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Ad-Hoc Query on 2022.27 Cooperation with consular authorities of third countries in readmission procedures

Requested by the Commission on 12 May 2022

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Slovakia, Slovenia, Spain, Sweden (22 in Total)

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## **1. BACKGROUND INFORMATION**

Cooperation on readmission in 2022 is still mainly based on the consular authorities of third countries, in particular because of the material requirements for identification hearings of the persons concerned and for the issuance of original consular laissez-passer (CLP).

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However, many Member States and Schengen Associated Countries (MS-SACs) do not have accredited foreign representations on their territory for each of the most important countries of origin. The smaller third countries are represented in only a very limited number of MS-SACs.

In response to this challenge, Frontex has developed digital identification file management tools (RCMS), offered funding for video-conferencing tools (VCI) and reimbursement for identification missions, and provided support for foreign liaison officers.

Nevertheless, in some cases, a close relationship with foreign consular authorities is still necessary.

In order to facilitate the cooperation between MS-SACs that deal with foreign authorities, France, therefore, proposes to carry out a European mapping of foreign consular districts. In a second step, it will be possible to define small cooperation groups between the MS-SACs concerned, allowing for a simple and informal exchange of information on working routines, contact details, or the practices of the foreign side.

France is interested in asking questions relating to the role of honorary consulates in the readmission procedures.

**This ad-hoc query is launched by COM at the request of the French government.**

**We would like to ask the following questions:**

- 1. Do your Member State has honorary consulates of third countries on your territory?**
- 2. If you answer YES to Q.1, has your Member State ever tried to obtain a Consular laissez-passer (CLP) from an Honorary Consulate of a third country for readmission purposes?**
- 3. If you answer YES to Q.2, has the honorary consulate accepted your request and issued the CLP?**
- 4. If you answer YES to Q.3, can you please indicate from which honorary consulate you obtained the CLP?**
- 5. Did the CLP issued by the honorary consulate allow for smooth removal and readmission?**
- 6. Does your Member State considers that applications for CLPs to honorary consulates shall be encouraged or do they pose certain risks?**


We would very much appreciate your responses by **13 June 2022**.

## **2. RESPONSES**

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1



		Wider Dissemination <sup>2</sup>	
	EMN NCP Austria	Yes	<p>1. Yes. --- Source: Ministry of the Interior</p> <p>2. Until 2019 this was the case with regards to the Republic of Gambia; however currently, no CLPs are issued by honorary consulates. --- Source: Ministry of the Interior</p> <p>3. n/i --- Source: Ministry of the Interior</p> <p>4.</p> <p>5. With regards to Gambia, the issued CLPs at that time did usually allow for smooth removal and readmission. --- Source: Ministry of the Interior</p> <p>6. Applications for CLPs to honorary consulates only make sense if the honorary consulate is authorized to issue emergency</p>

<sup>1</sup> 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.

<sup>2</sup> 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>travel documents (CLPs). The possibility to have CLPs issued by honorary consulates would improve and accelerate the emergency travel documents acquisition process and thus benefit the entire return procedure</p> <p>---</p> <p>Source: Ministry of the Interior</p>
	EMN NCP Belgium	Yes	<p>1. Yes</p> <p>2. No, to our knowledge we did not request a CLP in recent years from an Honorary Consulate. That's because in Belgium there are a lot of Embassies and Consulates.</p> <p>3. NA</p> <p>4. NA</p> <p>5. NA</p> <p>6. NA</p>
	EMN NCP Bulgaria	Yes	<p>1. Yes</p> <p>2. Yes</p> <p>3. Yes</p> <p>4. The Honorary Consul of the Democratic Socialist Republic of Sri Lanka in Bulgaria collaborates by assisting the issuance of travel documents by the Embassy of the Democratic Socialist Republic of Sri Lanka. The last travel documents issued with the assistance of the Honorary Consul were in 2017. Since then, no requests for readmission have been made to Sri Lanka, which is why no assistance has been sought from the Consul.</p> <p>The Honorary Consul of Bangladesh is also willing to cooperate in issuing travel documents for Bangladeshi requested through</p>



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			<p>the electronic readmission system but no specific cases needed to be dealt with so far. Cape Verde and Uzbekistan also have Honorary Consuls but they have not been sought for readmission assistance.</p> <p>5.</p> <p>6.</p>
	EMN NCP Croatia	Yes	<p>1. Yes, there are 109 accredited honorary consuls in Republic of Croatia and vast majority of them are not involved in consular matters ( e.g. issuing visas, passports, other travel documents).</p> <p>2. Honorary Consuls in Croatia are not issuing CLP according to our information and therefore we didn't try to obtain such document from them.</p> <p>3. Ministry of Foreign and European Affairs (MFEA) is obtaining CLP exclusively through the foreign Embassies when we receive such request from our Ministry of Interior (MOI).</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p>
	EMN NCP Cyprus	Yes	<p>1. Yes</p> <p>2. Yes, till 2020, with the honorary consulate of Cameroon.</p> <p>3. Yes, till 2020, the honorary consulate of Cameroon issued CLP, which were used for return purposes.</p> <p>4. Honorary consulate of Cameroon</p>



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			<p>5. Yes.</p> <p>6. They should be encouraged, as a way to improve cooperation with TC, in the case there is no representation in the MS.</p>
	EMN NCP Czech Republic	Yes	<p>1. Yes.</p> <p>2. Yes.</p> <p>3. The honorary consulate accepted the request to issue a CLP and forwarded the request to the embassy in Vienna. The embassy then communicated all information regarding the foreigner via honorary consulate. However, the foreigner was released and the foreign police dept. ultimately did not request a CLP.</p> <p>4. The Republic of Sudan. The CLP was ultimately not issued (see Q.3).</p> <p>5. N/A (see Q.3)</p> <p>6. Czech Republic does not have a lot of experience with this practice. The only recent example is included in previous questions. Therefore, there is not enough information to form a stance.</p>
	EMN NCP Estonia	Yes	<p>1. Yes, please find information concerning honorary consulates in second part of this ad hoc query, in PART II.</p> <p>2. No. During the period 2021-2022 the Police and Border Guard Board has contacted for several times third country embassies residing in Estonia or embassies representing Estonia abroad, to obtain a person travel document which enables person's return to a third country, but so far, no Honorary Consulates are contacted for person's return matters.</p> <p>3. No.</p> <p>4. N/A</p>


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			<p>5. N/A</p> <p>6. N/A</p>
	EMN NCP Finland	Yes	<p>1. Yes</p> <p>2. Yes</p> <p>3. Yes</p> <p>4. The previous honorary consul to The Gambia issued CLP for removal. Since then there has been a Working Paper signed between The Gambia and the EU, and the practice of CLP has stopped. Finland now has a new honorary consul for The Gambia and we are starting a dialogue to assess, if they can issue CLP's for returnees. In 2022 the honorary consul for Guatemala was authorized to sign the LP issued in the Guatemalan Embassy in Sweden.</p> <p>5. Yes, in the past. Recent experience only with LP issued by the TC Embassy and only signed by the honorary consul.</p> <p>6. CLP is a viable option only when the TC has specifically authorized the honorary consulate to issue CLP and all parties have clear ground rules to which type of cases can be presented to the honorary consulate.</p>
	EMN NCP France	Yes	<p>1. Yes, there are 522 accredited honorary consuls in France. Six countries are represented in France <u>only</u> through an honorary consul :</p> <p>BahamasBHS Paris</p> <p>BarbadosBRB Paris, Fort-de-France</p> <p>Bhutan BTN Paris</p> <p>DominicaDMAPointe-à-Pitre</p> <p>Jamaica JAM Paris, Nice</p>

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			<p>Lesotho LSO Paris</p> <p>2. YES</p> <p>3. YES</p> <p>4. In the past, several ETDs signed by the Honorary Consul of Côte d'Ivoire in Bordeaux have been obtained.</p> <p>5. Yes, for a limited period of time. Subsequently, the Honorary Consulate of Côte d'Ivoire was replaced by an Ordinary Consulate.</p> <p>6. Although the Vienna Convention on Consular Relations does not prohibit an honorary consul from issuing travel documents, countries are generally reluctant to provide for such circumstances in their national regulations. For instance, with regard to France abroad, only the heads of consular posts with a consular district have the capacity to issue or renew passports and issue laissez-passer. However, the documents may be physically delivered by specifically authorized Honorary Consuls. About 500 are.</p> <p>Submitting LPC requests to honorary consuls of third countries can represent a definite advantage in the event that the third country in question is not represented in the MS-SAC. For MS-SACs with remote and ultra-peripheral territories, this possibility could constitute an opportunity when the third country has an Honorary Consulate in the territory concerned (Mauritius in La Reunion).</p> <p>In all cases, however, this practice must be known and approved by the third country of origin. To circumvent the legal obstacles relating to the authorizations of the Honorary Consuls, it can be judiciously resorted to the European travel document (EuTD) to carry out the removal, after the exchanges with the Honorary Consul, and possibly the consultation of his consular hierarchy, have made it possible to recognize the nationality of the foreigner concerned.</p>
	EMN NCP Germany	Yes	<p>1. More than 150 states maintain representations in the Federal Republic of Germany. A detailed list of honorary consulates is available from the Federal Foreign Office.</p> <p>2. See question 4.</p>





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			<p>3. See question 4. 220512_emn_ahq_2022.27_fr_cooperation_with_consular_authorities_of_third_countries_in_readmission_procedures.docx</p> <p>4. Due to the large number of countries of origin, we limited our audit to the 54 most relevant. The audit revealed that of these 54 countries of origin, 29 have honorary consulates. Of these 29 countries of origin with honorary consulates, only two countries of origin have honorary consulates that can issue a passport replacement document. Please see the attached table for further details.</p> <p>5. We are not aware of any problems with the use of the passport replacement documents issued by the Honorary Consulates.</p> <p>6. No objections can be raised so long as it is an official honorary consulate.</p>
	EMN NCP Greece	Yes	<p>1. YES</p> <p>2. NO</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p>
	EMN NCP Hungary	Yes	<p>1. Yes</p> <p>2. Yes</p>



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	EMN NCP Italy	Yes	<p>1. There are no records relating to cooperation with consular authorities of third countries on the subject of readmission. As for the list of diplomatic-consular authorities of countries entitled to issue travel and/or identity documents for their citizens, please refer to the following link: <a href="https://www.esteri.it/it/ministero/rappresentanze-straniere/">https://www.esteri.it/it/ministero/rappresentanze-straniere/</a></p> <p>2. No</p> <p>3. No</p> <p>4. n/a</p> <p>5. n/a</p> <p>6. n/a</p>
	EMN NCP Latvia	Yes	<p>1. Yes, there are 25 honorary consulates in Latvia (data from the website of the Ministry of Foreign Affairs: <a href="https://www.mfa.gov.lv/lv/citu-valstu-parstavniecibas-latvija">https://www.mfa.gov.lv/lv/citu-valstu-parstavniecibas-latvija</a>)</p> <p>2. No. There were cases when third country nationals who wanted to receive temporary travel documents turned to Russian and Belarusian consulates in Daugavpils instead of honorary consulates.</p> <p>3. N/a</p> <p>4. N/a</p> <p>5. N/a</p> <p>6. In Latvia, around a third of the honorary consulates are EU Member States' honorary consulates or countries formally belongs to European family (e.g. Monaco). Other honorary consulates are not countries that pose a risk of irregular migration in Latvia. Nevertheless, Latvia supports the</p>



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			<p>possibility to receive a travel document at an honorary consulate, as it is often necessary to bring a third-country national to another EU Member State where is the embassy of his country of origin/nationality (sometimes requires the presence of a third-country national in order to obtain biometric data).</p> <p>We have concerns about whether honorary consuls will be competent ability to establish the identity/nationality of the third country nationals in case of indirect evidence for the nationality/identity, taking into account the fact that honorary consuls main function is to promote cultural and economic ties.</p>
	EMN NCP Lithuania	Yes	<ol style="list-style-type: none"> <li>1. Yes</li> <li>2. No</li> <li>3. N/a</li> <li>4. N/a</li> <li>5. N/a</li> <li>6. As there were no such cases in practice, we cannot assess the advantages and disadvantages.</li> </ol>
	EMN NCP Luxembourg	Yes	<ol style="list-style-type: none"> <li>1. Yes. The entire list of the honorary consulates in Luxembourg can be found in the following link: <a href="https://maee.gouvernement.lu/dam-assets/missions-diplomatiques/annuaire-representations-consulaires-detats-etrangeurs-au-grand-duche-de-luxembourg.pdf">https://maee.gouvernement.lu/dam-assets/missions-diplomatiques/annuaire-representations-consulaires-detats-etrangeurs-au-grand-duche-de-luxembourg.pdf</a></li> <li>2. No. Honorary consuls are not professional diplomats. The capacity on issuing consular laissez-passer will depend on the list of formalities and administrative documents that they are authorized to carry out or issue by the Ministry of Foreign Affairs of their country. Travel documents and passports as foreseen under article 5 (d) of the Vienna Convention are normally issued by the General consulates.</li> </ol>



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			<p>3. N/A.</p> <p>4. N/A.</p> <p>5. N/A.</p> <p>6. This practice is problematic as it depends on the competencies granted by the country of origin. In principle, most of the honorary consulates do not issue travel documents (only in certain emergency cases they can issue emergency travel documents). Also, in some cases the honorary consuls are not citizens from the country of origin that they represent so they cannot identify the nationals of the country they represent.</p>
	EMN NCP Netherlands	Yes	<p>1. Yes, several</p> <p>2. Yes, on a very limited scale (&lt; five cases in the last five years).</p> <p>3. Yes, but again on a very limited scale</p> <p>4. Sierra Leone (&gt;10 years ago) Recently, 2022, NL obtained a CLP from the honorary consulate Benin.</p> <p>5. Yes, in the case of the CLP obtained from the honorary consulate Benin in 2022, the person in question successfully returned.</p> <p>6. NL prefers to contact Embassies and/or Consulates instead of honorary consulates. In most cases the honorary consulate does not have the mandate to issue CLP's. There were cases in which the honorary consulate issued a CLP and the person in question wasn't accepted on arrival in the country of origin.</p>
	EMN NCP Poland	Yes	<p>1. Yes.</p>



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			<p>2. No.</p> <p>3. n/a</p> <p>4. n/a</p> <p>5. n/a</p> <p>6. Poland has no experience in this field.</p>
	EMN NCP Slovakia	Yes	<p>1. Yes. Please refer to the relevant table from AHQ 2022.28.</p> <p>2. The Police Detention Facility for Foreigners Medved'ov (Slovakia) requests the issuance of emergency travel documents for detained third-country nationals embassies that are accredited for the Slovak Republic. The detention facility has approached the Honorary Consulate in only one case in the past, namely the Honorary Consulate of the Republic of Kazakhstan based in Bratislava for the purpose of issuing an emergency travel document. Although the request for an ETD was accepted, the document itself was not issued by the Honorary Consulate of the Republic of Kazakhstan.</p> <p>3. See response to question 2.</p> <p>4. See response to question 2.</p> <p>5. See response to question 2.</p> <p>6. NA</p>
	EMN NCP Slovenia	Yes	<p>1. There are currently 39 honorary consuls of third countries in Republic of Slovenia, based on list of Consular posts available on <a href="#">official website of Ministry of Foreign Affairs</a>.</p>

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			<p>2. Yes</p> <p>3. Yes,in one case</p> <p>4. We obtained CLP from honorary consulate of Guinea-Bissau.</p> <p>5. yes</p> <p>6. The mentioned approach should be encouraged, promoted, however honorary consulates have limited competences, and therefore usually need consensus from competent authority in third country in order to issue CLPs. In Slovenia, we have experience with Pakistan honorary consul, that couldn't issue any document or speed up the procedure in Pakistan Embassy, located in Rome.</p>
	EMN NCP Spain	Yes	<p>1. Yes</p> <p>2. Yes</p> <p>3. Yes</p> <p>4. Liberia</p> <p>5. Removal was finally not possible for other reasons (violent attitude)</p> <p>6. They should be encouraged</p>
	EMN NCP	Yes	<p>1. Yes the Honorary Consulate of the Gambia.</p>

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	Sweden		<p>2. The Honorary Consulate of Gambia issues Consular laissez-passers upon request from the Swedish Migration Agency. There is however relatively few returnees from Sweden to Gambia.</p> <p>3. Yes the Honorary Consulate of Gambia issues Consular laissez-passers upon request from the Swedish Migration Agency.</p> <p>4. The Honorary Consulate of Gambia.</p> <p>5. The Swedish Migration Agency considers the readmission procedure to work very well as the returnee can return unescorted with the Consular laissez-passers. Please note that the Swedish Migration only manages voluntary returns.</p> <p>6. The Swedish Migration Agency has not identified any specific risks in the readmission procedure with the Honorary Consulate of Gambia. The identity of the returnee is however not further checked by the Honorary Consulate. The Consular laissez-passers is issued based on a national identity document of the returnee.</p>
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