</p> <ul style="list-style-type: none"> • With Tunisia a Memorandum of Understanding was signed on cooperation in the field of police matters and security.

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			<ul style="list-style-type: none"> • With Mauritania a Protocol of Cooperation was signed in management of migratory flows. <p>5. No.</p>
	EMN NCP Bulgaria	Yes	<p>1. No readmission agreements have been signed in these policy areas.</p> <p>2.</p> <p>3.</p> <p>4. There are no readmission clauses in other bilateral agreements.</p> <p>5. No resources have been made available for the third country to implement the bilateral readmission agreements.</p>
	EMN NCP Croatia	Yes	<p>1.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. No.</p> <p>5. No.</p>

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	EMN NCP Cyprus	Yes	<ol style="list-style-type: none"> 1. 2. N/A 3. N/A 4. NO 5. NO
	EMN NCP Czech Republic	Yes	<ol style="list-style-type: none"> 1. 2. Both RAs (Moldova and Armenia) had entered into force before EU RA has entered into force and that is why there is no linkage. 3. None. 4. Yes, specifically some agreements on working holiday. 5. We provide assistance to some countries, however, without any link or conditionality to RA.
	EMN NCP Estonia	Yes	<ol style="list-style-type: none"> 1. 2. No.

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			<p>3. N/A</p> <p>4. No.</p> <p>5. No.</p>
	EMN NCP Finland	Yes	<p>1.</p> <p>2. N/a</p> <p>3. N/a</p> <p>4. N/a</p> <p>5. N/a</p>
	EMN NCP France	Yes	<p>1. Legal Mobility/migration</p> <p>2. Yes, the partnership agreement for migrations and mobility between the French government and the Indian government. This agreement was linked to legal migrations/mobilities and capacity in the fight against human trafficking.</p> <p>3. Development Aid is the most common issue-linkages observed in the readmission agreements signed by France (Benin (2007), Burkina Faso (2009), Gabon (2007),</p>

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			<p>Republic of Congo (Brazzaville) (2007), Senegal (2006), Tunisia (2008)). But in the time period 2014-2020, the only issue-linked readmission agreement was linked to legal migration and the fight against human trafficking.</p> <p>4. NO</p> <p>5. NO</p>
	EMN NCP Germany	Yes	<p>1. Legal Mobility/migration</p> <p>2. Yes, with regard to the bilateral readmission agreement with Guinea the issue-linkage concerns legal mobility/migration.</p> <p>3. See above.</p> <p>4. Yes, specific readmission clauses are included in bilateral air transport agreements, e.g. in the Air Transport Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Rwanda of 24 September 2014 (Art. 13 para 1 and 5; see German Federal Law Gazette (Bundesgesetzblatt) 2016 II p. 1026).</p> <p>5. No</p>
	EMN NCP Greece	Yes	<p>1.</p> <p>2.</p>

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			<p>3.</p> <p>4. Unknown</p> <p>5. No</p>
	EMN NCP Hungary	Yes	<p>1. Other</p> <p>2. The protocol between the government of Hungary and the government Montenegro of the Implementation of the agreement between the European Community and the Republic of Montenegro on the readmission of persons resideing without authorisation was done at Budapest on 24 February 2017 in two original copies, each Hungarian, Montenegrin and English languages. This bilateral agreement is the implementation protocol of the EU-Montenegrin readmission agreement.</p> <p>3. - issuing of emergency travel document -establishing of identification</p> <p>4. No</p> <p>5. No</p>
	EMN NCP Ireland	Yes	<p>1.</p> <p>2.</p>

AD HOC QUERY ON 2021.52 BILATERAL READMISSION AGREEMENTS: INVENTORY, CHARACTERISTICS AND EFFECTIVENESS (Part 2)

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			<p>Not applicable. No bilateral readmission agreements were signed or entered into force between 2014 and 2020.</p> <p>3. Not applicable.</p> <p>4. Unknown.</p> <p>5. No. Not applicable - no bilateral readmission agreements were signed or entered into force between 2014 and 2020.</p>
	EMN NCP Italy	Yes	<p>1. NO</p> <p>2.</p> <p>3.</p> <p>4. NO</p> <p>5. NO</p>
	EMN NCP Latvia	Yes	<p>1. Legal Mobility/migration</p>

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			<p>2. An agreement in migration field has entered into forced - on 4 of February 2016 Agreement between the Republic of Latvia and the Republic of Kazakhstan on readmission of persons entered into force. Agreement between the Republic of Latvia and the Republic of Kazakhstan on the exemption of holders of diplomatic passports from visa requirements. Agreement between Latvia and Kazakhstan on readmission includes clauses on return of citizens of the Parties, third country nationals and stateless persons illegally staying, interviewing, issuance of laissez-passer documents and transit provisions.</p> <p>3. See reply to Q2.</p> <p>4. No.</p> <p>5. No.</p>
	EMN NCP Lithuania	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	EMN NCP Luxembourg	Yes	<p>1. Legal Mobility/migration, Capacity Building, Reintegration Support</p> <p>2. In 2015 the agreement between the Grand Duchy of Luxembourg and the Republic of Cape Verde on the concerted management of migratory flows and solidary development, made in Luxembourg on 13 October 2015 was signed. It is linked to legal mobility/migration, capacity building and reintegration support. However, this agreement only entered into force on 1st March 2020.</p>

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			<p>3. Only one separate bilateral agreement has been signed between Luxembourg and a third country during the period 2014 -2020.</p> <ol style="list-style-type: none"> 1. Simplified visa procedures (article 2): To facilitate the movement of persons both countries agree to facilitate to the nationals who falls into the scope of the agreement the issue of a short-stay multiple-entry visa, allowing a maximum stay of 90 days over a period of six months and valid for between one and five years. This will depend on the quality of the application submitted, the duration of the planned activities and the validity of the passport. 2. Acquisition of a first professional experience: For the acquisition of a first professional experience, a temporary residence permit for salaried worker valid for a maximum of two years may be issued to a Cape Verdean national who, has successfully completed, in a Luxembourg higher education establishment, a training cycle leading to a higher education diploma and wishes, to complete his or her academic training in Luxembourg as a salaried worker in an activity related to the training (article 4). 3. Exchange of young professionals who want to have a professional experience in a company that carries out an activity of a health, social, agricultural, craft, industrial, commercial or liberal nature in Luxembourg for a duration of 3 to 18 months. The maximum number of participants is 10 per year (article 5). 4. Simplified procedure for issuance of residence permit for the highly qualified workers. This is limited to 50 participants per year (article 6). 5. Unpaid internship (article 7) for a maximum duration of 12 months. <p>4. No.</p> <p>However the Law of 3 February 2018 has approved the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part, done at Brussels on 12 December</p>
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			<p>2016. Article 34 of this Agreement states that cooperation shall be undertaken in the light of consultations between the Parties regarding their needs and positions and shall be implemented in accordance with the Parties' legislative frameworks. It shall focus in particular and among others on the return, in humane, safe and dignified conditions, of persons illegally residing on the territory of the other Party, with full respect for their fundamental rights, including the encouragement of the voluntary return and readmission of such persons.</p> <p>Provisions on collaboration on readmission are also contained in other partnership and cooperation agreements between the European Union and third countries; these partnership agreements have been approved by law, for example the Law of 27 April 2018 approving the Partnership Agreement on relations and cooperation between the European Union and its Member States, of the one part, and New Zealand; or the Law of 13 July 2018 approving the Framework Agreement between the European Union and its Member States, of the one part, and Australia.</p> <p>5. NO.</p>
	<p>EMN NCP Malta</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Other 2. During the reporting period no Readmission Agreements were signed. 3. During the reporting period no Readmission Agreements were signed; however, in previous MoUs on Migration Matters Maltese authorities focus also on Technical Cooperation and Training. 4. During the reporting period no Readmission Agreements were signed. 5. Not applicable. Refer to above.

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	<p>EMN NCP Netherlands</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. 2. N/A 3. N/A 4. No. 5. No.
	<p>EMN NCP Poland</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. 2. Australia – it is work and holiday visa agreement which in Art. 4 enables the nationals of both parties to return if they no more fulfil the conditions to stay or committed a crime. In terms of nationals possessing the “work and holiday visa” Art. 4 includes the provisions of identification, issuing documents, informing about the date of return at least 5 days before, in terms of persons staying in immigration detention returning them as soon as possible. 3. There were no cases of using Art. 4 of the Memorandum with Australia. 4. NO. 5. YES. There are some workshops and trainings provided for Vietnamese Side in order to enhance Vietnamese capacity building in migration management: <ul style="list-style-type: none"> - since 2017 twice a year workshops held in Poland, each for 10 officers (returns and document forgery);

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			<ul style="list-style-type: none"> - English courses for 14 officers of Immigration Department (two courses held in Vietnam up to now); - since 2019 trainings of activities as SKY Marshalls.
	EMN NCP Slovakia	Yes	<ol style="list-style-type: none"> 1. Other No, any such bilateral agreements were not signed or did not enter into force. 2. NA 3. NA 4. No. 5. No.
	EMN NCP Slovenia	Yes	<ol style="list-style-type: none"> 1. Other 2. 3. Not applicable. 4. No. 5. No.

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	EMN NCP Spain	Yes	1. Legal Mobility/migration 2. No 3. Legal mobility and migration. E.g. framework migration agreements signed with African countries (Mali, Niger, Gambia, etc). 4. No 5. No
	EMN NCP Sweden	Yes	1. 2. N/A 3. N/A 4. No 5. No
