

## **The Gambia**

### **EU engagement to date**

In 2018, the EU and The Gambia agreed on “Good Practices document on identification and return procedures” (legally non-binding arrangement). On the Gambian Government’s request the EU agreed postponing the start of implementation until 16 November 2018.

Since then, however, the Good Practices have not been applied in practice following the Gambian authorities’ unilateral decision (end of February 2019) to impose a moratorium on all forced return operations by charter flights from the EU. This moratorium was later extended to returns by commercial flights (from June to October 2019), thereby including individual returns of documented illegally staying migrants.

The EU and Member States have been engaging continuously with the Gambian authorities to move towards a resumption of return flights, through several missions, high level exchanges, regular Notes Verbales to the Gambian authorities and dedicated meetings.

Despite The Gambia’s commitment to lift the moratorium as of 1 January 2020, charter flights scheduled by Member States in January were denied landing permits, bringing the ban on charters to a full year, during which very few returns by commercial flights took place, while others were refused in an unpredictable way. In February 2020, following a further determined engagement by the EU, an agreement was finally reached on detailed modalities for future non-scheduled flights from the EU with an incremental approach to number of returnees and number of flights. One successful return operation took place before COVID-19 restrictions brought return operations to a halt.

A EURLO has been deployed in January 2020 to support the EU and the Gambian authorities on the coordination of return operations from the EU. Article 13 of the ACP-EU Cotonou Agreement, to which The Gambia is party, prescribes the commitment of the partner countries to cooperate with the EU in readmitting its own nationals.

### **Cooperation on readmission**

In 2019, 3 730 Gambian nationals staying illegally in Member States were issued return decisions and 405 effectively returned to The Gambia, resulting in a **return rate** of 11%). Member States submitted 1 066 readmission requests to the Gambian authorities, who issued 606 travel documents resulting in an **issuance rate** of 57%.

A total of 15 Member States reported having approached the authorities of The Gambia for readmission matters related to its nationals in 2019.

Amongst these Member States, a third considered that the relevant provisions of the existing “**Good Practices**” are never or almost never respected by The Gambia and only one that the provisions are respected in rare cases. This can be largely attributed to the fact that Gambian missions do not respect the timelines agreed in the Good Practices, if they respond at all. Almost half of all Gambian nationals ordered to leave the EU are to be found in these Member States.

Three Member States report having **bilateral agreements/arrangements** in place with The Gambia, of which two consider that relevant provisions are never or almost never respected.

Two thirds of responding Member States, standing for close to half of return decisions issued, assess the overall cooperation with The Gambia in the **identification procedure** as poor or very poor. The remaining Member States, of which some interact with honorary consuls rather than with Gambian missions/embassies, and/or have Long-Term Identification Mission in place, assess it as good or very good.

This is reflected in 10 Member States having an established routine for cooperation on identification that is very often to always effectively implemented in only three of them.

For four Member States who rely on them for identification, consular interviews are rarely to never performed upon their request. Another four Member States, report that interviews are almost always performed, mentioning however difficulties to set-up an appointment with the authorities. On average, outcomes are unsatisfactory for six Member States.

At the same time, for six Member States the Gambian authorities are often to always available to organise short or long-term identification missions, with mostly good to very good outcomes. Another Member State has seen all its requests unanswered by the Gambian authorities so far.

Interviews are very often to always requested by the Gambian authorities in cases where sufficient evidences to establish nationality are provided, in the case of three Member States. For four Member States valid or expired passports are rarely to never accepted in view of identification

In addition, information non-releasable under the EU/national legal framework is often to always required according to three Member States (information on health, criminal record). This is however rarely to never the case in the remaining eight Member States with experience.

In a third of the Member States, standing for more than half of all Gambian nationals ordered to leave the **issuance of travel documents** often to always takes place in a timely manner. For another third, representing a quarter of all Gambian nationals ordered to leave the issuance of travel documents rarely to never takes place in a timely manner, in particular in cases where certain Gambian embassies/missions are to be involved.

Due to the moratorium, returns by **charters flights** were not accepted from February/March 2019 onwards by The Gambia. When organising charter flights to The Gambia, these were notably subject to the issuance of permissions to land (always cumbersome and lengthy) and a visa requirement for escorts (for some).

For most of 2019, returns by **scheduled flights** were not accepted by The Gambia. When taking place, certain restrictions were also applied in the case of five Member States, such as advanced notifications of arrival (in spite of timely advanced notification, two Member States reported that documented returnees were refused entry upon arrival to The Gambia).

Without taking into account the moratorium in place, in general, four Member States have assessed the **overall cooperation on return and readmission** as good or improving since 2015, and five Member States as poor or deteriorating since 2015. Two Member States consider it stable.

*With a total of 3 730 Gambian nationals ordered to leave in 2019, The Gambia ranks 25<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, half the Member States interact with The Gambia on readmission. The provisions of the EU readmission arrangement and the equivalent ones of the three bilateral arrangements are rarely respected. For two-thirds of Member States, representing almost half of return decisions issued, identification processes are not conducted satisfactorily, including through interviews, and issuance of travel documents is not timely. Others, standing for just over half the return decisions issued, experience more successful identification processes, including through long-term identification missions, and timely issuance of travel documents. The Gambia unilaterally imposed a moratorium on returns in 2019, which remained in place for a full year despite the EU and Member States' efforts to engage. For a more effective and predictable readmission cooperation, the good cooperation practices would need to be extended to all Member States, the relevant provisions of the EU readmission arrangement implemented correctly, and return operations should take place in accordance with the modalities agreed, with the support of EU funded capacity building projects foreseen and of the EURLO. Swifter issuance of travel documents and effective returns should result in a higher return rate.*