Panel Meeting on Return, Readmission and Reintegration

21-22 June 2017
Yerevan, Armenia
ARmenia

1. Please describe how your national legislation regulates forced return of migrants.

According to the Article 31 of the Law of the Republic of Armenia on Foreigners, if, in cases provided by the law a foreign citizen hasn’t left the territory of the Republic of Armenia voluntarily, Police initiates a case on expulsion and appeals to the court.

The article 32 of the same law defines the circumstances banning the expulsion of foreign citizens, in particular:

- It is prohibited to expel foreigners to a State where human rights are being violated, particularly, if he or she is threatened with persecution on the grounds of racial, religious affiliation, social origin, citizenship, or political convictions, or if the foreigners concerned might be subjected to torture or cruel, inhuman or degrading treatment or punishment, or to death penalty. Evidence on the threat of persecution or on the real danger of torture or cruel, inhuman or degrading treatment or of death penalty shall be furnished to the court by the foreigner concerned.

- It is prohibited to expel a foreigner residing in the Republic of Armenia, if he or she is a minor, and his or her parents legally reside in the Republic of Armenia, or has a minor under his or her care, or is above 80 years of age. Collective expulsion of foreigners is prohibited.

As a result of examination of a case on expulsion, the court is taking a decision on expelling or refusing to expel the foreigner. A court decision on expulsion shall include the day, route of expulsion of the foreigner, state border crossing point, coverage of expulsion expenses, his or her place of residence prior to leaving the territory of the Republic of Armenia, obligation to regularly appear before the relevant subdivision of the Police, as well as the ban on leaving the place of residence without permission, keeping under arrest or releasing prior to expulsion when arrested in cases provided for in Chapter 6 of this Law. A court decision on refusal of expulsion shall include the responsibility of the Police to grant temporary residence status.

A decision on expulsion may be appealed against by a foreigner as prescribed by law. In case of appealing against a decision on expulsion, the foreigner’s expulsion from the Republic of Armenia can be suspended. A notation on the decision on expulsion shall be made in the foreigner’s passport.

The decision of expulsion is executed by the Police.

The diplomatic representation or consular office of the State of origin of an expelled foreigner or the diplomatic representation of another State representing the interests of the State concerned shall be informed of the expulsion within a term of three days.

Expulsion expenses shall be borne by the State Budget of the Republic of Armenia, in case they are not covered by the foreigner.
2. In case if your legislation provides for the possibility of detention for the purpose of identification and removal what are the conditions and time limits of such detention? What facilities are established/used for the purpose of migrants’ detention? Are there any alternative options for detention particularly for vulnerable groups – women, children etc?

| A foreigner may be arrested and detained in special facilities as prescribed by Law, if there are sufficient grounds to suspect that he or she will abscond till the case on expulsion is examined in the court or till the execution of the decision on expulsion which has taken legal effect. Within 48 hours after arresting and placing a foreigner in a special facility Police can apply to court for obtaining a decision on the permission to detain the foreigner for up to 90 days. Police shall, no later than within 24 hours, inform of the arrest to the diplomatic representation or consular office of the State of origin of the arrested foreigner or to the diplomatic representation of another State representing the interests of the State concerned, and/or to the foreigner’s close relatives in the Republic of Armenia. An arrested foreigner may be detained in a special facility till the decision of the court rendered as a result of the examination of the case on expulsion takes legal effect, but for **no longer than 90 days**. |

3. If your legislation establishes that an entry ban should accompany a return and/or removal decision, what are the conditions and lengths of entry bans applicable in your country? Please provide the statistics on entry bans issued during 2015 and 2016 (please indicate how many entry bans were issued for nationals of the EaP countries).

| The issuance (extension of the term) of an entry visa to a foreigner can be refused, the issued entry visa can be revoked, or the entry into the Republic of Armenia can be banned, if he or she has been expelled from the territory of the Republic of Armenia or has been deprived of residence status, and three years have not elapsed upon the entry into force of the decision on expulsion or deprivation of residence status; he or she has been subjected to administrative liability for violating Law on Foreigners and has not fulfilled the responsibility imposed on him or her by the administrative act. At the same time, the entry ban can be revoked, if the person fulfilled its obligations and paid the administrative fines. In 2015 **64** citizens of Eastern partnership countries have been denied the entry to Armenia on the ground of non-fulfilment of obligations foreseen by the administrative act. In 2016 **91** citizens were denied on the same ground. |

4. Please provide the information on existing bilateral/multilateral international agreements on readmission as well as their implementing protocols concluded by your country (including the agreements being in the process of negotiations). What challenges are related to negotiation process?

| Armenia expressed its readiness to conclude readmission agreements as one of the effective tools in order to combat irregular migration, and since 2003 it has been actively involved in the process. Up to now, the Government of the Republic of Armenia has signed **11** agreements with **13** countries, 12 of which are European states and the Russian Federation (agreements are available at the following website: [http://smsnta.am/?menu_id=15](http://smsnta.am/?menu_id=15)). Agreement between the Armenia and the EU on the Readmission of persons residing without authorization (signed on 19 April 2013, entered into force on 1 January 2014). Under the EU-Armenia Readmission Agreement, bilateral implementing protocols are in phase of negotiations with Estonia, Lithuania, Latvia, Poland, Sweden and Benelux countries. “Protocol on the implementation of the agreement between Armenia and the EU on readmission of persons residing without authorization between the Government of the Republic of Armenia and the Government of the Republic of France” was signed on 27 October 2016. At the moment the draft “Agreement between the Government of the Republic of Armenia and the Government of the Republic of Moldova on the readmission of persons residing without authorization” and its Implementation Protocol are ready for signing. Some technical legal issues remain concerning the similar agreements with Georgia and Ukraine. |
5. Please describe briefly the procedure of readmission applicable in your country and, if possible, indicate the challenges related to application of this procedure. Please provide available statistics on persons transferred/accepted under the readmission agreements in force (own nationals, third country nationals, stateless persons) during 2015 and 2016.

The following Governmental institutions are responsible for the implementation of the readmission agreements in the Republic of Armenia: The State Migration Service (SMS) of the Ministry of Territorial Administration of Armenia is the main body responsible for the implementation of readmission agreements. The SMS drafts texts of readmission agreements, and redacts conclusions and comments. The SMS receives requests regarding readmission of the citizens of the Republic of Armenia, foreigners residing without authorization on the territory of the requesting country, as well as transit applications for citizens of third countries via the territory of the Republic of Armenia. After receiving these applications/requests, they are sent to the Armenian Police; in case of need, the SMS sends the application to the National Security Service and the Ministry of Foreign Affairs. Based on the reactions, received from the relevant bodies, the SMS prepares the responses to the applications and sends them to the applicants. The Police of Armenia confirms the applicant’s citizenship of the Republic of Armenia. The Ministry of Foreign Affairs of Armenia (Consular Department) provides return certificates (Laissez-Passer), and deals with readmission issues when cases are related to verification of the citizenship and identity of the persons through conducting face-to-face interviews.

6. Does your legislation provide for an option of the voluntary return? Is there any provision granting preference to voluntary return over the forced one? Please describe briefly current policy, legislation in force related to voluntary return and reintegration of migrants.

The law on Foreigners foresees voluntarily return in cases when the stay is irregular based on provisions of the law. Person receives a written notification where the date for voluntarily return is indicated. In case the person doesn’t leave the country voluntarily a case on expulsion is being initiated and submitted to court. In case of voluntarily return there are no limitations on future entries to Armenia.

7. Please provide the examples of best practices of assisted voluntary return and reintegration, including international cooperation programmes/projects implemented jointly with EU, EU Member States, EaP countries as well as with international organizations. What measures, in particular, are taken for economic reintegration of returning migrants?

Armenian government attaches serious importance to reintegration of returning migrants. One of the essential elements in this regard is the close cooperation with civil society.

Although the Readmission Agreement does not stipulate specific obligations with respect to returning/returned citizens, the Government of Armenia endorsed the procedure of maintaining the www.tundarc.am online information portal under Priority Area 8 (“Return of Armenian Citizens from Foreign States and Support to Their Subsequent Reintegration in Homeland”) of the “2012-2016 Action Plan for Implementation of the State Policy of Migration Regulation of the Republic of Armenia” approved by the Republic of Armenia Government Decree 1593-N dated November 2011. Through this portal, persons wishing to return to Armenia s (including dual citizens) can make inquiries to the state authorities and get replies through the video link. This system provides useful information on the return and reintegration, programs implemented in this area, as well as channels of electronic communication with the state authorities.

On 27 October 2016, the “Agreement between the Government of the Republic of Armenia and the Government of the Republic of France on the partnership on migration” was signed. The agreement aims to promote cooperation and partnership between Armenia and France in field of migration. The Agreement sets out:

- Mobility procedures for students, young specialists and professional staff;
- Issues regarding to socio-economical reintegration;
- Cooperation in field of combating irregular immigration.
The Agreement covers all parts of migration cycle: mobility liberalization, return facilitation and joint actions in struggling against irregular migration. Such Agreements are effective tools for regulating migration flows and we are expecting such cooperation with other EU member states.

The first program implemented in the framework of the Joint Declaration on Mobility Partnership between the Armenia, EU and seven EU member states (France, Belgium, Bulgaria, Czech Republic, Germany, the Netherlands and Sweden) has been dedicated to Strengthening Armenia’s Migration Management Capacities, with Special Focus on Reintegration Activities. with a three million EUR budget and designed for the period of three years. The French Office for Immigration and Integration manages the implementation of the program since October 2012.

One of the main achievements of the program was establishment of the Reintegration Consulting Centre under the State Migration Service of the Ministry of Territorial Administration and Emergency Situations. For returnees the Centre works as “one window” service, where they can learn about reintegration opportunities and, depending on the individual situation, are then redirected to the relevant governmental services.

The Centre works in close cooperation with government agencies and civil society organizations that provide assistance in reintegration. Reintegration Forum has been established with participation of NGOs working on return and reintegration programs and governmental and international organizations (11 organizations in total), aimed at better coordination of reintegration issues.

On January 31, 2017, the “Reintegration policy for Armenian returning migrants” project was launched. The EU through the Mobility Partnership Facility (MPF) finances the project. This is the third large project, implemented in cooperation with the French Office for Immigration and Integration (OFII). The project will last 10 months.

Project “Migration and Development III” is implemented by the “Armenian Caritas” benevolent NGO. Partners are Lichtenstein Government and Caritas Austria. Duration of the project is 01.03.2016- 28.02.2019. The overall objective of the project is to promote links between migration and development in the Armenian context by contributing to the establishment of sustainable reintegration measures for returnees to Armenia and to prevent irregular migration wave from communities having high rate migration waves and risks.

Number of other NGOs such as People in Need, French-Armenian Development Foundation and EU member states such as the Netherlands, France had their own projects on reintegration, which were implemented in cooperation with the Armenian Government.

More about the reintegration projects are available at: [http://tundarc.am/wp/?cat=28](http://tundarc.am/wp/?cat=28)

The EU Delegation in Armenia, too, is implementing a number of projects aimed at the reintegration of returnees. Under one such migration project, employment and income-earning opportunities were created for around 400 Armenians in the Lori Region of Armenia. Individual grants were provided, and training courses organized on beekeeping, vegetable and meat production, family business etc.

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**AZERBAIJAN**

1. **Please describe how your national legislation regulates forced return of migrants.**

According to Art. 78 of the Migration Code of Azerbaijan, foreigners and stateless persons may be expelled from Azerbaijan in the following cases:

1) if sentenced to compulsory expulsion from the territory of Azerbaijan for a crime committed; 2) in the course of enforcement of administrative sanctions of compulsory expulsion from the territory of Azerbaijan for an administrative offence committed; 3) in the case of decisions to expel foreigners and stateless persons from the territory of Azerbaijan according to Art. 79 of the Migration Code.
Sanctions of compulsory expulsion from the territory of Azerbaijan of foreigners and stateless persons, who were sentenced for committing crimes, are applied in cases stipulated by the Criminal Code of the Republic of Azerbaijan and are enforced according to the procedures as stipulated by the Code of Azerbaijan on Enforcement of Sentences. Other issues of relevance to procedures of expulsion of the above persons from the territory of Azerbaijan are regulated by the Migration Code.

According to Art. 52 of the Criminal Code of Azerbaijan, sanctions of compulsory expulsion from the territory of Azerbaijan shall be applied to foreigners and stateless persons who were sentenced to more than one year of imprisonment and shall be enforced after serving the primary penalty. In the case of foreigners or stateless persons who were sentenced to less than one year of imprisonment, or to non-custodial penalties, sanctions of compulsory expulsion from the territory of Azerbaijan may be applied accounting for the circumstances listed in Art.58.3 of the Criminal Code.

In the case of persons who were compulsory expelled from the territory of Azerbaijan, their rights of entry to Azerbaijan shall be suspended until cancellation of their criminal records.

Compulsory expulsion from the territory of Azerbaijan shall not be applied to persons, who: 1) resided at the territory of Azerbaijan for five years by the date of entry of a judgement into legal force; 2) were married to citizens of Azerbaijan by the date of entry of a judgement into legal force; 3) were born in Azerbaijan; 4) have a citizen of Azerbaijan as one of his/her parents; 5) have refugee status or were granted political asylum in Azerbaijan; 6) have such dependent citizens of Azerbaijan as - a minor child, a legally incompetent person or a disabled person of 1st disability grade; 7) are reasonably assumed to become tortured or prosecuted in countries of return after their expulsion, or persons whose compulsory expulsion contradicts to the national security interests.

Foreigners and stateless persons who committed administrative offences shall be expelled from the territory of Azerbaijan in such cases and according to such procedures as stipulated in the Code of Azerbaijan on Administrative Offences. Other issues of relevance to procedures of expulsion of the above persons from the territory of Azerbaijan are regulated by the Migration Code of Azerbaijan. Decisions on expulsion are made and enforced according to procedures stipulated by the Migration Code of Azerbaijan.

<table>
<thead>
<tr>
<th>2. In case if your legislation provides for the possibility of detention for the purpose of identification and removal what are the conditions and time limits of such detention? What facilities are established/used for the purpose of migrants’ detention? Are there any alternative options for detention particularly for vulnerable groups – women, children etc?</th>
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</thead>
</table>
| According to Art. 80 of the Migration Code of Azerbaijan, if foreigners and stateless persons evade return from the territory of Azerbaijan, or if there are reasonable ground to suspect their evasion, based on a court ruling on request of a relevant executive authority, they may be detained in centres for accommodation of irregular migrants of the State Migration Service (following procedures and for periods of time as stipulated by the Migration Code).

Foreigners and stateless persons to be expelled from the territory of the country under international agreements of Azerbaijan on readmission of illegally residing persons, based on a court ruling on request of a relevant executive authority, may be detained in centres for accommodation of irregular migrants of the State Migration Service (following procedures and for periods of time as stipulated by the Migration Code).

According to Art. 80 of the Migration Code, foreigners and stateless persons shall be compulsory accommodated in these centres in the following cases and for the following periods of time:
1) in the case of an administrative detention decision issued by a competent executive authority - up to 24 hours;
2) in the case of a court ruling on administrative detention - up to 3 days; |
3) in the case of a relevant court ruling in cases stipulated by relevant provisions of the Migration Code - for the period of time as specified in the ruling, but the period of detention cannot exceed 6 months.

Two accommodation centres of the State Migration Service operate for these purposes (in Baku and Evlakh).

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<tr>
<th>3. If your legislation establishes that an entry ban should accompany a return and/or removal decision, what are the conditions and lengths of entry bans applicable in your country? Please provide the statistics on entry bans issued during 2015 and 2016 (please indicate how many entry bans were issued for nationals of the EaP countries).</th>
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</thead>
</table>
| According to Art. 16 of the Migration Code of Azerbaijan, entry of foreigners and stateless persons to Azerbaijan is prohibited in the following cases: 1) if required by interests of national security or public order, or protection of rights and legitimate interests of citizens of Azerbaijan and other persons; 2) if there is information that the relevant person has committed a crime against peace and humanity, is found guilty in terrorism, war crimes, financing of terrorism, or is a member of a trans-national organised criminal group; 3) if the relevant person was sentenced for crimes committed against interests of Azerbaijan or against citizens of Azerbaijan - until cancellation of criminal records according to legislatively set procedures; 4) if the person was earlier expelled from the territory of Azerbaijan - until expiration of the entry ban imposed; 5) if the person is a subject of a decision on undesirable stay in Azerbaijan; 6) if the person, in the course of his/her previous stay in Azerbaijan failed to comply with declared purposes of entry to Azerbaijan; 7) if the person submitted false information on him/herself or purposes of his/her visit to Azerbaijan in his/her application for entry to the country; 8) if the person, in the course of three previous years, was held administratively liable for non-compliance with the due migration legislation twice or more times. 

In cases stipulated by above points 6 to 8, bans for entry of foreigners and stateless persons to Azerbaijan are imposed for up to 5 years.

According to Art. 29.3 of the Code of Azerbaijan on Administrative Offences, rights of foreigners and stateless persons for entry to Azerbaijan are restricted for 1 to 5 years if these persons were earlier expelled from Azerbaijan administratively.

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<tr>
<th>4. Please provide the information on existing bilateral/multilateral international agreements on readmission as well as their implementing protocols concluded by your country (including the agreements being in the process of negotiations). What challenges are related to negotiation process?</th>
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</table>
| Now, Azerbaijan has 4 readmission agreements with the European Union, Norway, Switzerland and Montenegro.

On February 28, 2014, in Brussels, the Agreement between the Republic of Azerbaijan and the European Union on Readmission of Persons Residing without Authorisation was signed. The agreement was enacted on September 1, 2014. On December 3, 2014, in Baku, the Agreement between the Republic of Azerbaijan and the Kingdom of Norway on Readmission of Persons Residing without Authorisation was signed. The agreement is in force since June 1, 2015. On October 10, 2016, in Bern, the Agreement between the Government of the Republic of Azerbaijan and the Federal Council of the Swiss Confederation on Readmission of Persons Residing without Authorisation was signed (in force since April 1, 2017). The Agreement between the Government of the Republic of Azerbaijan and the Government of the Republic of Montenegro on Readmission of Persons Residing without Authorisation was signed in Podgorica on April 27, 2017, but it has not been ratified yet. The agreement with EU is multilateral, while the other ones are bilateral.

Besides that, negotiations are under way on draft readmission agreements between Azerbaijan and the Russian Federation and the Republic of Moldova, draft readmission agreements between Azerbaijan and the Islamic Republic of Pakistan, the Republic of Turkey and Ukraine are being considered.

In addition, negotiations are under way on draft implementation protocols to the Agreement between the Republic of Azerbaijan and the European Union on Readmission of Persons Residing without Authorisation between Azerbaijan and Benelux countries (Belgium, Luxembourg and the Netherlands), and Germany. Counterpart parties review draft implementation protocols with governments of Estonia, Latvia and Sweden. |
In the course of implementation of the readmission agreements signed by Azerbaijan, some difficulties were encountered in connection with personal identification and identification of citizenship of persons from areas of the Mountainous Karabagh region and adjacent districts. The difficulties are primarily associated with destruction of archive facilities at the mentioned territories and limited access to them.

5. Please describe briefly the procedure of readmission applicable in your country and, if possible, indicate the challenges related to application of this procedure. Please provide available statistics on persons transferred/accepted under the readmission agreements in force (own nationals, third country nationals, stateless persons) during 2015 and 2016.

Readmission requests are mainly submitted in electronic format. After registration of a request, if required information in the request is submitted fully as stipulated by the Agreement, a confirmation e-mail message should be sent to the requesting authority, confirming reception of the request. Then, the State Migration Service examines citizenship of persons referred to in the request. If the person, specified in the request is a citizen of Azerbaijan (i.e. if the response is positive), a request is submitted to the Ministry of Foreign Affairs of Azerbaijan, asking for issuance of a laissez-passer to the person under the readmission request. At the same time, a letter on positive response to the readmission request is drafted, scanned and sent to the requesting party. In parallel, a scanned copy of the document is also sent in electronic format to a diplomatic mission or a consulate of Azerbaijan at the territory of the requesting country. If the person in the request is not identified as a citizen of Azerbaijan, a letter on negative response to the readmission request is drafted, scanned and sent to the requesting party in electronic format.

After reception of an electronic notification on return of the person specified in the readmission request with a positive response, arrangements should be made for reception of the person and the State Border Guard Service should be notified on the matter by e-mail.

The person, transferred under readmission arrangements should be met by officials of the State Migration Service, who interview him/her according to established procedures. Based on findings of the interview, measures should be taken to provide support for efficient and sustainable socio-economic reintegration of persons in need.

In 2015, the State Migration Service of Azerbaijan received 355 requests on 521 persons, from all these requests, positive responses were provided to 186 requests on 288 persons, while negative responses were provided to 169 requests on 233 persons. 73 persons were transferred under readmission arrangements.

In 2016, 246 requests on 519 persons were submitted in addition to outstanding requests of 2015. From all these requests, positive responses were provided to 133 requests on 371 persons, while negative requests were provided to 108 requests on 251 persons. 120 persons were transferred under readmission arrangements.

6. Does your legislation provide for an option of the voluntary return? Is there any provision granting preference to voluntary return over the forced one? Please describe briefly current policy, legislation in force related to voluntary return and reintegration of migrants.

According to Art. 2 of the Agreement between the Republic of Azerbaijan and the European Union on Readmission of Persons Residing without Authorisation and the Agreement between the Republic of Azerbaijan and the Kingdom of Norway on Readmission of Persons Residing without Authorisation, a requesting state, in the absence of any reasons that could create obstacles for transfer of a person to a requested state, should prioritise voluntary return over forced return.

According to Art. 79.5 of the Migration Code of Azerbaijan, from the moment of issuance of decisions on expulsion to foreigners and stateless persons, these persons are obliged to leave the country in the following terms: 1) persons who were exonerated, persons whose visas (or decisions on extension of terms of temporary stay) were annulled, persons subject to decisions on undesirable stay at the territory of Azerbaijan - within 48 hours; 2) persons whose permits for temporary or permanent residence were annulled, as well as persons whole applications for refugee status were rejected - within 10 days.
7. Please provide the examples of best practices of assisted voluntary return and reintegration, including international cooperation programmes/projects implemented jointly with EU, EU Member States, EaP countries as well as with international organizations. What measures, in particular, are taken for economic reintegration of returning migrants?

| The State Migration Service pays particular attention to cooperation with international organisations for study of international experience in the sphere of readmission and application of relevant best practices in our country. In this sphere, close cooperation is maintained with the Mission of the International Organisation for Migration (IOM) in Azerbaijan. In the framework of IOM project - Support for Establishment of Efficient Readmission Management in the Southern Caucasus - 2 families (including 6 persons in total), who were readmitted in March 2015, were provided non-recurrent material assistance to support their social reintegration. |

Besides that, on December 8, 2016, in Geneva, the State Migration Service of Azerbaijan and the International Organisation for Migration signed the Agreement on Cooperation for Implementation of the Pilot Project to Facilitate Voluntary Return of Migrants from Azerbaijan. The Agreement was approved by Decree of the President of Azerbaijan of February 23, 2017 and was enacted on March 2, 2017. The key objective of the pilot project is associated with provision of favourable conditions for successful return of persons and vulnerable groups of migrants who want to return to their countries of origin and whose asylum applications were rejected. The project covers the period of 12 months. As an additional return mechanism in possession of the state in the sphere of migration policy, the project will apply the assisted voluntary return mechanism (AVR), allowing to enhance capacity of relevant governmental and non-governmental institutions. |

Besides that, in the sphere of reintegration, the State Migration Service cooperates with other international organisations, such as the International Centre for Migration Policy Development. 5th component ("Return and Reintegration") of project Support for Implementation of the Mobility Partnership with Azerbaijan (MOBILAZE), that is implemented with support of the latter international organisation seeks to establish mechanisms for ensuring efficient and sustainable social reintegration of persons returned under readmission arrangements. |

In order to identify national focal points in the country in charge of development of framework reintegration mechanisms, competent governmental authorities appointed coordinators and established the Reintegration Working Group.

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**CZECH REPUBLIC**

1. Please describe how your national legislation regulates forced return of migrants.

| Forced return is the responsibility of the Police of the Czech Republic. Such kind of returns is related only to 2 groups of foreigners. First of them are those who were granted by administrative expulsion together with decision on detention. The second group is represented by foreigners who were sentenced to expulsion penalty for committed criminal offence in the territory of the Czech Republic. |

As regards the topic of this questionnaire only the first group of foreigners is relevant. Within the process of implementation of the expulsion the Police of the Czech Republic is responsible for all steps leading to expulsion; including communication with responsible bodies of the respective third country for the purpose of identity verification and issuance of the Laissez Passer, booking of flight tickets and escort of the foreigner to the country of origin. |

Procedures of the relevant administrative decisions on expulsion and detention are regulated by the Act No. 326/1999 Coll. As regards practical steps carried out by the Police of the Czech Republic within the process of implementation of the return are regulated by Acts No. 326/1999 Coll. and 273/2008 Coll. |

| The detention is possible to apply in the Czech Republic in accordance with valid legal framework, especially Act No. 326/1999 Coll. which is focused on rules and conditions of foreigners’ stay in the territory of the Czech Republic. Decision on detention of irregularly stayed foreigner is possible to issue when the respective foreigner obstructing the enforcement previous decision on administrative expulsion or in case when there |
what are the conditions and time limits of such detention? What facilities are established/used for the purpose of migrants’ detention? Are there any alternative options for detention particularly for vulnerable groups – women, children etc?

are serious reasons, at the side of the competent administrative body (Police of the Czech Republic), to believe that the respective foreigner is going to do so. Detention is also applied in cases when foreigner has used false or modified documents.

As regards the time limits of detention, general time limit is 6 month. In case the detainee obstructing its return, there is possibility to extend time limit of the detention up to 18 months. Such time limits are in accordance with the Return Directive as well as its transposition into the Czech legal framework – Act No. 326/1999 Coll.

Shorter time limits are applied in case of families with minors. In such cases the time limit of detention is 90 days.

Due to the new phenomenon experienced during the unexpected migration wave in summer 2015 when much higher numbers of families with minors were coming irregularly to the Czech Republic 2 new detention centers were opened while the existing one with the overall capacity 240 was earmarked solely for families with minor kids and other vulnerable groups. Subsequently internal and external equipment of the center were adapted according to the special needs of these particular groups of foreigners.

Currently the Czech Republic has 3 detention centers. Two of them are for man and one is intended for woman and families with minors.

The number of detainees in 2015 reached 3.121 persons and in 2016 the number of detainees decreased to 606 persons.

3. If your legislation establishes that an entry ban should accompany a return and/or removal decision, what are the conditions and lengths of entry bans applicable in your country? Please provide the statistics on entry bans issued during 2015 and 2016 (please indicate how many entry bans were issued for nationals of the EaP countries).

Decision on the entry ban is part of decision on the administrative expulsion. There are 3 categories of the possible lengths of entry bans depending on severity of the violation of the law committed by the respective foreigner – up to 3 years, up to 5 years and up to 10 years.

The valid relevant legislative framework in form of the Act No. 326/1999 Coll. presumed options of subsequent shorten of the length of the issued entry ban. Upon arrival to the country of origin the respective expelled foreigner has possibility to apply for shorten of the length of entry ban.

Statistics of entry bans issued in 2015 and 2016:

<table>
<thead>
<tr>
<th>Period of the year</th>
<th>1.1.-31.12. 2015</th>
<th>i.e. %</th>
<th>1.1.-31.12. 2016</th>
<th>i.e.%</th>
<th>Change compared to the previous period</th>
<th>v [%]</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of foreigners who were granted by administrative expulsion and entry ban</td>
<td>3 009</td>
<td>100,0</td>
<td>3 539</td>
<td>100,0</td>
<td>17,6</td>
<td>530</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>3 009</td>
<td>100,0</td>
<td>3 539</td>
<td>100,0</td>
<td>17,6</td>
<td>530</td>
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<tr>
<td>TOP 10 of nationalities</td>
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<tr>
<td>Ukraine</td>
<td>1 243</td>
<td>41,3</td>
<td>2 045</td>
<td>57,8</td>
<td>64,5</td>
<td>802</td>
<td></td>
</tr>
<tr>
<td>Moldova</td>
<td>85</td>
<td>2,8</td>
<td>295</td>
<td>8,3</td>
<td>247,1</td>
<td>210</td>
<td></td>
</tr>
<tr>
<td>Kuwait</td>
<td>115</td>
<td>3,8</td>
<td>199</td>
<td>5,6</td>
<td>73,0</td>
<td>84</td>
<td></td>
</tr>
<tr>
<td>Vietnam</td>
<td>135</td>
<td>4,5</td>
<td>117</td>
<td>3,3</td>
<td>-13,3</td>
<td>-18</td>
<td></td>
</tr>
<tr>
<td>Russian Federation</td>
<td>114</td>
<td>3,8</td>
<td>116</td>
<td>3,3</td>
<td>1,8</td>
<td>2</td>
<td></td>
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<tr>
<td>Saudi Arabia</td>
<td>98</td>
<td>3,3</td>
<td>88</td>
<td>2,5</td>
<td>-10,2</td>
<td>-10</td>
<td></td>
</tr>
<tr>
<td>Uzbekistan</td>
<td>48</td>
<td>1,6</td>
<td>75</td>
<td>2,1</td>
<td>56,3</td>
<td>27</td>
<td></td>
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</tbody>
</table>
4. Please provide the information on existing bilateral/multilateral international agreements on readmission as well as their implementing protocols concluded by your country (including the agreements being in the process of negotiations). What challenges are related to negotiation process?

The Czech Republic has concluded 16 bilateral readmission agreements. On multilateral level the Czech Republic could use 17 readmission agreements concluded between respective third country and the EU.

<table>
<thead>
<tr>
<th>Bilateral readmission agreements</th>
<th>Readmission agreements concluded at the EU level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Armenia</td>
<td>Armenia</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>Albania</td>
</tr>
<tr>
<td>Croatia</td>
<td>Azerbaijan</td>
</tr>
<tr>
<td>Canada</td>
<td>Bosnia and Herzegovina</td>
</tr>
<tr>
<td>Kosovo</td>
<td>Montenegro</td>
</tr>
<tr>
<td>Hungary</td>
<td>Georgia</td>
</tr>
<tr>
<td>Moldova</td>
<td>Moldova</td>
</tr>
<tr>
<td>Germany</td>
<td>Hong-Kong</td>
</tr>
<tr>
<td>Poland</td>
<td>Cape Verde</td>
</tr>
<tr>
<td>Austria</td>
<td>Macao</td>
</tr>
<tr>
<td>Romania</td>
<td>Macedonia</td>
</tr>
<tr>
<td>Slovakia</td>
<td>Pakistan</td>
</tr>
<tr>
<td>Slovenia</td>
<td>Russian Federation</td>
</tr>
<tr>
<td>Switzerland</td>
<td>Serbia</td>
</tr>
<tr>
<td>Vietnam</td>
<td>Sri Lanka</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>Turkey</td>
</tr>
<tr>
<td></td>
<td>Ukraine</td>
</tr>
</tbody>
</table>

The main challenge we could currently see in the negotiation on acceptance of the new “European Laissez-Passer for returns” by third countries, as regards new negotiation process or amendments of agreements which have already been in force.
5. Please describe briefly the procedure of readmission applicable in your country and, if possible, indicate the challenges related to application of this procedure. Please provide available statistics on persons transferred/accepted under the readmission agreements in force (own nationals, third country nationals, stateless persons) during 2015 and 2016.

As the main challenges in readmission we could currently identify the cooperation of Vietnam and Pakistan. Nevertheless the cooperation of Pakistan has recently improved.

Statistics regarding readmission cooperation with non-neighboring countries:
During 2015 the Czech authorities used readmission agreements with Vietnam, Russian Federation, Armenia, Kosovo and Bulgaria. During 2016 readmission agreements with Vietnam, Russian Federation, Albania and Romania were used.

<table>
<thead>
<tr>
<th>Country of origin</th>
<th>2015</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vietnam</td>
<td>27</td>
<td>14</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Armenia</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Kosovo</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Albania</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Romania</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

The Czech Republic cooperates more intensively with neighboring countries like Germany, Austria, Poland and Slovakia. We can expose the brief statistic data on such cooperation during 2015 and 2016:

<table>
<thead>
<tr>
<th>Period of the year</th>
<th>1.1.-31.12. 2015</th>
<th>1.1.-31.12. 2016</th>
<th>Change compared to the previous period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Readmitted persons to neighboring countries</td>
<td>i.e. %</td>
<td>i.e. %</td>
<td>v [ %]</td>
</tr>
<tr>
<td>Readmitted persons to Austria</td>
<td>1 078</td>
<td>77,2</td>
<td>55</td>
</tr>
<tr>
<td>Readmitted persons to Poland</td>
<td>8</td>
<td>0,6</td>
<td>17</td>
</tr>
<tr>
<td>Readmitted persons to Germany</td>
<td>52</td>
<td>3,7</td>
<td>69</td>
</tr>
<tr>
<td>Readmitted persons to Slovakia</td>
<td>258</td>
<td>18,5</td>
<td>10</td>
</tr>
</tbody>
</table>
Readmission cooperation with neighboring countries in 2015 and 2016 – readmitted persons from neighboring countries to the Czech Republic

<table>
<thead>
<tr>
<th>Period of the year</th>
<th>1.1.-31.12. 2015</th>
<th>i.e. %</th>
<th>1.1.-31.12. 2016</th>
<th>i.e. %</th>
<th>Change compared to the previous period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of persons accepted by the Czech Republic from neighboring countries</td>
<td>260</td>
<td>100,0</td>
<td>230</td>
<td>100,0</td>
<td>-11,5</td>
</tr>
<tr>
<td>Persons readmitted from Austria</td>
<td>2</td>
<td>0,8</td>
<td>1</td>
<td>0,4</td>
<td>-50,0</td>
</tr>
<tr>
<td>Persons readmitted from Poland</td>
<td>52</td>
<td>20,0</td>
<td>15</td>
<td>6,5</td>
<td>-71,2</td>
</tr>
<tr>
<td>Persons readmitted from Germany</td>
<td>198</td>
<td>76,2</td>
<td>214</td>
<td>93,0</td>
<td>8,1</td>
</tr>
<tr>
<td>Persons readmitted from Slovakia</td>
<td>8</td>
<td>3,1</td>
<td>0</td>
<td>0,0</td>
<td>-100,0</td>
</tr>
</tbody>
</table>

6. Does your legislation provide for an option of the voluntary return? Is there any provision granting preference to voluntary return over the forced one? Please describe briefly current policy, legislation in force related to voluntary return and reintegration of migrants.

Option of the voluntary return of expelled foreigners is presumed in Section 123a of the Act No. 326/1999 Coll., which gives possibility to apply for voluntary returns no matter whether the respective foreigner is detained or not.

Ministry of the Interior of the Czech Republic has been responsible body for implementation of voluntary returns of detainees from the beginning of 2017 (in the past years the assisted voluntary returns of detainees were implemented only by International Organization for Migration (IOM)).

As regards those who have not been detained the assistance with the return is provided by the Ministry of the Interior as well as by the IOM. The conditions of the voluntary returns are almost the same, no matter by which responsible subject such voluntary returns is implemented.

Currently we would like to make target group of voluntary returns wider, including those with cancelled residence permit or those whose residence permits have not been extended.

**Brief statistics of implemented assisted voluntary returns:**

- In 2015 – 171 assisted voluntary returns implemented by IOM;
- in 2016 – 174 assisted voluntary returns implemented by IOM;
- and from the beginning of the year 2017 – 163 assisted voluntary returns implemented by MoI.

7. Please provide the examples of best practices of assisted voluntary return and reintegration, including international cooperation programmes/projects implemented jointly with EU, EU Member States, EaP countries as well as with international

From the perspective of the Czech Republic the most relevant country is Ukraine as regards the irregular migration, utilization of false documents, subsequent administrative decision on expulsion and the return (mostly voluntary return). Our implemented measures in the field of assisted voluntary returns are influenced mainly by needs of Ukrainian returnees. The most attractive offer for them is guaranteed transportation to the place of residence. Such offer works very well in conditions of the Czech Republic.
organizations. What measures, in particular, are taken for economic reintegration of returning migrants?

Currently we are thinking about other attractive offers, which could accompany the above mentioned one to make returns more effective, especially as regards returns of foreigners who have not been detained. One of such measures could be shorter entry ban in case of cooperation on assisted voluntary return.

<table>
<thead>
<tr>
<th>FRANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.</strong> Please describe how your national legislation regulates forced return of migrants.</td>
</tr>
<tr>
<td>An order to leave the French territory can be issued for any third-country national (TCN) who enters irregularly into France or the Schengen area or stays after his visa/residence permit has expired or his application for asylum or for a residence permit has been rejected. Except in the cases prescribed by French law, a TCN has 30 days following the notification of the return decision to comply with it. After that period, he can be administratively detained or placed under house arrest if he has not left the territory of the EU or Schengen area, in order to be removed from France.</td>
</tr>
<tr>
<td><strong>2.</strong> In case if your legislation provides for the possibility of detention for the purpose of identification and removal what are the conditions and time limits of such detention? What facilities are established/used for the purpose of migrants’ detention? Are there any alternative options for detention particularly for vulnerable groups – women, children etc?</td>
</tr>
<tr>
<td>A TCN ordered to leave may be administratively detained for 48 hours when he does not have any effective guarantee preventing the risk of absconding in 7 clearly defined cases (see article L. 551-1 of the Code of Entry and Residence of Foreigners and the Right of Asylum). If he could not be removed within these 48 hours, his administrative detention may be extended, by request of the Prefect, a first time to 28 days by the judge of liberties and detention. If the person is still in detention at day 28, the Prefect can ask for a second extension of the administrative detention for a maximum of 15 more days, providing the case is one of absolute emergency, serious threat to public order or in which the person could not be returned due to the loss or voluntary destruction of his ID documents or concealment of his identity/obstructive behavior/non-issuance of an ETC by his consular representation/lack of transportation. In total, in France, administrative detention can last up to 45 days. There are 23 centers of administrative detention in Metropolitan France (continental France + Corsica) and 4 overseas, as well as 25 border waiting zones. House arrest, which is the alternative to administrative detention, does not depend on the vulnerability of the TCN concerned. Indeed, if minors cannot be subjected to a return decision in France, they can accompany their parents ordered to leave, including in a detention center, under strict conditions for the shortest period and provided that their best interests are taken into account.</td>
</tr>
<tr>
<td><strong>3.</strong> If your legislation establishes that an entry ban should accompany a return and/or removal decision, what are the conditions and lengths of entry bans applicable in your country? Please provide the statistics on entry bans issued during 2015 and 2016 (please indicate how many entry bans were issued for nationals of the EaP countries).</td>
</tr>
<tr>
<td>Under French law, entry bans are issued either together with an order to leave or following an order to leave when the TCN did not comply with. Entry bans are notified by hand (at the prefecture or by the police in case of arrest). The entry ban may last 2 or 3 years depending on the cases. This duration may be extended up to 2 more years if the person did not respect the order to leave or the entry ban. The person is also informed that he/she will be registered in the Schengen Information System. French statistics only indicate data regarding entry bans notified together with an order to leave. In 2015, 2,644 entry bans were issued together with an order to leave: 88 concerned Armenians, 12 Azerbaijani, 3 Belarusians, 66 Georgians, 11 Moldovans and 20 Ukrainians. In 2016, 4,493 entry bans were issued together with an order to leave: 98 concerned Armenians, 2 Azerbaijani, 7 Belarusians, 89 Georgians, 45 Moldovans and 45 Ukrainians.</td>
</tr>
</tbody>
</table>
4. Please provide the information on existing bilateral/multilateral international agreements on readmission as well as their implementing protocols concluded by your country (including the agreements being in the process of negotiations). What challenges are related to negotiation process?

France has concluded 38 bilateral readmission agreements, 8 agreements so-called “on the concerted management of migration flows and solidarity development” with African countries and 4 implementing protocols of European readmission agreements (Albania; Russia and Serbia the last one was signed with Armenia in October 2016) and an implementing protocol with Bosnia is in the process of being ratified. The challenges related to negotiation process are about setting time limits, means of evidence and additional documents, readmission of third-country nationals and sometimes data protection.

5. Please describe briefly the procedure of readmission applicable in your country and, if possible, indicate the challenges related to application of this procedure.

If the TCN ordered to leave holds a valid passport or identity card, no readmission request is usually necessary. Depending on existing agreements and in light of the evidence in their possession, French authorities have to request a travel document to the consular representation of the TCN’s presumed nationality when the said TCN has expired ID documents/copies of official documents/etc. or does not hold any ID. If the nationality is recognized and the travel document issued, the TCN can be returned, with an escort if necessary.

In 2015, available statistics on persons transferred/accepted under EURAS are the following:
- 116 persons (113 Armenians, 2 Georgians and 1 Azerbaijani) were returned to Armenia;
- 3 Azerbaijani were returned to Azerbaijan;
- 10 Belarusians were returned to Belarus;
- 170 persons (168 Georgians, 1 Gambian and 1 Ivorian) were returned to Georgia;
- 183 Moldovans were returned to Moldova;
- 324 persons (322 Ukrainians and 1 Afghan) were returned to Ukraine.

In 2016, available statistics on persons transferred/accepted under EURAS are the following:
- 96 persons (93 Armenians and 3 Russians) were returned to Armenia;
- 5 Azerbaijani were returned to Azerbaijan;
- 8 Belarusians were returned to Belarus;
- 152 Georgians were returned to Georgia;
- 179 Moldovans were returned to Moldova;
- 243 persons (242 Ukrainians and 1 Georgian) were returned to Ukraine.

6. Does your legislation provide for an option of the voluntary return? Is there any provision granting preference to voluntary return over the forced one? Please describe briefly current policy, legislation in force related to voluntary return and reintegration of migrants.

Under French law, a foreigner in an irregular situation ordered to leave can ask for return and reintegration assistance. There is no provision granting preference to voluntary return over the forced one.

The French Office for Immigration and Integration (OFII), an administrative public body under the tutelage of the Ministry of the Interior, is in charge of setting up programs in order to help for the voluntary return and reintegration of foreigners in their country of origin.

The French public authorities wished to give a new dynamic to this policy by setting up, since 1 May 2015, a more extensive and renovated system aimed at foreign nationals in an irregular situation present for at least 6 months on French territory.
**RETURN ASSISTANCE**

Return assistance includes the organization and payment of returns by the OFII, as well as the payment of financial assistance.

**Material aid:**
- The organization of the return and the payment of travel expenses from the departure city in France to the country of destination for the beneficiary, his spouse and minor children;
- Baggage handling;
- Administrative assistance in obtaining travel documents (management by OFII of consular laissez-passer).

**Financial aid:**
This financial assistance was in 2016 as follows:
- € 650 / person for third-country nationals subject to visa;
- € 300 / person for visa-free third countries and Kosovo;
- € 50 / person for EU nationals.
In addition, the Director-General of the OFII may exceptionally grant a subsidy up to a maximum of € 350, in the context of time-limited and for special operations (evacuation of encampments or squats).

**GRANTS FOR REINTEGRATION**

In addition to return aid or independently, and in case that the country is covered by a reintegration program, OFII assistance may be offered to foreigners in order to facilitate and promote their sustainable resettlement in their own country.

The countries covered in 2016 by a reintegration mechanism led by OFII:
- Armenia, Benin, Burkina Faso, Cameroon, Cape Verde, Ivory Coast, Congo Brazzaville, Congo DRC, Gabon, Georgia, Guinea Conakry, Haiti, Mali, Morocco, Mauritius, Moldova, Romania, Senegal, Togo, Tunisia, Ukraine.

The reintegration scheme is based on three levels of aid:
- Social reintegration support (**level 1**) to cover the first costs of the family’s installation (during the first six months of the return) related to the housing, health or schooling of minor children (limit of 400 € per adult and 300 € per minor child);

- Reintegration assistance through employment (**level 2**): job search assistance provided by a specialized local operator and financial assistance to cover part of the salary (maximum 50% ; up to one year; up to € 4,000) or by financing vocational training that improves the candidate’s employability (up to € 1,000);

- Support for reintegration through business creation (**level 3**), which includes carrying out a feasibility study of the project, assuming part of the start-up costs (up to € 7,000 ) in connection with the personal contribution mobilized by the beneficiary and monitoring of the activity during one year;

In 2016, 4,774 persons returned to their country of origin under OFII programs; 1,152 people benefited from specific rehabilitation assistance.
The OFII rehabilitation expenditure amounted to **€ 3.5 million**. Compared to 2015, aid is increasing by 38.6% in Eastern Europe, the Caucasus and the Balkans.

OFII is also a member of the ERIN European consortium and proposes reintegration into 9 and soon 12 third-countries in which it does not have a premise.

Independently or in addition to the return assistance, foreigners in an irregular situation in France (including rejected asylum seekers) and students, young professionals (if a bilateral agreement exists) and civic service volunteers in international mission whose permit of stay will expire in the next 3 months, can also benefit from reintegration assistance:
- during the first 6 months following their return in order to facilitate their installation (housing, purchase of furniture or household appliances / medical costs or membership fees for health insurance / children’s schooling);
- during a year following the return in order for them to get a job (job search assistance / financing of training) or to create a business (support for a training linked to the project / financing of some of the starting costs / support in implementing and monitoring the activity).

Depending on the country of return and of the public, one or several aid can be granted, within the limit of 3 500 € per person and the limit set for every level of assistance.

33 countries (including Armenia, Georgia, Moldova and, from 2017, Ukraine) are covered by the reintegration assistance.

7. Please provide the examples of best practices of assisted voluntary return and reintegration, including international cooperation programmes/projects implemented jointly with EU, EU Member States, EaP countries as well as with international organizations. What measures, in particular, are taken for economic reintegration of returning migrants?

France has had a dedicated AVR programme since 2006 and is part of ERIN (European reintegration network) which offers socio-economic reintegration assistance in the form of counselling and referral and/or reintegration assistance to migrants who return voluntarily or non-voluntarily to their country of origin (among others, Afghanistan, Morocco, Nigeria, Russian Federation).

The Franco-Armenian and Franco-Georgian bilateral programs of aid for voluntary return and reintegration have recently increased:

As part of the implementation of the new return aid scheme, and in accordance with European rules, a call for tender relating to "study, support and follow-up services for projects for the economic and social reintegration of Migrants" was broadcast on 3 December 2015 in Armenia and Georgia.

The following providers were selected for levels 1 (social support), 2 (help for the resumption of paid employment and/or professional training) and 3 (reintegration through business start-ups).

**For Armenia:**
- Franco-Armenian Foundation for Development (FFAD) for Levels 1, 2 and 3;
- Small and Medium Entrepreneurship National Center of Armenia (SMEDNC) for Level 3;
- People In Need (PIN) for Levels 1, 2 and 3.

**For Georgia:**
- IDP Women Association "Consent" (IDPWA) for Levels 1, 2 and 3;
- Initiatives for Support and Development (ISD) for Level 3;
- "Aya Kolchis" Foundation for Levels 2 and 3.

Figures:

➔ For Armenia:
- 78 rehabilitation projects have been validated (compared with 21 in 2014 and 61 in 2015),
- 18 families have received specific social support (Level 1), covering basic expenses, medical expenses or schooling,
- 14 vocational training sessions were held (Level 2) (50% in hairdressing & make-up / 50% in the field of accounting, management & IT),
- 46 micro-enterprise projects (Level 3) (50% in agriculture / 30% in trade & crafts / 20% in services).
Average amounts granted per beneficiaries:
Level 1: 560 € / file
Level 2: 685 € / file
Level 3: 4,250 € / file
Total disbursements made in 2016: € 356,599.

➔ For Georgia:
- 51 projects of reinsertion have been validated (compared to 21 in 2014 and 33 in 2015),
- 6 families have received specific social support (Level 1), covering basic expenses, medical expenses or schooling,
- 6 professional training sessions were organized (level 2) (50% in hairdressing / 50% for language courses and accounting),
- 39 micro-enterprise projects (Level 3) (48% in the trade & crafts sector / 40% in agriculture / 12% in services).
Average amounts granted per beneficiaries:
Level 1: 500 € / file
Level 2: 890 € / file
Level 3: 3,940 € / file
Total disbursements made in 2016: € 180,967.

European return assistance programs led by OFII:

➔ the European “Targeted Initiative for Armenia” (TIA) project (December 2012 to September 2016):
- 964 persons were registered by the “Referral Center” (30% migrants were from EU Member States / 70% migrants mainly from Russia),
- 851 people were accompanied (medical / social / educational / vocational),
- 80 vocational training sessions were held and involved about 600 people,
- 55 projects were funded (€ 2,500 per project); 13 other more ambitious projects (10,000 € / project) were financed by diaspora organizations (in particular the US) under the control of our German partner GIZ.

➔ The "Program for the Reintegration of Armenian Migrants" (PRAM) since December 2016:
The International Center for Migration Development (ICMPD) has recently been designated by the European Union to lead the Mobility Partnership Facility (MPF).
Following the invitation to tender, ICMPD has chosen OFII to implement in particular the component: "reintegration and specific accompanying measures" to the benefit of Armenian migrants from EU Member States who are expected to return to their country of origin within the framework of voluntary or "forced" returns.

This Program fits perfectly in line with the continuity of the actions that OFII has already carried out in Armenia at the European level. With a budget of nearly € 500,000 for a period of 10 months, this project aims to create the conditions for a sustainable and successful reintegration of migrants in Armenia.

### GEORGIA

1. Please describe how your national legislation regulates forced return of migrants.

   Migration management became one of the key priority issues for many countries and Georgia is no exception in this regard. In the recent years, Georgia took an important steps and significant progress has been achieved in both legislative and institutional levels. Namely, adoption of the Law of Georgia ‘On Legal Status of Aliens and Stateless Persons’ has positively reflected on the country’s migration management system.

   The legal framework of the process of voluntary and forced return of foreigners is primarily defined by the Law on the Legal Status of Aliens and Stateless Persons. The law stipulates a general rule according to which foreigners are obliged to leave the territory of Georgia before the expiry of the term of legal stay in Georgia. The Law also provides grounds for expulsion of foreigners from Georgia and stipulates the grounds when decision regarding the expulsion of foreign citizens is made by the MIA Migration Department and grounds when the decision on expulsion shall be made by the court.

2. In case if your legislation provides for the possibility of detention for the purpose of identification and removal what are the conditions and time limits of such detention? What facilities are established/used for the purpose of migrants’ detention? Are there any alternative options for detention particularly for vulnerable groups – women, children etc?

   The Law ‘On Legal Status of Aliens and Stateless Persons’ the foreigner defines the grounds for the detention of aliens for the purpose of their removal. According to the law the alien also can be detained if he/she cannot be identified; if the ground for the detention exists within not later than 48 hours after detention, an alien shall be brought before the court for making a decision on his/her transfer to a temporary accommodation center. Unless the court makes the decision within the next 24 hours on placing the alien in a temporary accommodation center he/she shall immediately be released. A detained alien can be placed at temporary accommodation center for up to 3 months. The term of placing the alien at the temporary accommodation center may be extended by a further 6 months on the basis of a reasoned motion submitted to the court by an authorized body.

   The Temporary Accommodation Centre for the foreigners within the Ministry of Internal Affairs of Georgia commenced functioning from 1 September, 2014. The Centre is used for the accommodation of the foreigners staying in Georgia without the relevant legal grounds. The construction of the Centre was financed by the Government of Georgia. The accommodation center was constructed with the support of and active cooperation with international partners and donors and is built / equipped in compliance with international standards. Detainees are provided with medical and psychological support. Persons with disabilities are placed in respectively adapted rooms. Center also provides protection of children’s best interests, including the right to education and necessary conditions for free-time activities, as well as library, computers room and playground for the detained migrants. The TAC is designed for 92 persons. It has two separate blocks for males and females and another separate block for families.

   The law also stipulates the alternative measures to the placement of aliens at a temporary accommodation center. Alternative measures may be the following:

   - regular reporting to (appearing before) a relevant territorial department of the police, not more than twice a week;
- a citizen of Georgia connected to the alien and acting as surety for the alien, or a bank guarantee or a certificate of regular income;
- a maximum bail of GEL 2,000.

The term for alternative measure is defined by the court. Vulnerable groups like minors left without supervision or a family may be placed at a temporary accommodation center only in extreme cases and for as short a period of time as possible, bearing their best interests in mind.

### 3. If your legislation establishes that an entry ban should accompany a return and/or removal decision, what are the conditions and lengths of entry bans applicable in your country? Please provide the statistics on entry bans issued during 2015 and 2016 (please indicate how many entry bans were issued for nationals of the EaP countries).

The alien has a right to leave the country voluntarily between 10-30 days, after he/she is aware about expulsion decision. But this is not the guarantee that they are exempt from fines. The authority making decision on removing the person from the country also defines timeframe within which the person is prohibited to enter Georgia in the period between 2-5 years.

During 2015-2016 years in total 41 entry bans were issued (6 nationals of EaP countries).

### 4. Please provide the information on existing bilateral/multilateral international agreements on readmission as well as their implementing protocols concluded by your country (including the agreements being in the process of negotiations). What challenges are related to negotiation process?

#### Signed Readmission Agreements:
- European Union
- Belarus
- Denmark
- Moldova
- Ukraine
- Norway
- Switzerland

#### Draft Readmission Agreements under negotiations:
- Bosnia and Herzegovina
- Iceland
- Serbia
- Montenegro
- Pakistan

#### Signed Implementing Protocols
- Bulgaria
- Estonia
- Hungary
- Austria
- States of Benelux
- Lithuania
- Slovak Republic

#### Draft Implementing Protocols ready for the signature
- Czech Republic
- Poland

#### Draft Implementing Protocols under negotiations
- Greece
- Latvia
- Malta
- Portugal
5. Please describe briefly the procedure of readmission applicable in your country and, if possible, indicate the challenges related to application of this procedure. Please provide available statistics on persons transferred/accepted under the readmission agreements in force (own nationals, third country nationals, stateless persons) during 2015 and 2016.

Ministry of Internal affairs represents the main competent authority for the implementation of Readmission Agreements. Migration Department of MIA is responsible for the processing readmission applications and prepare relevant decisions. The Agreement between the European Union and Georgia on the readmission of persons residing without authorization defines the rights and obligations of contracting parties. The agreement specifies categories of persons that shall be readmitted (own nationals, third country nationals and stateless persons). Readmission application should contain all the available information and means of evidences regarding the person to be readmitted.

The agreement also defines the time limits - readmission application should be replied in 2 working days (in case of accelerated procedure) or in 12 calendar days in all other cases. If there is no reply within this time limit, the transfer shall be deemed to have been agreed to. In order to establish the nationality of the person to be readmitted interviews can be arranged at the latest within 4 working days from the date of receipt of the readmission application.

The agreement also defines transit and transfer procedures.

The main challenges related to the readmission procedure are mainly the following: lack of means of evidences attached to the application, the quality of provided materials (photos, fingerprints) and difficulties connected to the arrangement of interviews.

Readmission Statistics 2015-2016 (EU-Georgia readmission agreement):

- Total: 2952
- Positive Decisions: 2865
- Negative Decisions: 87 (1 of them Third Country National)

6. Does your legislation provide for an option of the voluntary return? Is there any provision granting preference to voluntary return over the forced one? Please describe briefly current policy, legislation in force related to voluntary return and reintegration of migrants.

Legislation provides an option of leaving Georgia voluntarily. Under a decision on removal, an alien residing in Georgia shall be given a reasonable period up to 10-30 calendar days prescribed by a competent body authorized to consider the matter of removal of aliens; during that period the individual must depart from Georgia and the departure expenses shall not be covered by the State Budget of Georgia.

According to the Ordinance of the Government of Georgia ‘On Approval of the Procedures for Removing Aliens from Georgia’ voluntary departure of aliens from the country shall be preferred over forced removal.

Migration department actively cooperates with the International Organization for Migration. The main framework of cooperation is ‘Memorandum of Mutual Cooperation Between the Ministry of Internal Affairs of Georgia and the International Organization for Migration on the Assisted Voluntary Return of Irregular Migrants from Georgia’.

7. Please provide the examples of best practices of assisted voluntary return and reintegration, including

In 2015-2017 1650 persons have been returned to Georgia with the help of IOM’s AVRR programmes. Countries of return in these years were Greece, Belgium, Denmark, Estonia, Finland Germany, Greece, Iceland, Ireland, Israel, Lithuania, Netherlands, Luxembourg, Norway, Poland, Switzerland, UK. Most of the returnees received reintegration assistance upon return.
The reintegration packages include reception assistance and transportation to final destination, medical assistance, temporary accommodation, training, livelihood, job placement and micro business start-up. 688 persons have been assisted with micro-business start-up mainly in the fields of cattle breeding, agriculture, services sector and trade, 133 persons have received medical assistance (consultations, treatment, medication), 10 persons have found jobs, 34 persons have completed different types of training courses, 65 families have been assisted with temporary accommodation and 70 families have received livelihood items. All these projects have been financed by the EU and the governments of sending countries. IOM is an implementing partner of the government ensuring safe travel of Georgian nationals and their sustainable reintegration after return. 3 to 6 months after granting reintegration assistance monitoring visits are conducted to assess the impact of assistance.

The Ministry of Internally Displaced Persons From The Occupied Territories, Accommodation and Refugees of Georgia has independently implemented reintegration assistance program for returned migrants in Georgia in 2015. In order to achieve this, the Ministry has transferred state budget as a grant to non-governmental organizations, which directly provide reintegration services for returned migrants.

Within the framework of the 2015 state program, 237 returned migrants were registered as beneficiaries of the program, from which different reintegration assistance was financed to 161. Within the framework of the 2016 state program, 402 returned migrants were registered as beneficiaries and 188 of them were funded for several services, considering the figures by 31 March 2017.

The state program aims to provide and develop services for returned migrants in Georgia in order to ensure their successful reintegration and help them with overcoming the challenges they face in the reintegration process, which is connected with health and psychological problems, as well as with employment and self-employment opportunities or absence of income. For this purpose, the state program provides following reintegration assistance services:

- Provision of medical treatment and medications (for returnees having severe, chronic and life-threatening diseases); psycho-social rehabilitation;
- Funding of social projects to support income-generating activities and self-employment;
- Provision of temporary accommodation while returning, if there is special need;
- To support beneficiaries’ involvement in the LEPL Social Service Agency program for job seekers’ professional training/re-training and raising their qualification.

The target group of the program are citizens of Georgia or stateless persons (with permanent residence permit in Georgia), who:

- Have been residing abroad irregularly for more than a year, or had applied for asylum, or had been granted asylum;
- Have arrived in Georgia less than one year ago and registered for “Reintegration Assistance to returned Georgian migrants” state program.
1. Please describe how your national legislation regulates forced return of migrants.

**Forced return of migrants is regulated in national regulations, based on the common European standards.** The main national regulation is the Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals. The details of the execution are in low-level regulations, like Government Decree 114/2007 (V.24.) on the implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals and another regulation called Ministry Decree 26/2007 (V.31.) IRM on the rules of removal.

The Immigration and Asylum Office (hereafter: IAO) makes optimal decision in a short time period – taking into consideration the circumstances of the third-country nationals - in order to choose the most humanitarian and cost-effective way of return.

According to the Act II of 2007 on the Entry and Stay of Third-Country Nationals Section 43 (2) the immigration authority shall order the expulsion of a third-country national under immigration laws who:
- has crossed the frontier of Hungary irregularly, or has attempted to do so;
- fails to comply with the requirements set out in the law for the right of residence;
- was engaged in any gainful employment in the absence of the prescribed work permit or any permit prescribed under statutory provision;
- whose entry and residence represents a threat to national security, public security or public policy; or
- whose entry and residence represents a threat and is potentially dangerous to public health.

In accordance with the provisions of the Government Decree Section 118 (2) the country designated as the destination of expulsion shall be determined according to the following sequence:
- any Schengen State, if the third-country national has a valid residence permit that was issued by this Schengen State,
- a Member State of the European Union, if the third-country national in question is holding a residence permit issued by that Member State certifying long-term residence status under Council Directive 2003/109/EC or is in possession of a valid residence document;
- the country that is liable to accept the third-country national in question;
- the country where the third-country national's permanent or temporary residence is located;
- the country in which the third-country national in question has a citizenship;
- any third country prepared to accept the third-country national in question.

**Voluntary return has priority over forced return,** but there are cases where **forced return should be carried** in accordance with national laws. On the base of the Act Section 65 (1) a return or expulsion measure ordered by the court, or the immigration authority or refugee authority shall be enforced by way of transporting the third-country national affected under official escort (hereinafter referred to as “deportation”) if the third-country national:
- is released from imprisonment as sentenced for a deliberate crime;
- makes it necessary to supervise his/her exit for national security reasons, if so required by commitment under international treaty, or for the protection of public security or public policy;
- failed to leave the territory of the Member States of the European Union by the day following the deadline prescribed in the resolution for expulsion.

The Government Decree 114/2007 (V. 24.) on the implementation of Act II of 2007 Section 143 (1) regulates as follows: the third-country national is ordered to be deported, shall be escorted to the frontier of Hungary. If allowing the deported person to travel by air transport without safeguards
is likely to jeopardize aviation safety or if prescribed under treaty (readmission agreement), the deported person shall be escorted to the country of origin or to another state liable for readmission.

According to the Section 142 (4) of the Government Decree preparations for the enforcement of a deportation measure shall be made by the Police, with the following exception: (5) where deportation is carried out by air, preparations for the enforcement of such deportation measure shall be made by the IAO (6) and the implementation of deportation shall be carried out by the Police.

Concerning the tasks of the IAO in the process, the Decree of the Ministry of Justice and Law Enforcement on the rules of deportation 26/2007 also regulates the implementation, as follows (Section 3):

The IAO:
- obtains travel document for the deported person,
- obtains necessary flight tickets,
- if necessary, informs the competent authority of the target country, informs transit countries (if the transit country is an EU Member state we shall inform the authority according to the Council Directive 2003/110/EC of November 2003 on assistance cases of transit for the purposes of removal by air).

In the forced return as escort the following persons can take part (Section 5):
- policeman,
- officer of the IAO,
- psychologist,
- medical specialist,
- interpreter.

A Cooperation Agreement of the General Director of the Office and the Chief Commissioner of the Hungarian Police on common implementation of certain acts in connection with foreigners also controls the organisation and the implementation of forced return. Section 50 of the Act II of 2007 regulates the costs of forced return as follows.

The costs associated with expulsion shall be borne by the person expelled or - if lacking the financial means necessary - by his/her host. In order to secure the costs of transportation out of the country and to ensure that the obligation conferred upon the person expelled is satisfied, the immigration authority may seize the travel ticket if the third-country national in question has one, or - if sufficient financial means cannot be ensured otherwise - may confiscate his money in the amount as is required to purchase the ticket and to obtain a travel document; these actions may not be contested. Where the expulsion measure cannot be carried out because neither the person being expelled nor his/her host has the financial means necessary, the competent authority shall advance the costs of departure. The costs advanced by IAO shall be repaid, otherwise he/she is not allowed to entry Hungary, even if the entry ban in connection with expulsion is over.

2. In case if your legislation provides for the possibility of detention for the purpose of identification and removal what are the conditions and time limits of such detention? What facilities are

| The maximum period of detention in Hungary is 12 months (for families only 30 days), but it is only can be prolonged by the local court. |
| There are 4 permanent detention centers for expelled people and another (separated) for women, families with children and other vulnerable groups. It is not allowed to detain unaccompanied minors. |
**Established/used for the purpose of migrants' detention? Are there any alternative options for detention particularly for vulnerable groups – women, children etc?**

In order to secure the deportation of a third-country national the immigration authority shall have powers to detain the person in question if (Sections 54-56 of the Act II of 2007):

- he/she is hiding from the authorities or is obstructing the enforcement of the deportation in some other way;
- he/she has refused to leave the country, or, based on other substantiated reasons, is allegedly delaying or preventing the enforcement of expulsion, or there is a risk of absconding of the third-country national;
- he/she has seriously or repeatedly violated the code of conduct of the place of compulsory confinement;
- he/she has failed to appear before the authority as ordered despite of being so advised, by means of which to forestall conclusion of the pending immigration proceeding; or
- he/she is released from imprisonment as sentenced for a deliberate crime.

Detention under immigration laws may be ordered for a maximum duration of 72 hours, and it may be extended by the district court of jurisdiction by reference to the place of detention until the third-country national's deportation, not exceeding 60 days at a time. Detention under immigration laws may be extended by up to 6 additional months on the expiry of a period of 6 months, if carrying out the expulsion order takes more than 6 months, in spite of having taken all necessary measures, due to:

- the failure of the third-country national affected to cooperate with the competent authority, or
- delays in obtaining the documents required for deportation attributable to the authorities of the third-country national's country of origin, or another state liable for readmission under readmission agreement or which is otherwise liable to accept him/her.

Detention ordered under immigration laws shall be terminated:

- when the conditions for carrying out the expulsion are provided for;
- when it becomes evident that the expulsion cannot be executed;
- after 6 months from the date when ordered, or 12 months under the conditions.

The detention of a third-country national who is a minor may not be ordered, only with an exception: families with minors shall only be detained as a measure of last resort and for not more than 30 days where the best interests of the child shall be a primary consideration, if the immigration authority is of the opinion that the objective of detention cannot be ensured by the following provisions - in order to secure the enforcement of an expulsion measure the immigration authority shall be authorized to confiscate the travel document of the third-country national affected or the regulation concerning compulsory confinement.

Detention shall be terminated immediately when the grounds therefore no longer exist.

The immigration authority shall carry out the detention in places designated for this purpose. The detention centres are maintained by the Police.

If the third-country national states after delivery of the decision ordering detention that he/she is a minor, the immigration authority ordering the detention shall forthwith contact the nearest competent health care service provider for determining the third-country national's age. If according to the health care service provider's findings the third-country national in detention in question is in fact a minor, detention shall be terminated immediately.

If the third-country national in detention states during the term of detention that he/she is a minor, the head of the hostel of restricted access shall forthwith notify the immigration authority ordering the detention for contacting the nearest competent health care service provider. If according to the health care service provider’s findings the third-country national in detention in question is in fact a minor, detention shall be terminated immediately.
Alternative options for detention – Compulsory confinement:
The immigration authority shall have powers to order the confinement of a third-country national in a designated place, if the third-country national in question:
- cannot be returned or expelled due to commitments of Hungary conferred upon it in international treaties and conventions;
- is a minor who should be placed under detention;
- should be placed under detention, in consequence of which his/her minor child residing in the territory of Hungary would be left unattended if he/she was to be detained;
- is released from detention, however, there are still grounds for his/her detention;
- has been expelled, and is lacking adequate financial resources to support himself and/or does not have adequate dwelling;
- should be placed under detention under immigration laws according to following provisions:
  - he/she is hiding from the authorities or is obstructing the enforcement of the deportation in some other way;
  - he/she has refused to leave the country, or, based on other substantiated reasons, is allegedly delaying or preventing the enforcement of expulsion, or there is a risk of absconding of the third-country national and detention would result in a disproportionate punishment taking into account the state of health and age of the third-country national concerned.

With some exceptions, the immigration authority may order third-country nationals to remain at the following assigned places of residence:
- the third-country national’s registered place of abode;
- the host’s permanent or temporary residence in the event that the third-country national was invited, or the accommodation provided by the host;
- the place of abode or permanent or temporary residence of the person responsible for providing support to the third-country national;
- the accommodation provided by charity organizations;
- the medical institution providing care for inpatients for the duration of treatment to prevent severe damage to health, following consultation with the government body in charge of the healthcare system; or
- social institutions providing personal care to third-country nationals who satisfy the criteria required by law.

In the absence of the prospects specified above, the third-country national may be placed in a community hostel or a reception centre.

Reception centres may be used only for:
- exiles, and
- minor third-country nationals and their parents with actual custody.

The place designated for an unaccompanied minor for compulsory confinement shall be a reception centre for unaccompanied minors; in the absence of this, a children’s institution or a commercial or private accommodation maintained under contract. Unaccompanied minors may be placed in private accommodation at relatives other than immediate family members, if the relative undertakes a commitment in writing to provide room and board and support for the minor, and if it is evident that such placement is in the minor’s best interest by virtue of the relationship between the minor and said relative.

Third-country nationals who are victims of trafficking in human beings may be placed in a reception centre reserved for victims of trafficking in human beings or in other places of accommodation maintained under contract.
The immigration authority may also impose the obligation to stay at an assigned place and order the third-country national to stay within the administrative area of a specific county.

3. If your legislation establishes that an entry ban should accompany a return and/or removal decision, what are the conditions and lengths of entry bans applicable in your country? Please provide the statistics on entry bans issued during 2015 and 2016 (please indicate how many entry bans were issued for nationals of the EaP countries).

A return decision is accompanied by entry ban, the maximum period is 5 years, but the duration of an exclusion measure may not exceed 10 years, if the third-country national’s residence in the territory of Hungary represents a serious threat to public security, public policy or national security.

The exclusion shall be ordered by means of a separate decision, if:
- deportation of the third-country national in question was ordered since the third country national failed to leave the territory of the Member States of the European Union by the day following the deadline prescribed in the resolution for expulsion, or
- the removal decision of the refugee authority was ordered by the immigration authority to be carried out by means of deportation.
- Where expulsion is ordered on the grounds defined in Subsection (2) of Section 43 (see answer to question 1), or if expulsion is ordered by the refugee authority, the immigration authority may also order exclusion taking into account the nature and severity of the infringement, the personal circumstances of the third-country national concerned, and his/her continued residence represents a serious threat to public security, public policy or national security.
- The duration of an exclusion measure, ordered in conjunction with expulsion or separately, shall be determined in years, and may not exceed five years, subject to the following exception: the duration of an exclusion measure may not exceed 10 years, if the third-country national’s residence in the territory of Hungary represents a serious threat to public security, public policy or national security.

Ordered entry bans in 2015 and 2016:

<table>
<thead>
<tr>
<th>Country</th>
<th>2015</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Armenia</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Georgia</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>Moldova</td>
<td>41</td>
<td>26</td>
</tr>
<tr>
<td>Ukraine</td>
<td>46</td>
<td>357</td>
</tr>
<tr>
<td>Belarus</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>others</td>
<td>887</td>
<td>882</td>
</tr>
<tr>
<td>Total</td>
<td>1697</td>
<td>1727</td>
</tr>
</tbody>
</table>

4. Please provide the information on existing bilateral/multilateral international agreements on readmission as well as their implementing protocols concluded by your country (including the agreements being in the process of

<table>
<thead>
<tr>
<th>Readmission agreement</th>
<th>Implementing protocol</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kosovo (bilateral)</td>
<td>yes</td>
</tr>
<tr>
<td>Albania</td>
<td>yes</td>
</tr>
<tr>
<td>Moldova</td>
<td>yes</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>yes</td>
</tr>
<tr>
<td>Serbia</td>
<td>yes</td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>yes</td>
</tr>
</tbody>
</table>
negotiations). What challenges are related to negotiation process?

<table>
<thead>
<tr>
<th>Country</th>
<th>Readmission Agreement Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Macedonia (FYROM)</td>
<td>no</td>
</tr>
<tr>
<td>Montenegro</td>
<td>no</td>
</tr>
<tr>
<td>Ukraine</td>
<td>yes (under publication)</td>
</tr>
<tr>
<td>Georgia</td>
<td>yes</td>
</tr>
<tr>
<td>Pakistan</td>
<td>no</td>
</tr>
<tr>
<td>Hongkong</td>
<td>no</td>
</tr>
<tr>
<td>Macao</td>
<td>no</td>
</tr>
<tr>
<td>Sri-lanka</td>
<td>no</td>
</tr>
<tr>
<td>Armenia</td>
<td>no</td>
</tr>
<tr>
<td>Turkey</td>
<td>no</td>
</tr>
<tr>
<td>Cape Verde</td>
<td>no</td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>no</td>
</tr>
</tbody>
</table>

5. Please describe briefly the procedure of readmission applicable in your country and, if possible, indicate the challenges related to application of this procedure. Please provide available statistics on persons transferred/accepted under the readmission agreements in force (own nationals, third country nationals, stateless persons) during 2015 and 2016.

Readmission procedures are the same in each EU countries, who execute the multilateral agreements. **Main problems** are when the requested state ignores the deadlines or evidences.

**Persons handed-over according to readmission agreements in 2015 and 2016:**

<table>
<thead>
<tr>
<th>Year</th>
<th>to the country of origin</th>
<th>to a third country</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>1496</td>
<td>4507</td>
</tr>
<tr>
<td>2016</td>
<td>1284</td>
<td>351</td>
</tr>
</tbody>
</table>

6. Does your legislation provide for an option of the voluntary return? Is there any provision granting preference to voluntary return over the forced one? Please describe briefly current policy, legislation in force related to voluntary return and reintegration of migrants.

The Immigration and Asylum Office is the responsible authority for voluntary return.

**The Hungarian Assisted Voluntary Return, Reintegration and Information programme started on the 1 July 2016 and will run until 30 June 2018.**

The purpose of the programme is to provide up-to-date, easily accessible and reliable information about assisted voluntary return to beneficiaries and facilitate the orderly return of up to 870 beneficiaries.

The services of the project are aimed at:

- third-country nationals who have not yet received a final negative decision in relation to their request to stay, their legal residence and/or international protection in a Member State, and who may choose to make use of voluntary return;

- third-country nationals enjoying the right to stay, legal residence and/or international protection within the meaning of Directive 2011/95/EU, or temporary protection within the meaning of Directive 2001/55/EC in a Member State, and who have chosen to make use of voluntary return;
- third-country nationals who are present in a Member State and do not or no longer fulfil the conditions for entry and/or stay in a Member State, including those third-country nationals whose removal has been postponed in accordance with Article 9 and Article 14(1) of Directive 2008/115/EC. 

Therefore the geographical coverage of this project is Hungary and the countries of origin of the beneficiaries.

The services provided to the beneficiaries from the project are tailored through 3 components:

1. The information component aims at providing information to beneficiaries through various means of communication: outreach visits to facilities; printed materials; dedicated toll free hotline and a dedicated website (www.volret.hu).

2. The return component provides services to beneficiaries such as departure assistance; obtaining travel documents; providing escorts if necessary; purchasing ticket and travel documents etc.

3. The Reintegration component aims at assisting vulnerable returnees and returnees with chronic medical condition by offering – based on a needs assessment – reintegration counselling and a reintegration grant from which the beneficiary can finance the various activities of a pre-defined reintegration plan. This project aims at assisting up to 60 vulnerable returnees or returnees with medical chronic condition. The maximum assistance a beneficiary can receive is up to 650 EUR and it will be provided in in-kind contribution to mitigate the vulnerability and their reintegration into the country of origin.

7. Please provide the examples of best practices of assisted voluntary return and reintegration, including international cooperation programmes/projects implemented jointly with EU, EU Member States, EaP countries as well as with international organizations. What measures, in particular, are taken for economic reintegration of returning migrants?

n/a
organised and carried out by the State Border Guard. However, other public authorities, for instance, court, Ministry of Foreign Affairs, the State Police, the Office etc. are also involved in the execution of the removal procedure. The removal process is observed by the Ombudsman.

2. In case if your legislation provides for the possibility of detention for the purpose of identification and removal what are the conditions and time limits of such detention? What facilities are established/used for the purpose of migrants' detention? Are there any alternative options for detention particularly for vulnerable groups – women, children etc?

A foreigner of at least 14 years of age can be detained if there are grounds to believe that he or she will avoid the removal procedure or will impede the preparation thereof or there is a risk of absconding of the foreigner, and it is substantiated by specific circumstances stated in Immigration Law, for instance, the foreigner is hiding his or her identity, provides false information, refuses to cooperate in other ways etc.

The foreigner can be detained for a period not exceeding 10 days on the basis of a decision of the State Border Guard. In order to detain the foreigner for more than 10 days, the decision of a court is needed. The maximum period of detention of a foreigner is 6 months, but it can be prolonged by a decision of a court for a period not exceeding additional 12 months, if the foreigner refuses to cooperate or delays the receipt of the necessary documents from third countries.

The detained foreigners and asylum seekers are accommodated in the „Detained Foreigners’ Accommodation Centre “Daugavpils” (hereinafter – Accommodation Centre) established in Daugavpils city. Both of those categories are accommodated in separate parts of the Accommodation Centre. At the moment, another “Detained Foreigner’s Accommodation Centre “Mucenieki” is being established not far from Riga.

Alternative means of detention are being employed, particularly for vulnerable groups of foreigners, for instance, regular registration or handing over of a travel document and other personal identification documents.

3. If your legislation establishes that an entry ban should accompany a return and/or removal decision, what are the conditions and lengths of entry bans applicable in your country? Please provide the statistics on entry bans issued during 2015 and 2016 (please indicate how many entry bans were issued for nationals of the EaP countries).

In accordance with Immigration Law, an entry ban (national entry ban and entry ban into the Schengen territory) can accompany a return decision, and it must accompany a removal order.

Nevertheless, there are separate exceptions foreseen from this general order, for instance, removal order of a minor may not be accompanied by an entry ban.

The length of an entry ban is determined on case-by-case basis, and it cannot exceed 3 years.

In 2015, 488 entry bans were issued (61 to nationals of the EaP countries). In 2016 – 574 entry bans (57 to nationals of the EaP countries).

4. Please provide the information on existing bilateral/multilateral international agreements on readmission as well as their implementing protocols concluded by your country (including the agreements being in the process of negotiations). What challenges are related to negotiation process?

Latvia has concluded bilateral readmission agreements with Armenia, Georgia, Kazakhstan, Ukraine and Uzbekistan, and negotiations on conclusion are ongoing with Kosovo and Vietnam. In addition, concerning implementation of readmission agreements concluded between the European Union and separate third countries Latvia has concluded implementing protocols with Russia and Moldova and negotiations on conclusion are ongoing with Armenia, Bosnia and Herzegovina, Georgia, Montenegro, Pakistan, Serbia and Ukraine.

In general, successful outcome of negotiations on conclusion of readmission agreements and implementing protocols is dependent on the willingness and readiness of a third country to cooperate.
5. Please describe briefly the procedure of readmission applicable in your country and, if possible, indicate the challenges related to application of this procedure. Please provide available statistics on persons transferred/accepted under the readmission agreements in force (own nationals, third country nationals, stateless persons) during 2015 and 2016.

Readmission can be applied only within the removal procedure. The State Border Guard is responsible for identification of foreigners and for organization and execution of forced return of foreigners, as well as for implementation of readmission agreements.

Mainly, in 2015 and 2016, readmission agreement concluded between the European Union and Russia was applied.

In 2015, under the respective agreement, 2 Russian citizens were returned from Latvia to Russia and 1 Latvian citizen was readmitted from Russia to Latvia.

In 2016, 4 third country nationals were returned from Latvia to Russia and 4 Latvian citizens were readmitted from Russia to Latvia.

6. Does your legislation provide for an option of the voluntary return? Is there any provision granting preference to voluntary return over the forced one? Please describe briefly current policy, legislation in force related to voluntary return and reintegration of migrants.

National legislation (Immigration Law) provides for an option of voluntary return. In practice, voluntary return is given preference over forced return, as the voluntary return is granted in all cases except the ones when conditions for taking removal order have been met. In addition, even a foreigner, in relation to whom removal order has been taken, has the right to apply for voluntary return programme, if he or she does not pose threat to the State security, public order or safety and has not previously used the voluntary return programme. As regards procedures for implementing of voluntary return, it is stipulated in Immigration Law.

7. Please provide the examples of best practices of assisted voluntary return and reintegration, including international cooperation programmes/projects implemented jointly with EU, EU Member States, EaP countries as well as with international organizations. What measures, in particular, are taken for economic reintegration of returning migrants?

Latvia has developed successful cooperation on assisted voluntary return and reintegration (AVRR) with the International Organization for Migration (IOM) Riga Office. IOM has implemented several AVRR projects during the last years and currently it is implementing project “Provision of Assistance for Voluntary Return and Reintegration in Latvia, 2016-2018”. This project is financed from the EU Asylum, Migration and Integration Fund and within the project it is planned to provide assistance for around 250 persons to return to their home countries, as well as it is planned to provide reintegration assistance for around 90 persons.

LITHUANIA

1. Please describe how your national legislation regulates forced return of migrants.

According to Article 2 Law on legal status of aliens, expulsion from the Republic of Lithuania (forced return) means a compulsory transportation or removal of an alien from the territory of the Republic of Lithuania in accordance with the procedure established by legal acts.

According to Article 126 Law on legal status of aliens, an alien shall be expelled from the Republic of Lithuania where:
1) the person failed to comply with the obligation to leave the Republic of Lithuania within the specified time limit, failed to voluntarily leave the Republic of Lithuania within the time limit stipulated in a decision to return him to a foreign state or within a time limit extended on the ground indicated in Article 127(32) of this Law or where he has not been granted a period for voluntary departure as there is a ground for believing that the alien may abscond;

2) the alien has unlawfully entered the Republic of Lithuania or is staying there irregularly and there are no grounds, as laid down in Article 125 of this Law, for imposing on the alien the obligation to leave the Republic of Lithuania or a decision to return him to a foreign state is taken;

3) the alien’s stay in the Republic of Lithuania represents a threat to national security or public policy;

4) a decision has been taken to expel the alien from another state to which Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals applies.

Expulsion procedure is governed by Regulations of making and implementing of the decisions on alien’s obligation to depart, alien’s expulsion, return and transit through the territory of the Republic of Lithuania, approved by the Minister of Interior of the Republic of Lithuania.

2. In case if your legislation provides for the possibility of detention for the purpose of identification and removal what are the conditions and time limits of such detention? What facilities are established/used for the purpose of migrants’ detention? Are there any alternative options for detention particularly for vulnerable groups – women, children etc?

The Law on the Legal Status of Aliens sets out the grounds for detention of an alien (article 113), conditions for detention (article 114) and alternatives for detention (article 115).

A person who is not a citizen of an EU Member State may be detained when it is attempted to return the person to a foreign state or expel from the Republic of Lithuania or transfer an asylum seeker to another EU member state responsible for examining his/her asylum application.

**Detention is the ultimate remedy** – it can be applied only if a person hampers the taking of the decision or may abscond to avoid return, expulsion or transfer. When deciding whether there is a risk of absconding, one of the grounds that has to be taken into account is the fact that an alien is not in possession of an identity document and fails to cooperate in establishing his identity and/or citizenship (refuses to provide his personal data, provides false information, etc.).

An alien may be detained by the police or any other law enforcement institution officer for a period not exceeding **48 hours**. An alien is detained at the Foreigners’ Registration Centre of the State Border Guard Service for a period exceeding 48 hours by a decision of the court but the court may also decide to apply alternatives to the detention.

An alien may not be detained for a period in excess of 6 months, except when the person does not cooperate in the process of his expulsion from the Republic of Lithuania (refuses to provide his personal data, provides false information, etc.) or when the documents required for the expulsion of such an alien from the State’s territory are not received. In such cases, the period of detention may be extended for an additional period not exceeding **12 months**. The overall detention period may not last longer than **18 months**.

In case an alien’s identity has been established, the person does not represent threat to national security and public policy and assists the court in determining his/her legal status, the court may take a decision to provide an alternative to detention:

a) reporting regularly and at a fixed time at the relevant territorial police agency;

b) by the means of communication at the fixed time informing the police agency about his/her whereabouts;

c) entrust an alien of guardianship, providing there is a citizen of the Republic of Lithuania or an alien that is willing to take care of and support the person;
d) an asylum seeker may be accommodated at the Foreigners’ Registration Centre without restrictions of freedom of movement.

Vulnerable persons and families with vulnerable minors may be detained only in exceptional cases having regard to the best interest of a child and vulnerable persons.

3. If your legislation establishes that an entry ban should accompany a return and/or removal decision, what are the conditions and lengths of entry bans applicable in your country? Please provide the statistics on entry bans issued during 2015 and 2016 (please indicate how many entry bans were issued for nationals of the EaP countries).

According to Article 133 Law on legal status of aliens, any alien who has been expelled from the Republic of Lithuania shall be prohibited from entering the Republic of Lithuania for a period not exceeding 5 years. The duration of the prohibition on entry shall be determined with due regard to all relevant circumstances of the individual case.

Statistics on entry bans issued for aliens who have been expelled from the Republic of Lithuania:

- 2015 – total 444 (Belarus - 11, Georgia - 65, Ukraine - 4, Moldova - 1, Azerbaijan - 0, Armenia - 2);
- 2016 – total 177 (Belarus - 16, Georgia - 16, Ukraine - 7, Azerbaijan - 2, Armenia - 0).

4. Please provide the information on existing bilateral/multilateral international agreements on readmission as well as their implementing protocols concluded by your country (including the agreements being in the process of negotiations). What challenges are related to negotiation process?

Lithuania has the following readmission agreements and implementing protocols:

- Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Slovenia on Readmission of those Persons whose Entry into or Residence in a Country are Contrary to the National Law, 1996-05-06.
- Agreement between the Government of the Republic of Lithuania and the Government of the Kingdom of Sweden on readmission of persons, 1997.02.10
<table>
<thead>
<tr>
<th>Agreement</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Croatia regarding the Readmission of Persons whose Entry or Residence is Illegal, 1998.05.28.</td>
<td></td>
</tr>
<tr>
<td>Agreement between the Republic of Lithuania and the Kingdom of Spain on readmission of persons whose residence is illegal, 1998.11.18.</td>
<td></td>
</tr>
<tr>
<td>Protocol for the implementation of the Agreement between the Government of the Republic of Lithuania and the Government of the Benelux States (The Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of the Luxembourg) on the readmission of persons in irregular stay (Readmission Agreement), 1999.06.09.</td>
<td></td>
</tr>
<tr>
<td>- Protocol for the implementation of the Agreement between the Government of the Republic of Lithuania and the Government of the Hellenic Republic regarding the Readmission of Persons whose Residence is Illegal.</td>
<td></td>
</tr>
<tr>
<td><strong>5. Please describe briefly the procedure of readmission applicable in your country and, if possible, indicate the challenges related to application of this procedure. Please provide available statistics on persons transferred/accepted under the readmission agreements in force (own nationals, third country nationals, stateless persons) during 2015 and 2016.</strong></td>
<td></td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td><strong>Readmission applications are made to third countries by the authority referred to in the protocol implementing the relevant agreement between the European Union and a third country on the readmission of persons or a bilateral agreement between the Republic of Lithuania and the third country on the readmission of persons. Readmission applications are usually submitted (with certain exceptions) by the Migration Department under Ministry of the Interior of the Republic of Lithuania.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>A standard readmission application form shall be completed and shall be sent to the competent authority of the state of the Requested Contracting Party via any means of communication, including electronic means of communication. Apart from a Readmission Application, if possible, in every case the competent authority of the Requesting Contracting Party shall submit to the competent authority of the Requested Contracting Party the documents listed in a Readmission Agreement, a completed standard form &quot;European Fingerprints' Standard&quot; with fingerprints and a photograph of the person with regard to which a Readmission Application is submitted.</strong></td>
<td></td>
</tr>
<tr>
<td>If the competent authority of the Requesting Contracting Party, apart from a Readmission Application, cannot submit any documents listed in a Readmission Agreement or if the documents submitted are insufficient and if the necessity of interviewing a person to be readmitted is indicated in a Readmission Application, the competent authority of the Requested Contracting Party which examines a Readmission Application shall organize an interview of a person to be readmitted according to the procedure. <strong>The term for responding to a Readmission Application provided for in a Readmission Agreement shall be calculated as of the date of receipt of a Readmission Application by the competent authority of the Requested Contracting Party.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Following the approval by the Requested Contracting Party of a Readmission Application, the Requesting Contracting Party shall send a written notice to the Requested Contracting Party, which will contain the details of a person to be readmitted and the information concerning the transfer of such a person, attaching a copy of the consent of the Requested Contracting Party to take over a person to be readmitted.</strong> <strong>Cost related to readmission or transit operations incurred by the Requested Contracting Party, which shall be covered by the Requesting Contracting Party in accordance with a Readmission Agreement.</strong></td>
<td></td>
</tr>
</tbody>
</table>
The procedures of readmission are described on agreements of readmission and implementation protocols. Lithuania do not face any challenges that is worth to be mentioned related to application on this procedure.

**Statistics on third country nationals transferred under the readmission agreements:**

2015: All requests (25) were received for third country nationals. 16 Georgian nationals were transferred to Georgia and 9 Russian nationals were transferred to Russian Federation.

2016: All requests (6) were received for third country nationals. 2 Georgian nationals were transferred to Georgia, 3 Russian nationals were transferred to Russian Federation and 1 Azerbaijani national was transferred to Azerbaijan.

**Statistics on persons accepted under the readmission agreements:**

2015: The biggest number of requests (30) was received for the return of nationals of the Republic of Lithuania, 3 applications - on the return of stateless persons, 4 applications - for third country nationals (Kyrgyzstan, Afghanistan, Ukraine and Armenia) return to the Republic of Lithuania. More than half of the requests (29) were received from Germany, 7 requests were received from Russian Federation, 5 requests submitted by France and Switzerland, 1 - Sweden and 1- Moldova. 38 requests were accepted, 5 requests were refused to accept on the grounds of the readmission agreements.

2016: The biggest number of requests (35) was received for the return of nationals of the Republic of Lithuania, 3 applications - on the return of stateless persons, 4 applications - for third-country nationals (India, Eritrea, Ukraine and Armenia) return to the Republic of Lithuania. More than half of the requests (24) were received from Germany, 6 requests were received from Russian Federation, 5 requests submitted by France, 1 by Switzerland, 1 - Moldova, 1- Latvia. 38 requests were accepted, 4 requests were refused to accept on the grounds of the readmission agreements.

<table>
<thead>
<tr>
<th>6. Does your legislation provide for an option of the voluntary return? Is there any provision granting preference to voluntary return over the forced one? Please describe briefly current policy, legislation in force related to voluntary return and reintegration of migrants.</th>
<th>Article 127 of the Law on the Legal Status of Aliens provides for the cases when an alien, who stays in Lithuania irregularly, can be imposed an obligation to leave/ issued a decision to leave the country voluntarily. According to Article 125 paragraph 1 Law on legal status of aliens, a decision to return an alien to a foreign state shall be taken where: 1) the alien’s visa has been annulled; 2) the alien’s temporary residence permit or permanent residence permit has been withdrawn; 3) the alien stays in the Republic of Lithuania after the expiry of the period of validity of his visa; 4) the alien stays in the Republic of Lithuania after the expiry of the period of validity of his temporary residence permit;</th>
</tr>
</thead>
</table>
5) the alien entered the Republic of Lithuania legally, but stays in the Republic of Lithuania without possessing a temporary or permanent residence permit, where he is obliged to possess one;
6) the alien has stayed in the Republic of Lithuania for a period exceeding the period of stay established for aliens in Article 11(2) to (5) and Article 11(7) of this Law;
7) the alien has unlawfully entered the Republic of Lithuania or is irregularly staying in it, however he is a vulnerable person, an asylum applicant or an alien who has been refused asylum and who agrees to voluntarily return to a foreign state assisted by an international or non-governmental organization.

In case an alien has entered Lithuania in compliance with the entry conditions but no longer fulfills the requirements for a regular stay or has entered the country irregularly but is a vulnerable person willing to return to the country of origin or another safe third country that is to accept him/her, an alien may be obliged to leave the country voluntarily. Having regard to the alien’s possibilities, a period of between 7 to 30 days can be determined within which the alien is obliged to leave from the Republic of Lithuania. The obligation to leave the Republic of Lithuania establishes a period that does not exceed 30 days.

Nevertheless, the time limit, within which an alien is obliged to voluntarily leave from the Republic of Lithuania may be extended taking into account the variety of circumstances, i.e. the length of his stay in the Republic of Lithuania, the family relationship with persons residing in the Republic of Lithuania, existing social, economic and other ties with the Republic of Lithuania, however the total length of the period for voluntary departure may not exceed 60 days.

Where there are grounds for believing that an alien may abscond to avoid return to a foreign state or the obligation to leave the Republic of Lithuania, a decision to return the alien to the foreign state or the obligation to leave the Republic of Lithuania may grant a period shorter than 7 days within which the alien is obliged to voluntarily leave the Republic of Lithuania, or the Republic of Lithuania may refrain from granting a period for voluntary departure.

In case the alien fails to comply with the obligation to leave within the designated period or fails to voluntarily leave the country within the specified time limit, the person is to be expelled from Lithuania.

7. Please provide the examples of best practices of assisted voluntary return and reintegration, including international cooperation programmes/projects implemented jointly with EU, EU Member States, EaP countries as well as with international organizations. What measures, in particular, are taken for economic reintegration of returning migrants?

Assisted voluntary return and reintegration programs are co-financed by AMIF fund together with national funds. These programs are implemented by IOM Vilnius office (IOM). As for reintegration, IOM is helping migrants to establish themselves in their home countries after their voluntary return. IOM implements measures to prevent recurring irregular and/or failed migration, and provides reintegration assistance.

Reintegration assistance is always available after return to the country of origin, is provided in kind other than cash (by paying for the necessary goods and/or services directly to suppliers) and aimed at income generating activities.

One of successful reintegration case was implemented in Azerbaijan, Baku. With the assistance of IOM Vilnius and IOM Baku 1 migrant after voluntary return to Baku has established a small business together with the companion, both of them run small shop-repair for conditioners. With the assistance of IOM place for the small shop-repair was rented and necessary materials, such as freon were bought.
**MOLDOVA**

1. Please describe how your national legislation regulates forced return of migrants.

   According to the provisions of the Law of the Republic of Moldova no. 200 of 16.07.2010 on the regime of foreigners in the Republic of Moldova, were established the rules of entry, stay and exit of foreigners on / from the territory of the Republic of Moldova, the granting and extension of the right of residence, repatriation, documentation, restrictive measures in case of violation the rules of the regime and specific measures to ensure immigration evidence in accordance with the obligations assumed by the Republic of Moldova under the international treaties.

   Thus, an entire chapter titled "Regime of removal of foreigners from the territory of the Republic of Moldova" was established in order to provide those restrictive measures that could be applied to foreigners who have violated the rules of stay on the territory of the country.

   Return is one of these measures and it can be realised either voluntarily by foreigners or forced through physical escort to the crossing point of the state border or to the country of origin, transit or destination in the following situations:

   - the foreigner did not execute the return decision previously issued for voluntary leaving,
   - the foreigner has passed or attempted to cross irregularly the state border,
   - the foreigner has entered the country in the period of ban previously applied,
   - for whose foreigners which identity could not be established,
   - for whose foreigner which has been declared undesirable person (posing a threat to national security or public order),
   - against the foreigner whom expulsion was decided,
   - the foreigner is presenting a risk of absconding from the removal procedure.

   Related to these circumstances, under an administrative decision issued by the Bureau for migration and asylum of Ministry of Internal Affairs, the foreigners will be:

   - removed from the country within 24 hours (if the foreigner has a valid identity card for crossing the state border and financial means and if no other formalities are required),
   - placed in public custody in a specialized Centre based on the decision of the court, adopted on the basis of the request of the competent authority for foreigners (Bureau for migration and asylum of MIA),
   - the subject of tolerance of stay on the territory of the Republic of Moldova for a certain period of time (1. when it is not allowed to leave the country as a result of the suspension of the right to free movement abroad in the criminal proceeding; 2. who have been refused by an irrevocable court decision in the asylum and which, for objective reasons, have not left the territory of the Republic of Moldova within the time-limit laid down by law; 3. whose temporary presence on the territory of the Republic of Moldova is required by public interests; 4. foreigners who are or have been victims of trafficking in human beings during the reflection period). Toleration is not granted to foreigners declared undesirable or against whom the measure of expulsion was ordered.

   Also removal can be suspended if foreigner:

   - is the parent of a minor who attends the courses of a state or private educational institution, accredited according to the law - until the end of the school year;
   - is married to a foreigner who is allowed to remain on the territory of the Republic of Moldova, granted under the present law or by the court - until the date when the permission ceases;
- has a state of health that makes it impossible to carry out the measure of removal - until it is improved.

Under the same law, removal is prohibited if:
- the foreigner is minor and the parents have the right of residence in the Republic of Moldova;
- the foreigner is married to a citizen of the Republic of Moldova and marriage is not fictive;
- the foreigner is married to another foreigner with the right of permanent residence in the Republic of Moldova and the marriage is not fictive;
- the foreigner has minor children or children who are not able to work, who are citizens of the Republic of Moldova, if the minor is under maintenance on him or if there is an obligation to pay the alimentary pension, an obligation the foreigner does on a regular basis;
- there are justified fears that the foreigner's life is endangered or subjected to torture, inhuman or degrading treatment in the state in which he must be returned;
- the foreigner has the right to acquire the citizenship of the Republic of Moldova through recognition;
- by international treaties to which the Republic of Moldova is a party.

Above mentioned categories of foreigners may be granted or extended the right of residence in the Republic of Moldova by the competent authority for foreigners, for one of the purposes and under the conditions indicated in the Law.

<table>
<thead>
<tr>
<th>2. In case if your legislation provides for the possibility of detention for the purpose of identification and removal what are the conditions and time limits of such detention? What facilities are established/used for the purpose of migrants’ detention? Are there any alternative options for detention particularly for vulnerable groups – women, children etc?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public custody (detention) is a measure restricting the freedom of movement, ordered by the court on the basis of the request of the competent authority for foreigners for the above mentioned categories for a period not exceeding more than 6 months, and in the case of the foreigner who was declared undesirable, <strong>may not exceed more than 12 months</strong>.</td>
</tr>
<tr>
<td>Foreigners who are taken in public custody are placed in the Temporary Placement Centre for Foreigners, which is a specialized structure administered by the competent authority for foreigners. The functionality of the Centre is covered by a Government decision.</td>
</tr>
<tr>
<td>Foreigners accommodated in the Centre benefit from the right to legal, medical, social assistance and respect for their own opinion and specifics in religious, philosophical and cultural matters. During their stay in the Centre foreigners have the right to be informed in writing form about their rights and obligations and the reasons that led to the measure. Throughout the period of stay in the Centre, foreigners are provided with the opportunity to communicate with the diplomatic and consular representatives of the State of origin.</td>
</tr>
<tr>
<td>Families are taken into custody only as a last resort and for as short a period as possible. When taken into custody, they receive separate accommodation to ensure an adequate level of privacy.</td>
</tr>
<tr>
<td>Unaccompanied minors shall be assured by the representation through a guardianship institution that will provide them with the necessary protection and care, including accommodation in special centres for the protection of minors, under the same conditions as minor's citizens of the Republic Moldova.</td>
</tr>
<tr>
<td>Likewise, the foreigner can be released from public custody, based on a decision of the competent authority for foreigners, if the term of public custody has expired or the reason for the issuance of the decision to take custody has disappeared.</td>
</tr>
</tbody>
</table>
3. If your legislation establishes that an entry ban should accompany a return and/or removal decision, what are the conditions and lengths of entry bans applicable in your country? Please provide the statistics on entry bans issued during 2015 and 2016 (please indicate how many entry bans were issued for nationals of the EaP countries).

According to the provisions of the Law of the Republic of Moldova on the regime of foreigners in the Republic of Moldova against foreigners who have entered in Republic of Moldova legally, but whose stay has become irregular, the duration of the entry ban will be:

- from 1 to 5 years - in the case of an irregular stay from 3 months to 3 years (applied proportionally);
- 1 year - in the case of non-observance of the purpose for which the right of temporary residence has been granted / extended;
- 3 years - in the case of illegal practice of work;
- 5 years - in case of declaration of false personal information;
- 5 years - in case of expulsion;
- for 5 years - if they have committed in the territory of the Republic of Moldova intentional crimes or serious crimes, extremely serious or exceptionally serious with imprudence,
- 5 years - if they have irregularly entered the Republic of Moldova.

The prohibition on entry cannot be applied to foreigners who are married to Moldovan citizens or other foreigners with permanent residence right in the Republic of Moldova or who have minor children or children who are unfit for work, except in cases where foreigners have been deprived of parental rights.

Statistical table with information on the application of the total entry ban and referring to the Eastern Partnership countries:

<table>
<thead>
<tr>
<th>Countries</th>
<th>Total</th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ukraine</td>
<td>113</td>
<td>76</td>
<td></td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>6</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Georgia</td>
<td>4</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Armenia</td>
<td>3</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Belarus</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Other countries</td>
<td>154</td>
<td>185</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>281</td>
<td>280</td>
<td></td>
</tr>
</tbody>
</table>

4. Please provide the information on existing bilateral/multilateral international agreements on readmission as well as their

At the moment, the Republic of Moldova is implementing the readmission Agreement between the Republic of Moldova and the European Community on readmission of persons residing without authorisation (10.10.2007, Brussels, Belgium). (hereinafter – Readmission agreement):

- Negotiations with EU member states on bilateral Protocols of implementation of the Readmission agreement:
implementing protocols concluded by your country (including the agreements being in the process of negotiations). What challenges are related to negotiation process?

During 2009-December 2016, the Republic of Moldova has already signed the readmission Protocols with 21 EU countries: Estonia (2009), Latvia, Lithuania, Swiss Confederation, Germany, Austria, Hungary, Romania, Slovak Republic (2010), Denmark, Bulgaria, Malta, Czech Republic (2011), Poland (2012), Benelux Countries and Spain (2013), Slovenia and Greece (2014), Italy (2015).

In the process of consideration (ready to be signed) there are 2 readmission Protocols between the RM and Portugal and Cyprus, which will be signed as soon as possible.

In the negotiation process there is a readmission Protocol between the RM United Kingdom of Great Britain and Northern Ireland.

- Negotiations with third countries on Readmission agreements and Protocols of implementation:


In the negotiation process there are five readmission Protocols between the RM and Ukraine, Azerbaijan, Russian Federation, and Lebanon.

Statistics on the readmission of the Moldovan citizens, period of 2015-2016:

From a statistical point of view, in the year 2016, the Bureau has examined 1194 requests for readmission of Moldovan citizens compared to 56 in 2015, attested by a rather significant increase, this being directly conditioned by the number of applications submitted by the German authorities (2016 - 1158 and 2015 - 9).

Of the total number of applications registered in 2016, 246 applications were rejected in the case of about 20% (Germany - 238, Switzerland - 6, Austria - 1, Romania - 1) on the grounds that they were not identified as Moldovan citizens.

Likewise, from the total number of requests, 281 were submitted in case of minor, of whom 27 were refused (all Germany) or 10%. As a result, 390 Moldovan citizens were successfully transferred, of which 269 from Germany (or 23% of the total number of submitted applications) compared to only 2 persons in 2015.

5. Please describe briefly the procedure of readmission applicable in your country and, if possible, indicate the challenges related to application of this procedure. Please provide available statistics on persons transferred/accepted under the readmission agreements in force (own nationals, third country nationals, stateless persons) during 2015 and 2016.

6. Does your legislation provide for an option of the voluntary return? Is there any provision granting preference to voluntary return over the forced one? Please describe briefly current policy, legislation in force related to voluntary return and reintegration of migrants.

According to the provisions of the Law of the Republic of Moldova on the regime of foreigners in the Republic of Moldova, foreigners may request the support of the competent authority for foreigners for returning to their country of origin or to another country if they do not have financial means.

Therefore, the competent authority for foreigners, together with national and international organizations with competencies in the field, develops joint programs to identify concrete ways of supporting these foreigners to return to their countries of origin, as well as the necessary financial resources. Foreigners can benefit individually only once from the support granted by the competent authority, through the programs mentioned, for returning to their country of origin.
12 foreigners (of which Ukraine - 3, Armenia - 1) were voluntarily returned during 2016, but in the analogous period of 2015 only 5 foreigners were assisted.

The assisted voluntary return (AVR) procedure in the country of origin was largely ensured by the Bureau for migration and asylum, and as a result of the requests submitted to the International Organization for Migration, the AVR was provided for 3 foreigners.

Previously, AVR was ensured by the International Organization for Migration through the assistance of the Delegation of the European Union projects that was carried out until March 2013.

7. Please provide the examples of best practices of assisted voluntary return and reintegration, including international cooperation programmes/projects implemented jointly with EU, EU Member States, EaP countries as well as with international organizations. What measures, in particular, are taken for economic reintegration of returning migrants?

NETHERLANDS

1. Please describe how your national legislation regulates forced return of migrants.

The Dutch legislation regarding forced removals is based on the EU Return Directive, in particular Article 8.

2. In case if your legislation provides for the possibility of detention for the purpose of identification and removal what are the conditions and time limits of such detention? What facilities are established/used for the purpose of migrants’ detention? Are there any alternative options for detention particularly for vulnerable groups – women, children etc?

The Dutch legislation regarding detention of migrants is based the EU Return Directive, in particular Article 15.

Dutch legislation provides the possibility to apply the maximum period of detention following the EU Return Directive. An initial period of 6 months may be applied, with the possibility of a prolongation of 12 months, while taking into account all judicial safeguards. However, the actual average detention period is 43 days.

In October 2014 a closed family detention centre was opened for the purpose of return of families with minor children and of unaccompanied minors (AMV) who have not returned voluntarily or with a less coercive measure. This facility is only used as a measure of last resort for return. Most families with children and unaccompanied minors will come from an open reception location or the open family location (alternative to detention) before being placed in this special facility. Families will on average be at the location for only 6 days. The maximum stay is 14 days.
44

<table>
<thead>
<tr>
<th>Location provides a child friendly environment. It has been developed in close cooperation with the Netherlands Organization for Applied Scientific Research (TNO) and differs strongly from a normal administrative detention location in design, regime, staff etc.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>The Dutch legislation regarding entry bans is based on the EU Return Directive, in particular Article 11.</th>
</tr>
</thead>
</table>

<table>
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<tr>
<th>3. If your legislation establishes that an entry ban should accompany a return and/or removal decision, what are the conditions and lengths of entry bans applicable in your country? Please provide the statistics on entry bans issued during 2015 and 2016 (please indicate how many entry bans were issued for nationals of the EaP countries).</th>
</tr>
</thead>
</table>

| The EU has concluded Readmission Agreements with the following countries: **Albania** (including Benelux-IP), **Armenia** (IP under negotiations), **Azerbaijan** (IP under negotiations), **Bosnia-Herzegovina** (IP signed, not yet entered into force), **Cape Verde** (IP under negotiations), **FYROM** (IP signed, not yet entered into force), **Georgia** (IP signed, not yet entered into force), **Hong Kong** (no IP), **Macao** (no IP), **Moldova** (IP signed, not yet entered into force), **Montenegro** (IP signed, not yet entered into force), **Pakistan** (IP under negotiations), **Russian Federation** (including IP), **Serbia** (IP signed, not yet entered into force), **Sri Lanka** (IP under negotiations), **Turkey** (IP under negotiations), **Ukraine** (IP under negotiations). |

| The Benelux countries (Belgium, Luxembourg, the Netherlands) have jointly also concluded readmission agreements, mostly including implementing protocols, with **Austria**, **Bulgaria**, **Croatia**, **Estonia**, **France**, **Germany**, **Hungary**, **Kazakhstan** (signed, but not yet into force), **Kosovo**, **Latvia**, **Lithuania**, **Romania**, **Slovenia**, **Slovakia** and **Switzerland**. |

<table>
<thead>
<tr>
<th>The Benelux countries mostly negotiate a readmission agreement in parallel with a visa waiver agreement, which facilitates negotiations. In some cases, third countries question the need to include clauses on the readmission of third country nationals and stateless persons in the agreement.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>4. Please provide the information on existing bilateral/multilateral international agreements on readmission as well as their implementing protocols concluded by your country (including the agreements being in the process of negotiations). What challenges are related to negotiation process?</th>
</tr>
</thead>
</table>

| For countries with which an EU Readmission Agreement is in place, readmission takes place according to the provisions in the Agreement. If there is no EURA, readmission is generally organized bilaterally by filing applications for identification and return with the Embassy of the requested country. |

<table>
<thead>
<tr>
<th>Readmission statistics for Eastern Partnership countries:</th>
</tr>
</thead>
</table>

<p>| Armenia |
| 2015: EURA not applied |
| 2016: EURA applied from 1/6/2016: |</p>
<table>
<thead>
<tr>
<th>Approximately 120 cases filed under EURA, of which approximately 85 were identified as Armenian citizens</th>
</tr>
</thead>
</table>
### Azerbaijan
2015: Approximately 75 cases filed under EURA, of which approx. 40 were identified as citizens of Azerbaijan
2016: Approximately 45 cases filed under EURA, of which approx. 25 were identified as Azeri of Azerbaijan

### Georgia
2015: Approximately 40 cases filed under EURA, approx 35 identified as Georgian citizens
2016: Approximately 80 cases filed under EURA, approx 75 identified as Georgian citizens

**Belarus: EURA not yet into force**
2015: Approx 10 cases filed, approx 5 identified as Belarus citizens
2016: Approx 10 cases filed, approx 10 identified as Belarus citizens

**Moldova: EURA will be applied as soon as the Implementing Protocol enters into force**
2015: 1 case filed, 1 person identified als citizen of Moldova
2016: 4 cases filed, 3 identified as citizen of Moldova

### Ukraine
2015: Approx 85 cases filed under EURA, approx 60 cases identified as citizens of Ukraine
2016: Approx 60 cases filed under EURA, approx 35 cases identified as citizens of Ukraine

### 6. Does your legislation provide for an option of the voluntary return? Is there any provision granting preference to voluntary return over the forced one? Please describe briefly current policy, legislation in force related to voluntary return and reintegration of migrants.

The Dutch legislation regarding voluntary return is based on the EU Return Directive, in particular Article 7.

### 7. Please provide the examples of best practices of assisted voluntary return and reintegration, including international cooperation programmes/projects implemented jointly with EU, EU Member States, EaP countries as well as with international organizations. What measures, in particular, are taken for economic reintegration of returning migrants?

The Netherlands is currently a partner in the Targeted Initiative for Armenia (lead by the French Immigration Office). Although the program has recently ended, a successor project is financed by the Mobility Partnership Facility until 1 November 2017. Under this program several EU MS support the Armenian State Migration Service with financing a Migrant Centre for reintegration. This centre (in Yerevan) supports returning migrants. Additionally the Netherlands has a bilateral project (implemented with support of the Armenian RCR, the reintegration centre) for both voluntary as well as non-voluntary returnees from Armenia.

A cornerstone in the Dutch policy towards reintegration is financing initiatives for income generation (especially business start-ups).
### POLAND

1. Please describe how your national legislation regulates forced return of migrants.

In cases stipulated in the act of 12 December 2013 on foreigners (that is the implementation i.a. Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third country nationals into the national legal order of the Republic of Poland) the administrative proceedings on obliging a foreigner to return are commenced.

Proceedings on obliging a foreigner to return are commenced and conducted by the Commander of the Border Guard Post or Commander of the Border Guard Division.

- **Voluntary return**

  The return decision may provide for a period for voluntary departure of between 15 and 30 days, counting from the date of notification of the decision. In that case a foreigner is obliged to leave the territory of the Republic of Poland within the time limit specified in the issued decision (leaving for the other EU/Schengen Member State does not make the decision executed).

- **Forced return**

  The period for voluntary departure shall not be specified in the return decision if the authority adjudicating in that case considers that there is a risk of absconding or it is required for the reasons of national security or defense, the protection of public order and safety. Such decision shall be subject to forced execution.

  The forced execution may also apply to the decision in which the period for voluntary departure has been granted, if, after the issuance of that decision:
  - a risk of absconding arises,
  - further stay of a foreigner is considered as a threat to national security or defense, the protection of public order and safety,
  - a foreigner has not complied with an obligation to departure within the time limit indicated in the return decision.

  Forced execution of a return decision shall consist in bringing a foreigner to the border or to an airport or sea port of the state to which s/he is to be transferred. In order to bring the foreigner from the border to an airport of the country to which s/he is to be transferred, the provisions of Annex to Council Decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders applies.

  If the decision on return is enforced, a foreigner shall be obliged to cover the expenses of its execution. The costs shall be determined in an administrative decision. If the expenses change the decision in this matter will be amended accordingly.

  The expenses of removal, depending on circumstances which are basis of issuance of a return decision may also be bear by:
  - a person inviting a foreigner,
  - an entity entrusting a foreigner with work or performing a function,
  - a research institution, which accepted a foreigner with a purpose to conduct a research.

  Forced execution of the return decision results in an entry of foreigner’s personal data in SIS for the purposes of refusing entry. Thus, the imposed entry ban will cover not only the territory of Republic of Poland but also the territory of other Schengen states.
2. In case if your legislation provides for the possibility of detention for the purpose of identification and removal what are the conditions and time limits of such detention? What facilities are established/used for the purpose of migrants’ detention? Are there any alternative options for detention particularly for vulnerable groups – women, children etc?

According to biding law a foreigner shall be placed in a guarded centre if:

a) there is a probability that a decision on imposing the return obligation on a foreigner will be issued without a specified period for voluntary return or such a decision has been issued without a specified period for voluntary return;

b) a foreigner has not voluntarily left the territory of the Republic of Poland within the period specified in the decision and immediate forced execution of the decision is not possible;

c) a foreigner fails to meet the obligations set out in the ruling on use of the alternatives to detention (report at specified intervals to the Polish Border Guard authority, lodge a security deposit, surrender his/her travel document for custody, reside at the indicated place).

A decision on placing a foreigner in a guarded centre is issued, upon the request of a Polish Border Guard authority, by the independent and impartial court.

A foreigner, as a rule, shall be placed in a guarded centre/arrest for foreigners for the shortest possible period. The maximum period of it stay in a guarded centre/arrest for foreigners must not exceed 12 months.

If the foreigner filed a complaint against the decision on obligation him/her to return with a motion to suspend execution of the decision, the period of stay may be extended to 18 months.

Nevertheless, this period shall not take into account the period of the foreigner’s stay in a guarded centre/arrest for foreigners in connection with his/her application for the international protection (6 months maximum).

Taking the above into consideration the maximum authorised length of a foreigner’s stay in a guarded centre/arrest for foreigners may be, depending the circumstances, 18 or 24 months.

The Border Guard and courts consider (such a decision can be ruled by the Border Guard authority that apprehended a third country national or by the court), in the first place, the possibility of refrain from placing a foreigner in a guarded centre in favour of ruling the alternatives to detention, such as:

a) report at specified intervals to the Polish Border Guard authority,

b) lodge a security deposit,

c) surrender his/her travel document for custody,

d) reside at the indicated place

– until a decision on imposing the return obligation has been executed.

The ruling may allow for one or more abovementioned measures and shall be subject to immediate execution.

The use of the alternatives to detention is also considered when deciding on the prolongation of stay of a third country national in a detention centre.
According to the Polish law it is possible to place in a guarded centre accompanied, unaccompanied minors and families with children, as a measure of last resort, provided that special safeguards are in place taking account of the best interests of the child and family life.

The court examining the Border Guard authority request to place an unaccompanied minor foreigner in a guarded centre, guided by his/her wellbeing, shall take into account in particular the following:

- the degree of physical and mental development of a minor foreigner
- a minor foreigner’s personality traits,
- the circumstances of the detention of a minor foreigner,
- personal conditions in favour of placing a minor foreigner in a detention centre.

In a guarded centre can be placed an unaccompanied minor who has reached the age of 15 years old (if s/he does not apply for granting the refugee status in the Republic of Poland - an unaccompanied minor who has applied for this kind of protection shall not be placed in a guarded centre).

In case of doubt about the age of a foreigner to be received in a guarded centre who claims to be a minor, s/he shall undergo, with his/her consent or the consent of his/her legal representative, a medical examination in order to determine the actual age of the foreigner. A foreigner who claims to be a minor and refuses to undergo a medical examination shall be considered an adult.

Moreover, the Polish Border Guard Headquarters has developed the algorithm to deal with foreigners requiring special treatment (i.e. minors, unaccompanied minors, persons with disabilities, the elderly, pregnant women, single parents with minor children, victims of torture, rape or other serious forms of violence, victims/witnesses of trafficking people and people requiring support because of health or special personal circumstances), which in a complex way regulates the identification matters and the procedure for dealing with such persons in the the Border Guard.

The algorithm has been developed in order to determine the conditions necessary for the effective identification of this category of foreigners (by the implementation of solutions facilitating its conduct) during their stay in a guarded centre. Moreover, the algorithm determine the appropriate course of action in the event of circumstances which result in dismissal from the guarded centre.

Foreigners requiring special treatment are provided with psychological and therapeutic assistance (an addiction advice centre), including the ability of use of the services of psychologists from outside the Border Guard (the so-called external psychologists).

All of the detention centres in Poland (6 guarded centres and an arrest for foreigners) are managed by the Border Guard.

The Border Guard has defined profiles of guarded centres. In order to ensure the best possible living conditions, the profiles were adjusted to the current migration situation, infrastructure of guarded centres and skills of its staff.

<table>
<thead>
<tr>
<th>Border Guard Division</th>
<th>Arrests for foreigners/capacity</th>
<th>Guarded centres/capacity</th>
<th>Profiles of guarded centres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warmińsko - Mazurski Division</td>
<td>-</td>
<td>1 / 122</td>
<td>families</td>
</tr>
<tr>
<td>Division</td>
<td>Number</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>------------------------</td>
<td>--------</td>
<td>------------------------------</td>
<td></td>
</tr>
<tr>
<td>Podlaski Division</td>
<td>-</td>
<td>1 / 122 (max 127) single men</td>
<td></td>
</tr>
<tr>
<td>Nadbużański Division</td>
<td>-</td>
<td>1 / 130 families, single women</td>
<td></td>
</tr>
<tr>
<td>Bieszczadzki Division</td>
<td>1 / 33</td>
<td>1 / 103 families, single women</td>
<td></td>
</tr>
<tr>
<td>Nadodrzański Division</td>
<td>-</td>
<td>1 / 32 (since 2018 – 56) single men</td>
<td></td>
</tr>
<tr>
<td>Morski Division</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Nadwiślański Division</td>
<td>-</td>
<td>1 / 42 (max 50) single men</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>1 / 33</td>
<td>6 / 584</td>
<td></td>
</tr>
</tbody>
</table>

In 3 out of 6 guarded centres can be placed minors (with their families). These centres have been adapted to the specific needs of this category of persons, both in terms of infrastructure, as well as education.

A foreigner who is placed in a guarded centre with members of his/her family, or with a minor under his/her care, is provided with a common room for foreigners.

In the case of a minor staying in a guarded centre unaccompanied, s/he is placed in a separate part of the centre.

### 3. If your legislation establishes that an entry ban should accompany a return and/or removal decision, what are the conditions and lengths of entry bans applicable in your country? Please provide the statistics on entry bans issued during 2015 and 2016 (please indicate how many entry bans were issued for nationals of the EaP countries).

The return decision shall be accompanied by an entry ban for the territory of the Republic of Poland or for the territory of the Republic of Poland and other Schengen states. The length of an entry ban shall be determined depending on circumstances which were basis for the issued decision, and may last from 6 months to 5 years.

An entry ban for the territory of the Republic of Poland and other Schengen states shall be imposed, if:

- a) it does not provide for a period for voluntary departure,
- b) it does provide for a period for voluntary departure – in case where a foreigner within this period:
  - has not left the territory of the Republic of Poland,
  - crosses or attempts to cross state border irregularly.

An entry ban may be revoked upon request of a foreigner, if the foreigner proves that:

- he/she has complied with obligations resulting from given decision,
- his/her return into the territory of Poland or other Schengen States will take place due to justified circumstances, especially due to humanitarian reasons,
- a foreigner was granted an assistance in voluntary return.

The statistics on entry bans issued in 2015 and 2016
4. Please provide the information on existing bilateral/multilateral international agreements on readmission as well as their implementing protocols concluded by your country (including the agreements being in the process of negotiations). What challenges are related to negotiation process?

In the case of cooperation with some the third countries authorities with regard to negotiations in the field of the signing of the readmission agreement, it is very difficult to establish the competent institution / contact person responsible for the readmission issues. Another problem concerns the replies to the official request sent in the aim to start of such negotiations. The lack of internal stability of the third country (political, structural, economic, social and international) as well as frequent changes of executive staff of institutions responsible for return policy are also a major challenges for the negotiating process.

<table>
<thead>
<tr>
<th>Country</th>
<th>Agreement signed</th>
<th>Entry into force</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. FYROM*</td>
<td>1994-11-15</td>
<td>2007-02-04</td>
</tr>
<tr>
<td>12. Lithuania</td>
<td>1998-07-13</td>
<td>2000-01-08</td>
</tr>
<tr>
<td>18. Switzerland</td>
<td>2005-09-19</td>
<td>2006-03-31</td>
</tr>
<tr>
<td>19. Latvia</td>
<td>2006-03-29</td>
<td>2007-12-27</td>
</tr>
<tr>
<td>20. Kazakhstan</td>
<td>2016-08-22</td>
<td>waiting for entry into force</td>
</tr>
</tbody>
</table>

* Replaced by the EU agreements
### Multilateral Schengen agreement

<table>
<thead>
<tr>
<th>Countries</th>
<th>Agreement signed</th>
<th>Entry into force</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Belgium, Germany, France, Italy, the Netherlands, Luxembourg</td>
<td>1991-03-29</td>
<td>1991-04-01</td>
</tr>
</tbody>
</table>

### EU readmission agreements

<table>
<thead>
<tr>
<th>Countries</th>
<th>Agreement signed</th>
<th>Entry into force</th>
<th>Protocol signed/entry into force</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Hong Kong</td>
<td>2002-11-27</td>
<td>2004-03-01</td>
<td></td>
</tr>
<tr>
<td>8. FYROM</td>
<td>2007-09-18</td>
<td>2008-01-01</td>
<td></td>
</tr>
<tr>
<td>12. Pakistan</td>
<td>2009-10-26</td>
<td>2010-12-01</td>
<td></td>
</tr>
<tr>
<td>13. Georgia</td>
<td>2010-11-22</td>
<td>2011-03-02</td>
<td>Agreed protocol text</td>
</tr>
<tr>
<td>16. Turkey</td>
<td>2013-12-16</td>
<td>2014-10-01</td>
<td></td>
</tr>
</tbody>
</table>
5. Please describe briefly the procedure of readmission applicable in your country and, if possible, indicate the challenges related to application of this procedure. Please provide available statistics on persons transferred/accepted under the readmission agreements in force (own nationals, third country nationals, stateless persons) during 2015 and 2016.

Most of the readmission agreements are performed by the Foreigner’s Department of Polish Border Guard HQ. Readmission agreement with:
- Ukraine (accelerated and regular procedure),
- Russia (accelerate procedure),
- Lithuania (accelerated and regular procedure),
- Slovakia (accelerate procedure),
- the Czech Republic (accelerate procedure),
- Germany (accelerate procedure) are performed by regional units of the BG.

**Readmission agreements with Ukraine, Russia and Vietnam are most commonly used in Poland.**

**Readmission agreement with Ukraine.**
In the frame of aforementioned agreement Poland readmitted citizens of Ukraine (2015 - 362 persons, 2016 - 457), third country nationals (2015 - 33, 2016 – 58) and stateless persons (2015 – 2). Ukrainian citizens represent about 80 percent of the total number of transferred foreigners. Cooperation with the Ukrainian authority in this regard is very good. (in 2015 Poland received  17 negative decision, in 2016 Poland received 16 negative decision). Generally, the Ukrainian Side replies within the deadline.

**Readmission agreement with Russia**
In the frame of aforementioned agreement (regular procedure) Poland readmitted citizens of Russia (2015 - 140 persons, 2016 - 71) and third country nationals (2015 - 0, 2016 – 1), Russian citizens represent about 99 percent of the total number of transferred foreigners. Moreover, in 2016 - 2 citizens of Russia were transferred in the frame of accelerate procedure.
Cooperation with the Russian authority in this regard is good (in 2015 Poland received 40 negative decisions, in 2016 Poland received 5 negative decisions). Generally, the Russian Side replies within the deadline.

All readmission requests concerning the third–country nationals were rejected by the Russian Side (2015 – 4 cases, 2016 – 0) even though the Polish Side presented evidence for direct entry from the territory of Russia, including the passenger list obtained from the air carrier. As a justification of the rejection of the readmission requests the Russian Side indicated the lack of documents confirming identity and evidence proving the irregular border crossing by the person who are the subject of the readmission procedure.
**Readmission agreement with Vietnam**

In the frame of aforementioned agreement Poland readmitted citizens of Vietnam (2015 - 101 persons, 2016 - 116). The agreement only applies to the citizens of the contracting parties. Cooperation with the Vietnamese authority in this regard is good (in 2015 Poland received 5 negative decision, in 2016 Poland received 1 negative decision).

On the basis on the MoU on the requests the Polish Side, the Vietnamese Side provides interviews to confirm the identity undocumented persons. In November 2016 the Vietnamese Side interviewed 73 non-documented foreigners who declared the Vietnamese citizenship and identified 54 citizens of Vietnam. Cooperation with the Vietnamese authority in this regard is good.

**6. Does your legislation provide for an option of the voluntary return? Is there any provision granting preference to voluntary return over the forced one? Please describe briefly current policy, legislation in force related to voluntary return and reintegration of migrants.**

See answer to questions 1 and 7.

**7. Please provide the examples of best practices of assisted voluntary return and reintegration, including international cooperation programmes/projects implemented jointly with EU, EU Member States, EaP countries as well as with international organizations. What measures, in particular, are taken for economic reintegration of returning migrants?**

On 1 May 2014 the Act on Foreigners, which has changed the current voluntary return system, entered into force. In accordance with the Act on Foreigners of 12 December 2013, the Border Guard may provide financing of the assistance in voluntary return to the country of return for the foreigner:

1. whose application for granting international protection has been disregarded on formal grounds,
2. who has been issued a decision on imposing the return obligation with the time-limit fixed (with the exception of a decision on imposing the return obligation that does not specify a deadline for voluntary return, or with the exception of another case where the decision is subject to forced execution),
3. who has been issued a decision on refusal to grant refugee status or subsidiary protection award or a decision to discontinue the proceedings on granting him/her refugee status was issued and he/she has not left the territory of the Republic of Poland within the deadline and,
4. who resides within the territory of the Republic of Poland on the basis of a certificate or temporary residence permit issued to persons identified as victims of trafficking.

Office for Foreigners cooperates with International Organization for Migration to provide foreigners with safe, humane and dignified return.

Currently, an assistance in reintegration is not carried out.

Polish Border Guard co-operates with the International Organization for Migration (IOM) in the frames of organizing assisted voluntary returns from Poland.

Costs related to the financing of voluntary return are covered from the state budget from the part of which is the minister competent for interior affairs; from the resources at the command of the Chief of Border Guard. By the end of June 2015, the expenses incurred by the International Organization for Migration for voluntary return of foreigners in 75% were co-financed by the European Return Fund - EFPI. From 1 July 2015 (i.e.
due to the lack of co-financing from the Asylum, Migration and Integration Fund - FAMI, expenditures incurred by the International Organization for Migration for the organization of AVRs of foreigners, are fully funded from the state budget (Border Guard budget).

Additionally, between 1 July 2015 to 28 April 2017 IOM implemented the project "Cooperation and competence the key to an effective fight against trafficking in human beings". The project was implemented in cooperation with the Border Guard Headquarters (co-financed in 85% of expenditures) in the frames of the Norwegian Financial Mechanism. The overall aim of the project was to increase the capacity of law enforcement in combating and preventing trafficking in human beings by building competence and contribute to strengthening institutional cooperation in providing assistance to victims of trafficking with particular emphasis on assisted voluntary return and reintegration.

Due to lack of EU funds, there is no possibility to provide foreigners with reintegration component upon their arrival within AVR programme.

<table>
<thead>
<tr>
<th>SLOVAK REPUBLIC</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Please describe how your national legislation regulates forced return of migrants.</td>
</tr>
</tbody>
</table>
| Article 84 paragraph 1, Implementation of Decision on Administrative Expulsion | A police department shall provide for the implementation of the decision on administrative expulsion, if  
  a) the period for the leaving of the country has not been specified by the police department in the decision on administrative expulsion;  
  b) a third country national has not left the country within the time period as specified in the decision on administrative expulsion;  
  c) a third country national should be returned to the territory of the contractual state according to an international treaty (78); or  
  d) a third country national cannot leave the country because s/he does not have any valid travel document or resources for the leaving of the country. |
| 2. In case if your legislation provides for the possibility of detention for the purpose of identification and removal what are the conditions and time limits of such detention? What facilities are established/used for the purpose of migrants' detention? Are there any alternative options for detention particularly for vulnerable groups – women, children etc? | No. Current legislation does not provide for this possibility. |
| 3. If your legislation establishes that an entry ban should accompany a return and/or removal decision, what are the conditions and lengths of entry bans applicable in your country? Please provide the statistics on entry bans | Under the current legislation („Act No. 404/2011 Coll.“), the entry ban imposition is optional, it means that police department may impose entry ban in the decision on administrative expulsion or not. There are some cases when entry ban is automatically imposed:  
  • When the police department does not set a period for departure in its decision on administrative expulsion (if there is a risk of absconding, reason for detention, or third-country national threatens the state safety, public order, public health or rights and freedoms of others) |
issued during 2015 and 2016 (please indicate how many entry bans were issued for nationals of the EaP countries).

- when the police department finds out that the apprehended third-country national was administratively expelled in the past without being imposed an entry ban, but failed to depart within the deadline set in the decision on his/her administrative expulsion,

- if there are several grounds for administrative expulsion.

In some cases independent procedure on entry ban is possible.

Entry ban in Slovakia is imposed by the administrative body (police department) or by the court like a “sentence of expulsion”.

According Act No. 404/2011 Coll. (article 82 paragraph 3) police department may impose an entry ban on the territory of the SR for a period of one to ten years based on the reason of administrative expulsion.

If required to ensure the safety of persons or property or other public interest, the court may, pursuant to the Penal Act, impose an entry ban on the territory of the SR for a period of 1 to 15 years. The sentence of expulsion may be imposed by the court in connection with criminal offence committed by a person in the territory of the Slovak Republic.

In 2015 were issued 396 decisions to 369 persons. 237 of these decisions were administrative expulsions (AE) with entry ban and 159 decisions of judicial expulsion (JE).

<table>
<thead>
<tr>
<th>Nationality</th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARM</td>
<td>AE</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>AE</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>AZE</td>
<td>AE</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>BLR</td>
<td>AE</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>GEO</td>
<td>AE</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>MDA</td>
<td>AE</td>
<td>203</td>
</tr>
<tr>
<td></td>
<td>14</td>
<td>2</td>
</tr>
<tr>
<td>UKR</td>
<td>AE</td>
<td>359</td>
</tr>
<tr>
<td></td>
<td>156</td>
<td>156</td>
</tr>
<tr>
<td>Together</td>
<td>AE</td>
<td>237</td>
</tr>
<tr>
<td></td>
<td>159</td>
<td>159</td>
</tr>
<tr>
<td></td>
<td>396</td>
<td>396</td>
</tr>
</tbody>
</table>
In 2016 were issued 541 decisions. 372 of these decisions were administrative expulsions with entry ban (AE+EB), 43 decisions of entry ban (EB) and 126 decisions of judicial expulsion (JE).

<table>
<thead>
<tr>
<th>Country</th>
<th>AE + EB, EB</th>
<th>JE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARM</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>AZE</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>BLR</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>GEO</td>
<td>16 persons /18 decisions</td>
<td>0</td>
</tr>
<tr>
<td>MDA</td>
<td>15</td>
<td>2</td>
</tr>
<tr>
<td>UKR</td>
<td>373</td>
<td>123</td>
</tr>
<tr>
<td><strong>Together</strong></td>
<td><strong>413 persons/415 decisions</strong></td>
<td><strong>126</strong></td>
</tr>
<tr>
<td>****</td>
<td><strong>539 persons/541 decisions</strong></td>
<td></td>
</tr>
</tbody>
</table>
4. Please provide the information on existing bilateral/multilateral international agreements on readmission as well as their implementing protocols concluded by your country (including the agreements being in the process of negotiations). What challenges are related to negotiation process?

The Slovak Republic has bilateral agreements with:
- Poland + implementing protocol
- Romania + implementing protocol
- Ukraine + implementing protocol – is not applicable because of multilateral readmission agreement EU–Ukraine - implementing protocol is in the process of negotiations
- Slovenia + implementing protocol
- Bulgaria
- France
- Croatia + implementing protocol
- Italy
- Spain
- Macedonia + implementing protocol - is not applicable because of multilateral readmission agreement EU–Macedonia + bilateral implementing protocol
- Austria + implementing protocol
- Germany + implementing protocol
- Hungary + implementing protocol
- Czech Republic + implementing protocol
- Sweden
- Netherland, Belgium, Luxembourg
- Norway
- Vietnam
- Switzerland + implementing protocol

The Slovak Republic is part of multilateral agreements:
- EU-Russia (OJ L129 of 17.05.2007, p.40) 2007/342/ES + bilateral implementing protocol
- EU-Georgia (OJ L 52 of 25.2.2011, p. 47) + bilateral implementing protocol
- EU-Pakistan (OJ L 287 of 4.11.2010, p. 52)
- EU-Cape Verde (OJ L 282 of 24.10.2013, p. 15)
5. **Please describe briefly the procedure of readmission applicable in your country and, if possible, indicate the challenges related to application of this procedure. Please provide available statistics on persons transferred/accepted under the readmission agreements in force (own nationals, third country nationals, stateless persons) during 2015 and 2016.**

In 2015 were readmitted from the territory of the Slovak Republic 112 persons in compliance with readmission agreements about irregular migrations with countries of eastern partnership.

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Together</th>
<th>Country of readmission</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Ukraine</td>
</tr>
<tr>
<td>Afghanistan</td>
<td>33</td>
<td>33</td>
</tr>
<tr>
<td>Georgia</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>Somalia</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td>Ukraine</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Russia</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>Syria</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Moldova</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Armenia</td>
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<td>5</td>
</tr>
<tr>
<td>Iraq</td>
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<td>5</td>
</tr>
<tr>
<td>Vietnam</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>3</td>
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<tr>
<td>Turkey</td>
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</tr>
<tr>
<td>Kazakhstan</td>
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</tr>
<tr>
<td>Pakistan</td>
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<td>1</td>
</tr>
<tr>
<td><strong>Together</strong></td>
<td><strong>112</strong></td>
<td><strong>112</strong></td>
</tr>
</tbody>
</table>

In 2016 were readmitted from the territory of the Slovak Republic 118 persons in compliance with readmission agreements about irregular migrations with countries of Eastern Partnership.

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Together</th>
<th>Country of readmission</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Ukraine</td>
</tr>
<tr>
<td>Vietnam</td>
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<tr>
<td>Ukraine</td>
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<tr>
<td>Georgia</td>
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<tr>
<td>Russia</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>Iraq</td>
<td>7</td>
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</tr>
<tr>
<td>Turkey</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Syria</td>
<td>6</td>
<td>6</td>
</tr>
</tbody>
</table>
In 2015 were not readmitted to the territory of the Slovak Republic any persons in compliance with readmission agreements about irregular migrations with countries of eastern partnership.

In 2016 were readmitted to the territory of the Slovak Republic 5 persons in compliance with readmission agreements about irregular migrations with countries of eastern partnership.

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Together</th>
<th>Country of readmission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Together</td>
<td>5</td>
<td>5</td>
</tr>
</tbody>
</table>

Procedure of readmission is in compliance with readmission agreement.

6. Does your legislation provide for an option of the voluntary return? Is there any provision granting preference to voluntary return over the forced one? Please describe briefly current policy, legislation in force related to voluntary return and reintegration of migrants.

The national legislation mentioned below provides for an option of the voluntary return. In practice, almost all returns from Slovakia are provided voluntarily (period for voluntary departure is granted or return is provided by IOM by assisted voluntary return). But there is no provision in national legislation where it is stipulated that voluntary return has preference over the forced one (such wording is used in internal rules on administrative expulsion).

According article 83 paragraph 1 Act No. 404/2011 on Residence of Aliens Coll.:

A third country national who has been issued with a decision on administrative expulsion shall be obliged to leave the country within the period specified in the decision. The police department shall determine a period for leaving the country of no less than 7 days and no more than 30 days from the date of enforceability of the decision; this period of time can be reasonably extended taking into consideration the previous length of residence, personal and family relations or health condition of the third country national. The police department shall set the deadline for
departure of maximum 90 days from the date of enforcement of the decision pursuant to Article 82 paragraph 9; in justified cases in connection with the implementation of assisted voluntary return this period may be repeatedly extended.

| 7. Please provide the examples of best practices of assisted voluntary return and reintegration, including international cooperation programmes/projects implemented jointly with EU, EU Member States, EaP countries as well as with international organizations. What measures, in particular, are taken for economic reintegration of returning migrants? | The Slovak Republic enables migrants to opt for assisted voluntary return since 1998 based on the Cooperation Agreement between the International Organization for Migration and the Ministry of the Interior of the Slovak Republic on assistance in the return of unsuccessful asylum seekers and irregular migrants to their countries of origin. The AVRR Program is composed of three main activities such as (1) provision of information and awareness raising about assisted voluntary returns and reintegration assistance; (2) realization of assisted voluntary returns; (3) provision of reintegration assistance in country of origin. The key component of the AVRR program is to inform migrants about the existence of the programme, its services and procedures.

As for informing migrants about the assisted voluntary returns, information and counselling on AVRR are provided them by IOM offices in Bratislava and Košice, in asylum and detention facilities of the Ministry of Interior of the Slovak Republic during operative field work of the IOM staff, through the low-rate helpline 0850 211 262, the www.avr.iom.sk website on the AVRR programme, IOM pages on Facebook and YouTube, IOM newsletter in Slovakia, the mass media, public presentations on AVRR at conferences and seminars, and presentation materials with information on AVRR. Information is also disseminated by means of information brochures and posters placed at all alien police departments and border control departments of the Presidium of the Police Force, asylum facilities of the Ministry of Interior of the Slovak Republic, embassies and organisations working with migrants, through audio-visual presentations on AVRR screened at selected alien police departments of the Presidium of the Police Force, and by means of information meetings with migrant communities, representatives of migrant communities living in Slovakia, interpreters and other participants which form the network of AVRR communicators.

In order to ensure good level of AVRR awareness, Slovakia has set out legislative rules and guidance for the dissemination and provision of information on voluntary return. These rules are laid down in the Act on Residence of Aliens and in the internal regulations of the Bureau of Border and Alien Police Presidium of the Police Force. The Act on Residence of Aliens states in its provisions the obligation of the police department and of the police detention facility for aliens to advise the third-country national in the language which she/he understands or in the language which can be reasonably believed to be understood by him/her of the possibility to request assisted voluntary return, of the possibility to contact non-governmental organisations, and, if the third-country national requested asylum or has expressed the intention to file such a request, of the possibility to contact the United Nationals High Commissionaire for Refugees. In Art. 125(5), the act lists the cases where the police department is obliged to advise the alien of the possibility to use assisted voluntary return.

When it comes to system of provision of reintegration assistance major effort is invested at pre departure stage. First of all each migrant who is registered in AVRR programme receives basic information on the possibility of reintegration assistance. The first reintegration counselling includes information on types of assistance that can be provided, rules of reintegration assistance, implementation process, requested documentation etc. Migrants who are seriously interested in this type of support are provided with further reintegration consultations. Their goal is to create a comprehensive picture of candidates, enabling IOM to evaluate the effectiveness of future reintegration assistance as efficiently as possible. During the consultations returnees draft their individual reintegration schemes under the guidance of reintegration assistance prior to their departure from Slovakia to country of return. The reintegration scheme should reflect and cater to migrant’s individual needs, therefore each returnee is offered a wide range of types of assistance from which he should choose the most appropriate. The returnee can use the provided support for business start-up or entering partnership with a company, improvement of living conditions, education, accommodation, medical assistance or other forms of assistance. Upon migrant’s request, it is also possible to complete the reintegration scheme after migrant’s arrival in the country of return. However the returnee needs to inform IOM Bratislava prior to his departure about his intentions. Should the circumstances... |
in the country of origin, after returnee’s arrival, require the reintegration scheme to be modified, the assisting mission makes the necessary modifications and sends the final version to IOM Bratislava for approval. The whole implementation of reintegration assistance is carried out by the IOM Mission in the country of return.

Best practices

Returns:

From 2004 to 31 December 2016, IOM Bratislava assisted the return of 1,374 foreigners who returned to 62 countries around the world. Through the AVRR were returned home more than 100 migrants from Slovakia every year.

Most of them went to Moldova (17.54%), China (13.10%), Vietnam (10.99%), Serbia (Kosovo) 7.64%) and Russian Federation (6.26%).

The number of returnees for the period from 2004 to the end of 2016 in the age group of 0-17 years represents 8.22% of the total number of returns, the age group of 18-30 years is 50.87%, aged 31-50 years in the under the AVRR program 36.54 % people returned and 4.37% constituted migrants older than 51 years.

In the monitored period from 2004 to the end of 2016, the proportion of male population was 76.78% and the female population was 23.22% among the aliens returned in the AVRR program.

Reintegration:

From 2004 to the end of 2016, IOM Bratislava helped to reintegrate 204 individuals or families in 28 countries around the world. Reintegration assistance amounting to EUR 312,147.96 was provided to them.

<table>
<thead>
<tr>
<th>SWEDEN</th>
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</thead>
<tbody>
<tr>
<td><strong>1. Please describe how your national legislation regulates forced return of migrants.</strong></td>
<td>In terms of Swedish legislation, the Swedish Migration Agency works with returning persons on a voluntarily basis. The Swedish Migration Agency has the option to hand over cases to the Swedish Police authorities if the returnee refuses to leave the country voluntarily or has absconded. The Police authority has the possibility to return rejected applicants by force.</td>
</tr>
<tr>
<td><strong>2. In case if your legislation provides for the possibility of detention for the purpose of identification and removal what are the conditions and time limits of such detention? What facilities are established/used for the purpose of</strong></td>
<td>In relation to identification and removal, an alien (18 years of age or older) can be put in detention if his/her identity is unclear when arriving in Sweden, or when the alien applies for a residence permit and cannot make prove his/her identity on the balance of probability, or if the alien’s right to enter or stay in the country cannot be assessed. In these cases the alien can be held for two weeks. After 2 weeks a new detention order has to be made, or the alien will be released immediately. An alien can also be put in detention as a preparation for and implementation of the execution of a removal decision. In this case, the alien can be held in detention for two months, with the possibility of an extension of up to three</td>
</tr>
</tbody>
</table>
migrants’ detention? Are there any alternative options for detention particularly for vulnerable groups – women, children etc?

| months. If the alien does not cooperate in executing the removal decision, the alien can be held up to 12 months. A child can never be held in detention for more than 144 (72 + 72) hours.  
The Swedish Migration Agency has 5 detention centers which are used for the above purposes.  
Instead of putting an alien in detention he/she can be put under supervision, meaning he/she has to appear at a set time in a specific location (at the Swedish Migration Agency or the Police). |

| 3. If your legislation establishes that an entry ban should accompany a return and/or removal decision, what are the conditions and lengths of entry bans applicable in your country? Please provide the statistics on entry bans issued during 2015 and 2016 (please indicate how many entry bans were issued for nationals of the EaP countries). |
| According to Swedish legislation refusal of entry and expulsion orders should be accompanied by a respite period within which the alien must leave the country. This period is normally 2 weeks for refusal of entry orders and 4 weeks for expulsion orders. The respite period can however be extended if the alien is compliant with the decision and there is reason to give the alien more time to prepare. If the alien has not left the country when the respite period has ended he/she will be given an entry ban. Entry bans can also be issued in parallel with refusal of entry and expulsion orders if:  
1. there is reason to believe the alien will abscond,  
2. the alien poses a risk to public order and security,  
3. the alien through the decision of refusal to entry is denied entry into the country,  
4. the alien is stopped when irregularly crossing a border and is given an expulsion order, or  
5. the alien is refused entry with immediate effect.  
The entry ban is normally 2 years but can be up to 5 years.  
| Entry bans 2016: 9,496 | Entry bans 2015: 10,163 |
| AM: 181 | AM: 164 |
| AZ: 106 | AZ: 94 |
| BY: 60 | BY: 86 |
| GE: 254 | GE: 220 |
| MD: 17 | MD: 18 |
| UA: 322 | UA: 149 |

| 4. Please provide the information on existing bilateral/multilateral international agreements on readmission as well as their implementing protocols concluded by your country (including the agreements being in the process of negotiations). What challenges are related to negotiation process? |
| The main challenge is the political will of the country in question to even enter into a readmission agreement. Other challenges are details to be included, or not, in the agreements.  
Sweden currently has the following readmission agreements:  
Bilateral readmission agreements:  
- Bulgaria  
- Cyprus  
- Estonia  
EU readmission agreements:  
- Albania  
- Georgia  
- Cape Verde |
5. Please describe briefly the procedure of readmission applicable in your country and, if possible, indicate the challenges related to application of this procedure. Please provide available statistics on persons transferred/accepted under the readmission agreements in force (own nationals, third country nationals, stateless persons) during 2015 and 2016.

The Swedish Migration Agency sends a written request (EU application form), with means of evidence and photographs attached, to either ministries in the country in question or their embassy in Sweden – to take back the rejected applicant. The procedure is similar whether there is a readmission agreement in force or not.

The time taken for the ministry/embassy to respond varies. Countries with which Sweden (or the EU) has a readmission agreement tend to reply more swiftly than others. However some ministries tend to reply outside the time frames stated in the agreements. If the requested party accepts the readmission request, the Swedish Migration Agency will request a travel document from the country’s embassy in Sweden. Most of the embassies issue requested travel documents within the time frames stated in the agreements. However it is not unusual for the issuance of travel documents to be delayed.

<table>
<thead>
<tr>
<th>Country</th>
<th>2015</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Armenia</td>
<td>38</td>
<td>40</td>
</tr>
<tr>
<td>Azerbaijan</td>
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<td>12</td>
</tr>
<tr>
<td>Belarus</td>
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<td>10</td>
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<tr>
<td>Georgia</td>
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<tr>
<td>Moldova</td>
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<td>4</td>
</tr>
<tr>
<td>Ukraine</td>
<td>38</td>
<td>40</td>
</tr>
</tbody>
</table>

*Statistics above include own nationals, third country nationals, stateless persons

6. Does your legislation provide for an option of the voluntary return? Is there any provision granting preference to

Swedish legislation provides that the Swedish Migration Agency should work for voluntary return. It is only if certain conditions are fulfilled that the case can be handed over to the police to arrange a forced return (see answer to question 1 above).
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>voluntary return over the forced one?</strong> Please describe briefly current policy, legislation in force related to voluntary return and reintegration of migrants.</td>
<td>Decisions by the Swedish Migration Agency can include a re-entry ban, if the applicant does not leave Sweden voluntarily within the time frame stated in the decision. If the applicant does not leave Sweden within the above mentioned time frame, he or she will lose benefits in forms of housing, allowance, healthcare (this does not apply to unaccompanied minors or families with children under 18). Those returning voluntarily to certain countries can apply for re-establishment support, 30 000 SEK per adult, families can be granted up to 70 000 SEK, minors 15 000 SEK. Those who return by force are not entitled to any re-establishment support. Re-establishment support is paid to those returning to a country where the conditions for re-establishment are limited due to the situation in the country e.g. severe or armed conflict. At present, the Migration Agency considers that persons returning to the following countries are eligible to receive financial support for re-establishment: Afghanistan, the Central African Republic, the Democratic Republic of Congo, Ivory Coast, Eritrea, Iraq, Yemen, Liberia, Libya, Mali, Sierra Leone, Somalia, Palestine, Sudan, South Sudan, Syria, Chad. Returnees to certain countries can also apply for a non-monetary support within the EU funded program ERIN (European Reintegration Network). Within the scope of this program, returnees returning from Sweden to one of the following 7 countries can receive practical support measures aimed at helping them to reintegrate in their home country: Afghanistan, Iraq, Nigeria, Pakistan, Russia, Morocco, Somalia (Somaliland only). This support is available to those returning voluntarily. Those returning by force to certain countries can also receive the support but they receive a more limited amount of support than those returning voluntarily.</td>
</tr>
<tr>
<td>7. Please provide the examples of best practices of assisted voluntary return and reintegration, including international cooperation programmes/projects implemented jointly with EU, EU Member States, EaP countries as well as with international organizations. What measures, in particular, are taken for economic reintegration of returning migrants?</td>
<td>The Swedish Migration Agency does not participate in any reintegration programmes/projects concerning EAP countries.</td>
</tr>
<tr>
<td><strong>UKRAINE</strong></td>
<td></td>
</tr>
<tr>
<td>1. Please describe how your national legislation regulates forced return of migrants.</td>
<td>Law of Ukraine on Legal Status of Foreigners and Stateless Persons of 22.09.2011 plays the key role in the sphere of legislative regulation of forced return of migrants. According to Art. 26 of Law of Ukraine on Legal Status of Foreigners and Stateless Persons, a foreigner or a stateless person may be compulsory returned to countries of origin or to third countries, if their actions violate the due legislation on legal status of foreigners and stateless persons, or contradict to interests of ensuring national security of Ukraine, protection of the due public order, or if it is necessary to protect health, rights</td>
</tr>
</tbody>
</table>
and legitimate interests of citizens of Ukraine, by decisions of the central executive body in charge of implementation of the state migration policy, the Security Service of Ukraine, or a body in charge of the state border protection (in connection with foreigners and stateless persons, apprehended within controlled border areas in the course of their completed illegal crossing/attempted illegal crossing of the state border of Ukraine), with subsequent notification of the public prosecutor on grounds for such decisions within 24 hours.

A decision on compulsory return specifies deadlines for departure of a foreigner or a stateless person from Ukraine.

The above deadline cannot exceed 30 days from the date of issuance of the relevant decision. Decisions on mandatory return may be appealed against to a court of law. Foreigners or stateless persons are obliged to depart from the territory of Ukraine within the period of time specified in decisions on their compulsory return.

According to Art. 30 of Law of Ukraine on Legal Status of Foreigners and Stateless Persons, the central executive body in charge of implementation of the state migration policy, bodies in charge of the state border protection (in connection with foreigners and stateless persons, apprehended by them within controlled border areas in the course of completed illegal crossing/attempted illegal crossing of the state border of Ukraine) or bodies of the State Security Service of Ukraine, can compulsory expel foreigners and stateless persons from Ukraine only based on rulings of administrative courts on their claims, if they failed to comply with decisions on their compulsory return within the due periods of time specified (without a legitimate excuse), or if there are reasonable grounds to suspect that the foreigners or stateless persons will evade execution of these decisions, except in cases of apprehension of foreigners or stateless persons for illegal crossing of the state border of Ukraine outside border crossing points at the state border of Ukraine and their transfer to counterpart BG bodies of neighbouring states, claims on forced return are not submitted in connection with foreigners and stateless persons, grounds for forced return of whom were identified in border crossing points (border checkpoints) at the state border in the course of their departure from Ukraine.

Entry bans for future entry of such foreigners and stateless persons to Ukraine are issued for five years. Duration of the entry ban is calculated from the date of issuance of the relevant decision and should be added to any remaining entry ban duration if issued earlier to a given person. Court decisions on compulsory expulsion of foreigners and stateless persons may be appealed against according to legislatively set procedures.

2. In case if your legislation provides for the possibility of detention for the purpose of identification and removal what are the conditions and time limits of such detention? What facilities are established/used for the purpose of migrants’ detention? Are there any alternative options for detention particularly for vulnerable groups – women, children etc?

According to Art. 183 of the Code of Administrative Court Procedure of Ukraine of 06.07.2005, if there are reasonable grounds to assume that a foreigner or a stateless person, who is a subject of an administrative claim on compulsory expulsion, and who does not have documents for legal departure from Ukraine, will evade execution of the decision on his/her mandatory expulsion or if there is a risk of his/her escape, the administrative court - as defined by para 1 of this Article, on request of a body (unit) that submitted the administrative claim, may make one of the following decisions:
- to accept bail of a facility, body or organisation for the person;
- to oblige the foreigner of the stateless person to post security deposit;
- to detain the foreigner or the stateless person and accommodate him/her in a temporary accommodation centre for foreigners and stateless persons who stay in Ukraine illegally.

Release on bail or security deposits cannot be applied to foreigners and stateless persons who were subjects of such measures earlier, as well as to those persons in respect to whom sufficient evidence is available suggesting their involvement into preparations to and/or commitment of terrorist acts.
If a foreigner or a stateless person fails to comply with obligations imposed by a court decision, or in the case of non-compliance with the due legislation of Ukraine on the state border or on legal status of foreigners:
- the security deposit - on request of a relevant body/unit or if initiated by the court - is confiscated by the court into the state budget income;
- the authorised body/unit may apply to an administrative court requesting detention of the relevant person with his/her accommodation in a temporary accommodation centre for foreigners and stateless persons who stay in Ukraine illegally.

At the same time, it is worth to note that the due legislation of Ukraine, namely para 8 of Art. 26 of Law of Ukraine on Legal Status of foreigners and Stateless Persons, stipulates that compulsory return is not applied to foreigners and stateless persons under 18, as well as to foreigners and stateless persons covered by Law of Ukraine on Refugees and Persons in Need of Subsidiary or Temporary Protection of 08.07.2011.

3. If your legislation establishes that an entry ban should accompany a return and/or removal decision, what are the conditions and lengths of entry bans applicable in your country? Please provide the statistics on entry bans issued during 2015 and 2016 (please indicate how many entry bans were issued for nationals of the EaP countries).

The due legislation of Ukraine stipulates issuance of decisions on return/expulsion of migrants accompanied by entry bans.

Decisions on compulsory return of foreigners and stateless persons are accompanied by bans for future entry to Ukraine for 3 years. Terms of bans for entry to Ukraine are counted from dates of issuance of relevant decisions. Procedures of execution of the entry bans are defined by the Cabinet of Ministers of Ukraine. Decisions on compulsory expulsion of foreigners and stateless persons from Ukraine are accompanied by bans for future entry to Ukraine for 5 years. Terms of bans for entry to Ukraine are counted from dates of issuance of relevant decisions and are to be added to terms of prior bans for entry to Ukraine.

In 2015, the State Migration Service of Ukraine (SMSU) issued 576 bans for entry to Ukraine. In particular, 128 entry bans were issued to nationals of Eastern Partnership countries, namely: Moldova - 24 bans, Belarus - 4, Georgia - 4, Armenia - 19, Azerbaijan - 75. At the same time, 12 entry bans were issued to citizens of EU MS, including: UK - 1, Cyprus - 1, Latvia - 4, Lithuania - 2, the Netherlands - 1, Portugal - 1, Slovakia - 2.

In 2016, SMSU issued 895 bans for entry to Ukraine. In particular, 126 entry bans were issued to nationals of Eastern Partnership countries, namely: Moldova - 29, Belarus - 3, Georgia - 67, Armenia - 36, Azerbaijan - 179. At the same time, 7 entry bans were issued to citizens of EM MS, including: Denmark - 1, Estonia - 1, Latvia - 1, Lithuania - 2, the Netherlands - 1, Hungary - 1, Finland - 1, Sweden - 1.

4. Please provide the information on existing bilateral/multilateral international agreements on readmission as well as their implementing protocols concluded by your country (including the agreements being in the process of negotiations). What challenges are related to negotiation process?

International readmission agreements of Ukraine in force:
1. The Agreement between the Government of Ukraine and the Government of the Republic of Moldova on Transfer and Reception of Persons through the State Border between Ukraine and Moldova.
4. The Agreement between the Cabinet of Ministers of Ukraine and Executive Authorities of Georgia on Transfer and Reception (Readmission) of Persons Staying Illegally at Territories of the States.
5. The Agreement between the Cabinet of Ministers of Ukraine and the Swiss Federal Council on Readmission of Persons Staying Illegally at Territories of the States.
6. The Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Turkey on Readmission of Persons.

7. The Agreement between Ukraine and the European Communities on Readmission of Persons.

8. The Agreement between the Cabinet of Ministers of Ukraine and the Government of the Kingdom of Denmark on Readmission of Persons.


10. The Agreement between the Cabinet of Ministers of Ukraine and the Government of the Kingdom of Norway on Readmission of Persons.


15. The Agreement between the Cabinet of Ministers of Ukraine and the Government of Hungary on Transfer and Reception of Persons through their Common State Border.

Implementation protocols in force, signed by Ukraine:


2. The Implementation Protocol between the Cabinet of Ministers of Ukraine and the Government of the Czech Republic to the Agreement between Ukraine and the European Communities on Readmission of Persons.


5. Please describe briefly the procedure of readmission applicable in your country and, if possible, indicate:

According to Guidelines on Procedures of Implementation of International Readmission Agreements by Competent Authorised Bodies of Ukraine (approved by Order of the Ministry of Interior of Ukraine of 16.02.2015), decisions on readmission of nationals of the contracted states, third country nationals and stateless persons who stay at the territory of the requesting contracted state in violation of the due legislation of that state...
the challenges related to application of this procedure. Please provide available statistics on persons transferred/accepted under the readmission agreements in force (own nationals, third country nationals, stateless persons) during 2015 and 2016.

on matters of entry, stay or residence of foreigners and stateless persons, shall be made if grounds exist for their readmission as stipulated for these categories of persons by international readmission agreements of the contracted states. Grounds for fulfilment of readmission commitments by the contracted states include provision of a request on readmission or a request on transit travel by a competent body of the requesting contracted state and its agreement with a competent body of the requested contracted state. Based on results of examination of a request, a competent (authorised) body of Ukraine, without delay, but not later than within the terms specified by the relevant international agreement on readmission, shall provide its response to the requesting contracted state on: coordination of readmission or consent to transit travel via the territory of Ukraine; refusal to examine (to reject) request on readmission or transit travel, specifying reasons for rejection; refusal to conduct readmission or transit travel, specifying reasons for rejection.

After provision or reception of consent for readmission, a competent body (in the case of the standard procedure) or an authorised body of Ukraine (in the case of accelerated procedures) should agree in advance with competent (authorised) bodies of contracted states: a date, time and place of transfer of the person concerned, arrangements for his/her transportation under escort and other arrangements or relevance to the person's transfer. On request of a competent (authorised) body of the requesting contracted state, terms of transfer of a person may be extended for a period of time necessary for elimination of legal or practical obstacles for the transfer. In the case of apprehension of foreigners and stateless persons by authorised bodies of Ukraine at the territory of Ukraine for non-compliance with the due legislation of Ukraine on rules of entry to Ukraine, stay or residence at the territory of the country, these persons - pending decisions on their readmission - should be detained in temporary accommodation centres for foreigners and stateless persons who stay in Ukraine illegally.

In particular, in 2015, 82 persons were transferred under the readmission agreements in force (as pertains to own nationals, third country nationals and stateless persons). 342 readmission requests were agreed.

In 2016, 87 persons were transferred and 423 readmission requests were agreed.

<table>
<thead>
<tr>
<th>6. Does your legislation provide for an option of the voluntary return? Is there any provision granting preference to voluntary return over the forced one? Please describe briefly current policy, legislation in force related to voluntary return and reintegration of migrants.</th>
</tr>
</thead>
</table>
| The legislation of Ukraine provides for voluntary return of migrants. In particular, according to Procedures of Proceedings on Applications of Foreigners and Stateless Persons for Voluntary Return (approved by the Cabinet of Ministers of Ukraine of 07.03.2012), foreigners and stateless persons who do not have legal grounds for stay in Ukraine or cannot fulfil their obligations to depart from Ukraine, not later than on the last day of relevant authorised period of stay, in connection with lack of resources or loss of passport documents, may return voluntarily to their countries of origin or to third countries (including return with assistance of international organisations).

In the case of decisions on voluntary return, foreigners and stateless persons are issued certificates for voluntary return. These certificates provide grounds for temporary stay of foreigners and stateless persons at the territory of Ukraine up to completion of the voluntary return procedures.

In the course of execution of procedures of voluntary return of foreigners and stateless persons, the central executive body in charge of implementation of the state migration policy cooperates with international and non-governmental organisations with statutory objectives of providing assistance for voluntary return of foreigners and stateless persons.

At the legislative level, a higher priority of voluntary return vs compulsory return is not stipulated, however, in practice, states prioritise rights of migrants for voluntary return to compulsory return options. |
As for reintegration of migrants, a relevant action plan is approved in Ukraine - the plan stipulates promotion of employment of labour migrants and their family members accounting for their education levels and professional experience, and involvement of children of labour migrants into education processes by means of catch-up classes (primarily for study of the Ukrainian language).

Besides that, the action plan stipulates provision of necessary health care services to labour migrants who returned to Ukraine, as well as provision of legal and information assistance to labour migrants abroad by diplomatic missions of Ukraine, and intensification of international cooperation for protection of rights of labour migrants. In particular, in 2016, citizens of Ukraine were issued 83% of all employment permits granted to foreigners in Poland. In 2015 relevant figure reached 77%, while in 2014 it reached slightly over 60%.

<table>
<thead>
<tr>
<th>7. Please provide the examples of best practices of assisted voluntary return and reintegration, including international cooperation programmes/projects implemented jointly with EU, EU Member States, EaP countries as well as with international organizations. What measures, in particular, are taken for economic reintegration of returning migrants?</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Mission of the International Organisation for Migration in Ukraine (IOM Ukraine) actively participate in development of legal employment options for Ukrainian labour migrants, in building migration development capacity and integration of ethnic minorities, in promotion of cultural diversity. In line with international practices, IOM Ukraine implements the Assisted Voluntary Return and Reintegration Program (AVRR) that facilitates orderly, safe and dignified voluntary return of irregular migrants in difficult finance situations and rejected asylum seekers. IOM does not participate in any forms of forced return of migrants. IOM also provides assistance for reintegration of Ukrainian repatriates from EU countries (UK, Ireland, Italy, Spain, Austria and the Netherlands), Switzerland and Venezuela, promoting thus social and economic development.</td>
</tr>
</tbody>
</table>