



EUROPEAN  
COMMISSION

Brussels, 10.2.2021  
COM(2021) 55 final

**REPORT FROM THE COMMISSION TO THE COUNCIL**

**Assessment of third countries' level of cooperation on readmission in 2019**

## **I. Introduction**

### **Policy and Legislative Context**

The New Pact on Migration and Asylum frames the dialogues with third countries on readmission in the context of the full range of the EU's and Member States' policies, tools and instruments, which can be pulled together in a strategic way. It calls for joint efforts to mobilise further relevant policies and tools and for the Commission, the High Representative and the Member States to ensure that progress on readmission accompanies progress in other areas of partnerships with third countries. Return and readmission are one element of the EU's comprehensive migration policy with third countries.

The New Pact also points to the newly created Visa Code Article 25a mechanism as a first step in responding to the European Council repeated call<sup>1</sup> for further efforts to achieve real progress in return and readmission policy, using all possible leverage, including by reassessing visa policy towards third countries. The Commission also proposed in the Asylum and Migration Management Regulation the possibility that the Commission, when reporting to the Council on the state of play of the cooperation on readmission, could identify further effective measures to incentivise and improve cooperation to facilitate return and readmission, including in other policy areas of interest to the third countries, while taking into account the Union's overall interests and relations with the third country.

The 2015 Action Plan on Return<sup>2</sup> called for all relevant policies to be used as incentives for the partner countries' willingness to cooperate on readmission, and for further exploration of visa policy as an important leverage in that context. In its 2016 Partnership Framework Communication<sup>3</sup> the Commission indicated that visa policy could be a very powerful element in the discussions with third countries about cooperation on migration.

Following up, the Commission proposed a new mechanism for using visa policy as leverage to improve cooperation with third countries on return and readmission, introduced by Regulation (EU) 2019/1155 of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas<sup>4</sup>. According to Article 25a(2) of the Visa Code, the Commission shall regularly assess, at least once a year, third countries' cooperation with regard to readmission and report on its assessment to the Council.

This report is the Commission's first annual assessment of the level of third countries' cooperation on readmission. **It is based on 2019 data and information provided by EU Member States and Schengen Associated Countries.**

### **Set-up and process of the readmission assessment exercise**

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<sup>1</sup> EUCO conclusions of 22-23 June and 19 October 2017, and 18 October 2018.

<sup>2</sup> COM (2015) 453 final, 9.9.2015.

<sup>3</sup> COM (2016) 385 final, 7.6.2016.

<sup>4</sup> OJ L 188 of 12.7.2019, p. 25.

The geographical scope of the data collection was discussed and its set-up and process agreed with the Council in September 2019, and subsequently finalised, in consultation with Member States<sup>5</sup>.

As a result the report covers 39 visa-bound third countries selected in September 2019 with over 1 000 return decisions<sup>6</sup> issued to their nationals in 2018 by the EU Member States and Schengen Associated Countries (thereafter “Member States”), with data and qualitative information reflecting the indicators laid out in Article 25a(2) of the Visa Code (Annex 2).

To measure the level of Member States’ satisfaction with practical cooperation of third countries at different stages of the return procedures (Article 25a(2)(d)), the Commission and the European Border and Coast Guard Agency (Frontex) developed a qualitative questionnaire, which also builds upon the experience gathered in the course of implementation of the existing readmission tools (Annex 3).

### **Input by the Member States and assessment**

The report uses the 2019 numbers of third-country nationals ordered to leave and of third country nationals effectively returned<sup>7</sup> as provided by Member States to Eurostat (as of 4 June 2020). Data on the number of readmission requests made with regard to third countries were provided by 21 Member States and data on travel documents issued were provided by 20 Member States. Member States provided input to the qualitative questionnaire in relation to the third countries they interacted with.

The assessment reflects the Member States’ experience with readmission cooperation in 2019 and the overall evolution in the level of cooperation since 2015 with each individual third country (detailed analysis: Annex 1) on both voluntary and forced returns. It also takes account of EU engagement with each of the third countries in the area of readmission and EU tools and projects designed to support readmission processes and the capacity of the third countries to carry them out. Moreover, to contextualise further the assessment of third countries’ level of cooperation on readmission, Annex 4 to this report presents the number of irregular border crossings for each country concerned and the latest annual asylum recognition rate for each<sup>8</sup>. The combination of these two data sets provides an indication of the approximate size of the current return challenge and of the trend in this respect. Annex 5 presents an overview of the readmission instruments in place with third countries covered by this report.

The Commission will discuss this first assessment with the Member States in the Council.

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<sup>5</sup> In the Irregular Migration and Expulsion Working Party meeting of 23 September 2019; the 4th Meeting of the Working Group on Return Data for Analysis in Frontex on 14 October 2019; the 4th High Level Round Table on Return meeting of 16 October 2019; as well as through the follow-up correspondence with the Pre-Return Activities Network (PRAN) and the newly established High Level Network on Return in Member States for the finalisation of the yearly qualitative questionnaire.

<sup>6</sup> As an indication of the caseload Member States are confronted with, per nationality – excluding Syria.

<sup>7</sup> Includes forced returns and voluntary returns, to the extent that these have been reliably recorded.

<sup>8</sup> Based respectively on European Border and Coast Guard Agency (Frontex) and Eurostat data.

**Annex 1: Assessment of individual third countries cooperation on readmission**

**Afghanistan**

**EU engagement to date**

The Joint Way Forward on migration issues between Afghanistan and the EU (the JWF) has been in place since 3 October 2016. Its implementation has been monitored by regular meetings of a Joint Working Group. Since 2019, Frontex has been carrying out a project to facilitate interviews by videoconference, especially for Member States without an Afghan diplomatic representation. A European Return Liaison Officer (EURLO) was deployed in the country until end 2019.

Negotiations with Afghanistan on a Joint Declaration on Migration Cooperation (JDMC) replacing the JWF were concluded in November 2020.

**Cooperation on readmission**

In 2019, 29 650 Afghan nationals staying illegally in the Member States were issued return decisions and 2 260 effectively returned to Afghanistan resulting in a **return rate** of 8%. Member States submitted 3 702 readmission requests to Afghanistan authorities, who issued 1 111 travel documents resulting in an **issuance rate** of 30%.

A total of 21 Member States reported having approached the authorities of Afghanistan for readmission matters related to its nationals in 2019.

According to nine Member States the relevant **provisions of the existing EU readmission arrangement** are often to always respected by Afghanistan. Almost half of all Afghan nationals ordered to leave are to be found in those Member States. At the same time, for six Member States, where Afghan nationals ordered to leave are to be found in similar proportion, the relevant provisions are rarely to never respected by Afghanistan.

Seven Member States report having **bilateral agreements/arrangements** in place with Afghanistan, whose relevant provisions are, according to five of them, generally respected. Three of these Member States, representing 95% of the caseload for such Member States, report using conjunctly the EU and the bilateral arrangements with Afghanistan.

About half of the responding Member States, also standing for half of return decisions issued to Afghan nationals, assess the overall cooperation with Afghanistan in the **identification procedure** as very good or good. Four Member States assess it is as poor or very poor and the remaining ones as average.

This results in 16 of the responding Member States having an established routine for cooperation on identification, which is in general effectively implemented with Afghanistan's diplomatic missions.

Regarding identification practices, evidence accepted includes not only valid or expired passports, but also very often other identity documents or photocopies of documents.

## RESTREINT UE/EU RESTRICTED

For most Member States consular interviews are almost always performed upon their request as necessary, with, on average, satisfactory outcomes. For several Member States, it is very often possible for interviews to take place by phone or videoconference.

At the same time, contrary to the JWF procedures, interviews are also often to always requested by Afghan authorities, even if sufficient evidence to establish nationality is provided (e.g. valid or expired travel documents), in the case of ten Member States.

According to nine Member States, where almost 90% of Afghan nationals ordered to leave are to be found, the **issuance of travel documents** often to always takes place in a timely manner.

Eight Member States report that Afghanistan also very often takes into account additional elements other than nationality (such as the individual circumstances of the migrants) when deciding whether to issue travel documents or not.

The **EU Travel Document** or laissez-passer issued by Member States is almost always accepted.

Returns by **charters flights** are accepted by Afghanistan, but restrictions are in place notably concerning the number of returnees on board, the issuance of permission to land or visa requirement for escorts. Certain conditions are applied in case of returns by **scheduled flights**, namely the visa requirement for escorts.

In general, Member States have assessed the **overall cooperation on return and readmission** as stable or improving since 2015.

*With a total of 29 650 Afghan nationals ordered to leave in 2019, Afghanistan ranks second amongst visa-bound<sup>9</sup> third countries whose nationals have been issued return decisions in the Member States. Overall, two-thirds of Member States interact with Afghanistan on readmission and practices are well established. The JWF provisions (and/or the equivalent provisions of the bilateral arrangements) are generally respected. Identification processes are conducted successfully, including through interviews, for Member States representing more than half of return decisions issued, and issuance of travel documents is timely in most cases. More importantly Afghanistan accepts to readmit its nationals with an EU Travel document, which Member States can issue if identification and issuance of travel documents has not been performed within two weeks if the person was initially documented or four weeks if the person was undocumented. Cooperation could be improved further by identifying nationals and issuing travel documents within the agreed deadlines, as well as by avoiding visa requirements for escorts. This should result in a better rate of issuance of travel documents and a higher return rate.*

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<sup>9</sup> The ranking excludes third countries whose nationals are exempt from the requirement to be in possession of a visa (as specified in Annex II of Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018), which are not covered by Article 25a of the Visa Code and this report.

## Algeria

### **EU engagement to date**

The Commission has a mandate to negotiate a Readmission Agreement since November 2002 (but not for a Visa Facilitation Agreement), however negotiations never started. An Informal Dialogue on Migration and Mobility has taken place regularly since 2016. The last meeting took place on 20 February 2019. Although, as part of that dialogue, Algeria committed to hold meetings at an appropriate level on readmission, in line with the agreed Partnership Priorities, no such meetings have taken place to date.

### **Cooperation on readmission**

In 2019, 28 185 Algerian nationals staying illegally in the Member States were issued return decisions and 5 440 effectively returned to Algeria resulting in a **return rate** of 19%. Member States submitted 4 403 readmission requests to Algerian authorities, who issued 1 905 travel documents, resulting in an **issuance rate** of 43%.

A total of 24 Member States reported having approached the authorities of Algeria for readmission matters related to its nationals in 2019.

Five Member States report having **bilateral agreements or arrangements** in place with Algeria, whose relevant provisions are generally well respected, but for one of them.

Eleven responding Member States, representing almost a third of Algerian nationals ordered to leave, assess the overall cooperation with Algeria in the **identification procedure** as good or very good, while six Member States assess it as poor or very poor. Seven Member States, standing for two-thirds of Algerian nationals ordered to leave, assess it as average. Some Member States report long delays for replies. Others also mention that Algeria has put a new procedure in place that cannot be yet assessed.

This results in 18 Member States having an established routine for cooperation on identification, which is most often effectively implemented with diplomatic missions (except for one Member State).

Evidence accepted includes not only valid or expired passports, but also almost always other identity documents, photocopies of documents, biometric evidence, and, more rarely, information extracted from the Visa Information System (VIS).

For 11 Member States, consular interviews are often to always performed upon their request as necessary, with, on average, acceptable or satisfactory outcomes.

However, interviews are often to always requested by Algerian authorities even if sufficient evidence to establish nationality is provided (e.g. valid or expired travel documents), in the case of 11 Member States. Also, according to the Member States, Algerian authorities are not available to organise short or long-term identification missions. Only in the case of a few Member States it is possible for interviews to take place by phone or videoconference.

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According to slightly more than half of the responding Member States, where over 90% of Algerian nationals ordered to leave are to be found, the **issuance of travel documents** often to always takes place in a timely manner.

In the case of seven Member States, even if nationality is established, before issuing travel documents Algeria takes other elements into account when deciding whether to issue travel documents or not.

Returns by **charters flights** are not accepted by Algeria.

According to nine Member States, certain restrictions are applied in case of returns by **scheduled flights**, namely the requirement that the persons are returned by direct flights.

In general, 18 Member States have assessed the **overall cooperation on return and readmission** as stable or improved and four as poor or deteriorated.

*With a total of 28 185 Algerian nationals ordered to leave in 2019, Algeria ranks third amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, more than two-thirds of Member States interact with Algeria and five have bilateral agreements. No jointly agreed procedures are in place at EU level, however a readmission routine is in place for most Member States who interact. With half of these Member States, identification processes are conducted successfully, including through interviews, however for those Member States that have the most cases, cooperation on identification is problematic and long delays hamper return. Once identification is performed, issuance of travel documents is timely. Charter flights are not accepted despite the large number of irregular migrants to be returned. For a more effective and predictable readmission cooperation, the good cooperation practices should be extended to all cases and to all Member States, with identification processes being further expedited and travel documents issued without interviews for documented cases. In addition, cooperation could be improved by accepting charter flights and not restricting scheduled flights to direct flights only. This should result in a better rate of issuance of travel documents and a higher return rate.*

## Armenia

### **EU engagement to date**

The EU Readmission Agreement with Armenia entered into force on 1 January 2014. It was negotiated together with a Visa Facilitation Agreement, in the context of a Mobility Partnership. Six meetings of the Joint Readmission Committee took place since then to assess the implementation of the Agreement, the last one in July 2020 by written exchange. In the latter the Commission proposed use of biometric data for identification in difficult cases and printing of travel documents directly from the Readmission Case Management System (RCMS)<sup>10</sup> as ways to improve further cooperation on readmission. Armenia does not envisage either at the moment.

Through the European Neighbourhood Partnership Instrument, the EU financed a project to improve various aspects of Armenia's migration management, including a RCMS, operational since February 2019, with currently seven Member States connected. A EUR 900 000 government to government ERRIN<sup>11</sup> project on Return and Reintegration is currently building the Armenian government capacity to provide reintegration to returnees from ERRIN Member States.

### **Cooperation on readmission**

In 2019, 3 755 Armenian nationals staying illegally in the Member States were issued return decisions and 2 080 effectively returned to Armenia resulting in a **return rate** of 55%. Member States submitted 1 556 readmission requests to Armenian authorities, who issued 1 148 travel documents resulting in an **issuance rate** of 74%.

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

According to 12 Member States the relevant provisions of the existing **EU-Armenia Readmission Agreement** are always or very often respected by Armenia.

Two Schengen Associated Countries and one EU Member State with an opt-out from EU Readmission Agreement report having **bilateral agreements/arrangements** in place with Armenia, whose relevant provisions are always/almost always respected.

All responding Member States assess the overall cooperation with Armenia in the **identification procedure** as very good or good, also thanks to the launch of the RCMS in February 2019, which accelerated the processing of readmission requests and improved observance of time limits.

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<sup>10</sup> An electronic platform facilitating the exchange of information between competent authorities in Member States and in a given third country in order to advance on individual cases in the return and readmission process.

<sup>11</sup> The European Return and Reintegration Network - a network of 15 EU Member States and Schengen-associated countries, established to facilitate cooperation between migration authorities in the area of return and reintegration of irregular migrants.



## RESTREINT UE/EU RESTRICTED

This is reflected in 12 Member States having an established routine for cooperation on identification, which for all of them is always/almost always effectively implemented with diplomatic missions.

Regarding identification processes, almost half of the reporting Member States have no or limited need for requesting consular interviews. Of the remaining eight Member States, six reported consular interviews are conducted rarely to never, while two reported consular interviews are always/almost always conducted when requested. The results of the consular interviews were assessed by Member States as satisfactory or very satisfactory. With the exception of one Member State there is no practice reported for interviews by phone or videoconference.

Evidence accepted includes not only valid or expired passports, but also information extracted from the VIS, as well as other identity documents (ID cards, birth/citizenship certificates, driving licences, military ID cards/booklets, as well as their photocopies), all being accepted very often or always. Biometric evidence is only accepted for five of the reporting Member States, however identification is most often successfully carried out without it.

Two thirds of reporting Member States do not need identification missions. Armenia often to always organises identification missions to those who do need with outcomes rated as good and very good.

According to 80% of the responding Member States the **issuance of travel documents** takes place very often or always in a timely manner. As travel documents are issued in a timely manner and in accordance with the relevant provisions of the EU-Armenia Readmission Agreement, there has been no need for an **EU Travel Document** or *laissez-passer* issued by Member States. One Member State has experienced problems with issuance of travel documents for non-Armenian family members.

One third of reporting Member States indicated acceptance of **charter flights** by Armenia, without any challenges or limitations (the remaining Member States have not tried).

With one exception, all reporting Member States encounter no restrictions in returns by **scheduled flights**. However, one Member State reported on cases where Armenia had issued travel documents but subsequently refused to readmit its citizens with health problems, arguing that they should be taken care of in the Member State where comparatively better health care can be provided.

In a trend from 2015, 40% of reporting Member States have assessed the **overall cooperation on return and readmission** as stable and 20% as good, while 33% consider it has improved. No Member State reported poor cooperation or deterioration.

*With a total of 3 755 Armenian nationals ordered to leave in 2019, Armenia ranks 24<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, half of the Member States interact with Armenia – the other half has few or no cases – with well-established and even readmission practices that are gradually increasing in effectiveness with the support of the RCMS. The Readmission Agreement provisions (and the equivalent provisions of the bilateral arrangements) are*

*generally well respected, in cooperation with all Member States. Identification processes are conducted successfully, including through interviews, and issuance of travel documents is timely. Charter flights are generally accepted and no obstacles imposed for scheduled flights return. The efficiency of cooperation could be improved further by allowing identification by biometric data, when needed, and direct printing of travel documents from RCMS. This should result in a better rate of issuance of travel documents and a higher return rate.*

## Azerbaijan

### **EU engagement to date**

The EU Readmission Agreement with Azerbaijan entered into force on 1 September 2014. Since then five meetings of the Joint Readmission Committee took place to assess the implementation of the Agreement, the last one in September 2019 in Baku.

A EUR 700 000 EU funded project is underway to develop a RCMS, foreseen to be concluded by end of 2021.

### **Cooperation on readmission**

In 2019, 1 385 Azerbaijani nationals staying illegally in the Member States were issued return decisions and 1 315 effectively returned to Azerbaijan resulting in a **return rate** of 95%. Member States submitted 995 readmission requests to Azerbaijani authorities, who issued 534 travel documents resulting in an **issuance rate** of 54%.

A total of 13 Member States standing for 96% of return decisions issued reported having approached the authorities of Azerbaijan for readmission matters related to its nationals (identification, travel documents or readmission requests) in 2019.

For 11 of them the relevant provisions of the existing **EU-Azerbaijan Readmission Agreement** are often or always respected by Azerbaijan.

Three Schengen Associated States report having **bilateral agreements/arrangements** in place with Azerbaijan, whose relevant provisions are often to always respected.

Almost all of the responding Member States assess the overall cooperation with Azerbaijan in the **identification procedure** as very good or good.

This is reflected in eight Member States having a functioning established routine with diplomatic missions.

Evidence accepted includes not only valid or expired passports, but also information extracted from the VIS, as well as other identity documents (ID cards, birth/marriage certificates, driving licences, military ID cards/army booklets, formerly delivered ETD, as well as their photocopies), all being accepted often, very often or always. Three Member States stated that biometric evidence is accepted.

Azerbaijan conducts consular interviews upon Member States request, with satisfactory results. Only one Member State assessed the results as unsatisfactory. Interviews are generally conducted only for undocumented cases.

Only two Member States reported that interviews are requested also when sufficient evidence is provided.

According to three quarters of responding Member States, the **issuance of travel documents** always takes place in a timely manner. Even if possible under the agreement, the use of EU

travel document is rarely attempted, as Azerbaijan issues travel documents in a timely manner to all identified nationals irrespective of individual circumstances.

Returns by **charters flights** are accepted by Azerbaijan, although most Member States have not availed of this option. For returns by **scheduled flights** a visa is requested for escorts, however no Member State reported difficulty obtaining it.

In general, the most Member States have assessed the **overall cooperation on return and readmission** as good, as improved or as stable. No Member State reported poor cooperation or deterioration.

*With a total of 1 385 Azerbaijani nationals ordered to leave in 2019, Azerbaijan ranks 36<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, a third of the Member States interact on readmission with Azerbaijan – the rest having few or no cases – with well-established readmission practices that are very effective. The Readmission Agreement provisions (and the equivalent provisions of the bilateral arrangements) are well respected for all Member States concerned. Identification processes are conducted successfully, including through interviews, and issuance of travel documents is timely. Charter flights are accepted and no obstacles imposed for returns by scheduled flights. While the return rate is in 2019 at 95% and no issues of effectiveness have been signaled, the new RCMS platform to be launched in 2021 has the potential to diminish the workload per case for practitioners in both the EU Member States and Azerbaijan.*

## **Bangladesh**

### **EU engagement to date**

The EU-Bangladesh Standard Operating Procedures (SOPs) for the Identification and Return of Persons without an Authorisation to Stay were signed on 20 September 2017. In 2018, Bangladesh concluded identical SOPs with Norway and in April 2019 agreed to extend the application of the EU SOPs to Switzerland. The EU-Bangladesh Joint Working Group on SOPs has been meeting regularly since to advance the implementation of the SOPs. A consular workshop took place in November 2018. To support implementation of the SOPs, the Commission financed a EUR 4.8 million project which developed a RCMS in Bangladesh. The project, entering the testing phase and foreseen to be concluded in 2020, also includes a substantial capacity building component to allow relevant authorities to access and use the existing identity records for identification. Furthermore, the follow-up to identification requests and operational cooperation with the authorities on the spot is ensured by the EURLO, deployed in Dhaka since January 2017.

### **Cooperation on readmission**

In 2019, 9 595 Bangladeshi nationals staying illegally in the Member States were issued return decisions and 820 effectively returned to Bangladesh resulting in a **return rate** of 9%. Member States submitted 603 readmission requests to Bangladesh authorities, who issued 298 travel documents resulting in an **issuance rate** of 49%.

A total of 19 Member States reported having approached the authorities of Bangladesh for readmission matters related to its nationals in 2019.

According to ten Member States – accounting for over 60% of all Bangladeshi nationals ordered to leave the EU – the relevant provisions of the **Standard Operating Procedures** are rarely or almost never respected by Bangladesh. This can be largely attributed to the fact that Bangladesh does not respect the timelines agreed in the SOPs and frequently does not communicate identification results at all. At the same time, four Member States, in which approximately 27% Bangladeshi nationals ordered to leave can be found, reported that the relevant provisions are always or very often respected by Bangladesh.

An equal number of responding Member States assess the overall cooperation with Bangladesh in the **identification procedure** as good or very good, as the number of Member States who assess the cooperation as poor or very poor, with the remaining five assessing it as average. Respectively around 30%, 14% and 47% Bangladeshi nationals ordered to leave can be found in those Member States. At the same time, 16 Member States report having an established routine with diplomatic missions, which in 13 cases is effective.

For more than half of responding Member States consular interviews are often or always performed upon their request with, on average, acceptable (46% of Member States) or very satisfactory (23%) outcomes.

However, interviews are often or always requested by Bangladeshi authorities even in cases where sufficient evidence to establish nationality is provided (e.g. valid or expired travel

documents) in the case of seven Member States effectively delaying the issue of travel documents.

According to six responding Member States, once the person has been positively identified by Bangladeshi authorities, the **issuance of travel documents** always or almost always takes place in a timely manner, however in the view of seven Member States travel documents are rarely or almost never issued in a timely manner. Those Member States account for respectively around 63% and 23% of Bangladeshi nationals ordered to leave the EU. Two Member States have not received a single travel document.

Returns by **charters flights** are accepted by Bangladesh, but subject to the issuance of permission to land, restriction on the number of returnees on board and a visa requirement for escorts (although these can be obtained on arrival).

In general, 57.9% of the responding Member States assessed the **overall cooperation on return and readmission** as improved since 2015, while 21% as stable.

*With a total of 9 595 Bangladeshi nationals ordered to leave in 2019, Bangladesh ranks 11<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, two-thirds of the Member States interact with Bangladesh on readmission. Practices are gradually being established however for the moment they remain unpredictable. The provisions of the SOPs are not closely respected by the Bangladeshi authorities. Identification processes are conducted successfully, including through interviews, and travel documents are issued timely in about half of the cases concerned, across all interacting Member States. For the other half these processes are delayed, discontinued or not performed. Cooperation could be improved by extending the good practices to Bangladesh diplomatic missions in all Member States. This would require respecting the deadlines foreseen in the SOPs, improving its performance in the area of identification, organising interviews when requested by Member States, expediting the process by issuing travel documents without interviews for documented cases, not restricting the number of returnees per flight and accepting charter flights from all Member States that may request it. This, facilitated also by a functional RCMS and increased capacity to use biometric data for identification, should result in a better rate of issuance of travel documents and a higher return rate.*

## **Belarus**

### **EU engagement to date**

The **EU Readmission Agreement** with Belarus was signed on 8 January 2020 and entered into force on 1 July 2020 (together with a Visa Facilitation Agreement).

### **Cooperation on readmission**

In 2019, 2 945 Belarusian nationals staying illegally in the Member States were issued return decisions and 2 670 effectively returned to Belarus resulting in a **return rate** of 91%. Member States submitted 95 readmission requests to Belarusian authorities, who issued 70 travel documents resulting in an **issuance rate** of 74%.

One Member State informed that it has a **bilateral agreement** with Belarus.

A total of 18 Member States reported having approached the authorities of Belarus for readmission matters related to its nationals in 2019.

All of them assessed the overall cooperation with Belarus in the **identification procedure** as good or very good (except one which rated it as average).

This is reflected in 13 Member States having a functioning established routine with Belarus diplomatic missions, with only one informing that it is not effective.

For all responding Member States, valid or expired passport is accepted as evidence, however three Member States informed that their photocopies are not accepted. According to ten Member States information extracted from the VIS is often or always accepted. Biometric evidence was also used by ten Member States, while in the case of five Member States it was never proposed.

For six Member States consular interviews are organised as necessary upon their request with good results, while others indicated that identification is concluded without the need for an interview. In principle, interviews are not available by videoconference. Only one Member State indicated that identification missions are organised and assessed their outcomes positively.

All responding Member States, except one, reported that the **issuance of travel documents** often to always takes place in a timely manner.

Return operations by **charter flights** were accepted from three Member States. Other Member States have not attempted it.

Certain restrictions in case of returns by **scheduled flights** are applied according to seven Member States (mostly concerning visas for escorts), while the remaining ones had no such experience.

In principle, all responding Member States assessed the **overall cooperation on return and readmission** as positive or stable since 2015.

*With a total of 2 945 Belarusian nationals ordered to leave in 2019, Belarus ranks 28<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, about two-thirds of the Member States interact on readmission with Belarus– the rest have few or no cases. While only one bilateral agreement was in place in 2019, and the EU Agreement was not signed yet, readmission practices are well established and effective. Identification processes are conducted successfully, including through interviews, if needed, and issuance of travel documents is timely for all interacting Member States. Charter flights are accepted and no obstacles imposed for scheduled flights return. While the return rate is in 2019 already at 91% and no issues of effectiveness have been signaled, the new EU Readmission Agreement is likely to bring uniformity of practices, increase effectiveness and therefore diminish the administrative burden of the readmission process on both Member States and Belarus.*



## **Cameroon**

### **EU engagement to date**

To date, there has been no engagement on readmission with Cameroon as specific issues have not been raised by Member States in the past and the country has not been flagged as a priority country for EU level engagement. Article 13 of the ACP-EU Cotonou Agreement, to which Cameroon is party, prescribes the commitment of the partner countries to cooperate with the EU in readmitting its own nationals.

### **Cooperation on readmission**

In 2019, 3 815 nationals staying illegally in the Member States were issued return decisions and 200 effectively returned to Cameroon resulting in a **return rate** of 5%. Member States submitted 158 readmission requests to Cameroonian authorities, who issued 94 travel documents, an **issuance rate** of 59%.

A total of 18 Member States reported having approached the authorities of Cameroon for readmission matters related to its nationals in 2019 and two Member States have **bilateral agreements** in place with the relevant provisions very often respected.

Half of the responding Member States standing for 65% of return decisions issued to Cameroonian nationals assess the overall cooperation with Cameroon in **identification procedures** as good or very good. The other half, where approximately one third of all Cameroonian nationals ordered to leave are to be found, assess it as very poor or average.

Eleven of the responding Member States confirm that they have an established routine for cooperation on identification, effective for nine of them.

Two thirds of reporting Member States confirm that evidence accepted includes valid or expired passports, and other identity documents and other documents. Information extracted from the VIS is accepted for one third of the Member States.

Half of the responding Member States requested consular interviews, with five of them stating that these are rarely to never performed upon their request and four that they often to always take place. Five Member States experiencing interviews consider their outcomes as acceptable or satisfactory, while two Member States find them unsatisfactory.

Three Member States, where 42% of all Cameroonians ordered to leave are to be found, inform that Cameroon authorities often or always request interviews, even in cases where sufficient evidence to establish nationality is provided. At the same time five Member States, in which 20% of Cameroonians ordered to leave are to be found stated that interviews in such cases were rarely to never required and other two that travel documents were issued without interviews.

Two-thirds of the responding Member States standing for 56% of the return decisions issued to Cameroon nationals consider that **the issuance of travel documents** often to always takes place in a timely manner.

## RESTREINT UE/EU RESTRICTED

The **EU Travel Document** or laissez-passer issued by Member States are accepted for two Member States.

Seven Member States inform that returns by **charters flights** are accepted by Cameroon in principle but with an imposed limit of six returnees per flight. Five of them also signal other restrictions such as frequency of flights, requesting landing permits, landing time restrictions and visa for escorts.

Certain restrictions in case of returns by **scheduled flights** are applied according to five Member States (mostly concerning visas for escorts and permission to land limited in time), while one Member states carrying out returns reports that visas are not required in its case.

In general, nine Member States consider that the **overall cooperation on return and readmission** is stable since 2015, three that it has deteriorated, three that it improved and three are not in position to assess the cooperation.

*With a total of 3 815 Cameroonian nationals ordered to leave in 2019, Cameroon ranks 23<sup>rd</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, about two-thirds of the Member States interact on readmission with Cameroon, two have bilateral agreements and 11 have an established cooperation routine. With half of these Member States, identification processes are conducted in a satisfactory manner, including by accepting a wide range of documents and through interviews, however for those Member States that have the most cases, cooperation on identification is problematic. Once identification is performed, issuance of travel documents is timely and there were instances where the EU Travel document was accepted. Charter flights are rarely accepted and only with very small numbers on board. For a more effective and predictable readmission cooperation, the existing good cooperation practices would need to be extended to all Member States. Identification could be expedited by issuing travel documents without interviews for documented cases and prohibitive restrictions for charter flights could be reconsidered. Subsequently, a more predictable and even level of cooperation will encourage a higher number of readmission requests from Member States and trigger a higher return rate.*

## China<sup>12</sup>

### **EU engagement to date**

An Agreement between the EU and China on Cooperation in Combatting Illegal Migration is being negotiated in parallel with a visa facilitation agreement under the second phase of the EU-China Mobility and Migration Dialogue (MMD), which started in 2017.

### **Cooperation on readmission**

In 2019, 7 050 Chinese nationals staying illegally in the Member States were issued return decisions and 2 125 effectively returned to China resulting in a **return rate** of 30%. Member States submitted 363 readmission requests to the Chinese authorities, which issued 98 travel documents resulting in an **issuance rate** of 27%.

A total of 20 Member States have approached the authorities of China for readmission matters related to its nationals in 2019. Four Member States have **bilateral agreements/arrangements** in place with China – mostly for the organisation of identification missions – whose relevant provisions are often to always respected.

Seven of the responding Member States assess the overall cooperation with China in the **identification procedure** as good or very good and eight as average. Five Member States, standing for almost half of all Chinese nationals ordered to leave, assess it as poor or very poor. The response time is slow in all phases of the procedure, except if the person is already documented.

Fourteen Member States have an established routine for cooperation on identification that is often or always effectively implemented with Chinese diplomatic missions, but this is not the case for two Member States.

Evidence accepted includes not only valid or expired passports, but also other identity documents and photocopies of documents as well as, but more rarely, information extracted from the VIS and biometric evidence.

For half of responding Member States, consular interviews are often or always performed upon their request as necessary, with, on average, acceptable or satisfactory outcomes.

According to three Member States, Chinese authorities are, albeit rarely, available to organise short or long-term identification missions, the outcomes of which are generally good.

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<sup>12</sup> The inclusion of Hong-Kong for the purpose of this exercise is without prejudice to the EU's support for Hong Kong's high degree of autonomy under the 'One Country, Two Systems', as stated in Council Conclusions 9872/1/20 of 28 July 2020 <https://www.consilium.europa.eu/media/45225/st09872-re01-en20.pdf>. Since 2004, EU Readmission Agreements are in place with Hong-Kong and Macao, which are not subject to a specific assessment in this report.

## RESTREINT UE/EU RESTRICTED

For 12 Member States interviews are also very often requested by Chinese authorities in cases where sufficient evidence to establish nationality is provided (e.g. valid or expired travel documents).

For three Member States, it is also possible for interviews to take place by phone or videoconference.

According to 14 of the responding Member States, where almost half of Chinese nationals ordered to leave are to be found, the **issuance of travel documents** often or always takes place in a timely manner. This is rarely to never the case in the remaining six Member States, where Chinese nationals ordered to leave are present in similar proportion.

Additional elements other than nationality are also taken into account by China when deciding whether to issue travel documents or not, in the case of three Member States.

Returns by **charters flights** are not accepted by China.

For a third of the responding Member States, certain restrictions are applied in case of returns by **scheduled flights**, namely the requirement of visas for escorts.

In general, Member States have assessed the **overall cooperation on return and readmission** as stable or improving since 2015.

*With a total of 7 050 Chinese nationals ordered to leave in 2019, China ranks 17<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, more than two-thirds of Member States interact with China on readmission. No jointly agreed procedures are in place at EU level, and the few bilateral arrangements cover only identification missions, however a readmission routine is in place for more than half of the Member States. For Member States representing half of return decisions issued, identification processes are conducted in a satisfactory manner, including through interviews, however for the other Member States, cooperation on identification could be improved as long delays hamper return. Once identification is performed, the issuance of travel documents is timely in half of the cases. For a more effective and predictable readmission cooperation, the better cooperation practices would need to be extended to all Member States, by expediting identification processes and issuing travel documents without interviews for documented cases. In addition, cooperation could be improved by accepting charter flights. This should result in a better rate of issuance of travel documents and eventually in a higher return rate.*

## Comoros

### **EU engagement to date**

The Commission has so far not engaged with the Comoros on readmission cooperation, as no specific issues have been raised by Member States so far and the country was not prioritised for EU level engagement due to a relatively low number of return decisions issued annually to their nationals. Article 13 of the ACP-EU Cotonou Agreement, to which Comoros is party, prescribes the commitment of the partner countries to cooperate with the EU in readmitting its own nationals.

### **Cooperation on readmission**

In 2019, 670 Comorian nationals staying illegally in the Member States were issued return decisions and 20 effectively returned to Comoros resulting in a **return rate** of 3%. Member States submitted 15 readmission requests to Comorian authorities, who issued 13 travel documents resulting in an **issuance rate** of 87%.

Three Member States reported having approached the authorities of Comoros for readmission matters related to their nationals in 2019. Out of these three one was confronted with a single readmission case. One Member State, accounting for 94% of irregularly staying Comorian nationals ordered to leave, has a **bilateral agreement/arrangement** on readmission in place with Comoros, whose relevant provisions are often respected. This Member State assessed the overall cooperation with Comoros in the **identification procedures** as good and has an established routine for cooperation on identification that is always/almost always effectively implemented with diplomatic missions. Consular interviews are often performed upon request as necessary, with acceptable outcomes.

The other Member State assessed cooperation on identification as average, with interviews rarely conducted upon request, and if so, with unsatisfactory outcomes.

Evidence accepted includes valid or expired passports, information extracted from the VIS, as well as birth certificates, also as photocopies, all of which is accepted often to always.

For the Member State issuing most of the return decisions to Comorian citizens, the **issuance of travel documents** always/almost always takes place in a timely manner. The other Member State stated that this is rarely the case.

Returns by **charters flights** were not attempted in 2019. Certain restrictions are applied in case of returns by **scheduled flights**, namely transit visa requirement for escorts.

In general, the two Member States have assessed the **overall cooperation on return and readmission** as stable or average.

*With a total of 670 Comorian nationals ordered to leave in 2019, Comoros ranks 51<sup>st</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, for the single Member State managing 94% of the caseload of Comorian nationals ordered to leave, Comorian authorities cooperate well for identification and issuance of travel documents on the basis of the bilateral agreement in*

*place, and there are no significant obstacles to return. This level of cooperation could be extended to the other requesting Member States.*

## **Republic of the Congo**

### **EU engagement to date**

There has been to date no engagement on readmission with the Republic of the Congo, as specific issues have not been raised by Member States until now and the country has not been prioritised for EU level engagement due to a relatively low number of return decisions issued annually to its nationals. Article 13 of the ACP-EU Cotonou Agreement, to which Congo is party, prescribes the commitment of the partner countries to cooperate with the EU in readmitting its own nationals.

### **Cooperation on readmission**

In 2019, 1 785 Congolese nationals staying illegally in the Member States were issued return decisions and 95 effectively returned to Congo resulting in a **return rate** of 5%. Member States submitted 51 readmission requests to the Congolese authorities, who issued 21 travel documents, resulting in an **issuance rate** of 41%.

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

One Member State, representing more than 80% of all Congolese nationals ordered to leave, has a **bilateral agreement** in place with Congo, whose relevant provisions are often respected, and assesses the overall cooperation with Congo in the **identification procedures** as good.

Four other of the responding Member States assess the overall cooperation with Congo in the identification procedure as poor to very poor. Only four of the responding Member States have an established business routine for cooperation on identification which is for three of them often to always effectively implemented.

For four of the responding Member States consular interviews are often to always performed upon their request with, however, satisfactory outcomes only in the case of one of them.

Evidence accepted includes not only valid or expired passports but also, for two Member States, information extracted from the VIS and for half of the Member States any other type of documents that might be helpful.

The **issuance of travel documents** often or always takes place in a timely manner for two of the responding Member States representing close to 90% of Congolese nationals ordered to leave.

No Member States has attempted to return by **charter flights** to Congo. One Member State reports visa obligation for escorts for **scheduled return flights**. The Member State with the biggest case load reports no visa obligations but an obligation for the escorts to return the same day in case of return by scheduled flight.

In general, two of the responding Member States have assessed the **overall cooperation on return and readmission** as satisfactory, including the Member State with the biggest caseload.

*With a total of 1 785 Congolese nationals ordered to leave in 2019, the Republic of the Congo ranks 33<sup>rd</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, a fifth of the Member States engage with Congo on readmission. The Member State representing the vast majority of the caseload has a bilateral agreement, established practices with good results in identification and issuance of travel documents. To improve overall cooperation with the EU on readmission, the better practices on identification and on issuance of travel documents would need to be extended to the other requesting Member States.*



## Côte d'Ivoire

### **EU engagement to date**

Cote d'Ivoire agreed on the "Joint document on the procedures for identification and readmission of migrants presumed to be Ivorian nationals staying irregularly in the EU" in 2018. The Ivorian authorities have participated to a familiarisation visit and consular seminar organised by Frontex to support the implementation of the Good practices. Two Joint Working Groups have taken place, the last one in January 2020. To support the cooperation on identification, Cote d'Ivoire has deployed four liaison officers in its EU embassies. The follow-up to identification requests and operational cooperation with the authorities on the spot is ensured by the EURLO, deployed in Abidjan. Article 13 of the ACP-EU Cotonou Agreement, to which Côte d'Ivoire is party, prescribes the commitment of the partner countries to cooperate with the EU in readmitting its own nationals.

### **Cooperation on readmission**

In 2019, 8 280 Ivorian nationals staying illegally in the Member States were issued return decisions and 280 effectively returned to Ivory Coast, resulting in a **return rate** of 3%. Member States submitted 306 readmission requests to Ivorian authorities, who issued 170 documents resulting in an **issuance rate** of 56%.

A total of 11 Member States reported having approached the authorities of Ivory Coast for readmission matters related to its nationals in 2019.

According to three Member States, representing more than three quarters of all readmission requests made in relation to Ivorian nationals, and almost two thirds of return decisions issued, the relevant provisions of the existing **EU readmission arrangement** are always or very often respected by Ivory Coast. At the same time, five Member States representing less than 5% of all readmission requests and 3% of return decisions report that the provisions are rarely or almost never respected.

Three Member States, representing more than three quarters of all readmission requests, consider the cooperation in the **identification procedures** good or very good, while three Member States qualify it as average. The five remaining Member States report an overall poor or very poor cooperation with Ivory Coast on identification, with delays in issuing travel documents too.

A total of nine Member States have an established routine for cooperation on identification with Ivorian diplomatic missions, which in six cases is effectively implemented.

Evidence accepted includes not only valid or expired passports, but also very often other documents that can support identification.

For most Member States consular interviews are always or very often performed upon their request with, on average, satisfactory outcomes.

## RESTREINT UE/EU RESTRICTED

According to four Member States, Ivorian authorities are available to organise short or long-term identification missions, often for two Member States and rarely for the other two. All four qualify the outcomes of the identification missions as good.

According to five of the responding Member States the **issuance of travel documents** very often takes place in a timely manner. Those Member States represent close to two-thirds of all the return decisions issued in relation to Ivorian nationals.

According to four Member States, returns by **charters flights** are accepted by Ivory Coast, while one reports charter flights not being accepted (the rest of the responding Member States have not attempted to return by charter). One Member States reports restrictions on the number of returnees and the issuance of the landing permit.

In general, Member States have assessed the **overall cooperation on return and readmission** as good or improving in particular after the signature of the EU arrangement.

*With a total of 8 280 Ivorian nationals ordered to leave in 2019, Ivory Coast ranks 15<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, a third of the Member States engage on readmission cooperation with Ivory Coast and practices are gradually being built following the EU readmission arrangement. The provisions of the latter are generally respected for those dealing with the largest part of the caseload of Ivorian nationals ordered to leave, with identification processes conducted successfully for those representing three quarters of return decisions issued, including through interviews. Issuance of travel documents is timely for two thirds of requesting Member States. This is not applied for Member States with smaller caseload, who report the opposite. Cooperation could be improved further by consolidating and extending the better practices on identification and issuance of travel documents and the acceptance of charter flights to all requesting Member States. This would encourage a higher number of readmission requests potentially resulting in a higher return rate.*

**Democratic Republic of the Congo (DRC)**

**EU engagement to date**

The Commission has not engaged so far with the Democratic Republic of the Congo to formalise cooperation on readmission practices. However, the EURLO deployed in the country supports operational cooperation in identification and returns. Article 13 of the ACP-EU Cotonou Agreement, to which DRC is party, prescribes the commitment of the partner countries to cooperate with the EU in readmitting its own nationals.

**Cooperation on readmission:**

In 2019, 6 540 Congolese nationals staying illegally in the Member States were issued return decisions and 160 effectively returned to the Democratic Republic of Congo resulting in a **return rate** of 2%. Member States submitted 313 readmission requests to DRC authorities, who issued 200 travel documents resulting in an **issuance rate** of 64%.

A total of 16 Member States reported having approached the authorities of DRC for readmission matters related to its nationals in 2019. Two Member States reported having **bilateral agreements/arrangements** in place with DRC, whose relevant provisions are always respected.

More than half of the responding Member States representing 57% of return decisions issued to Congolese citizens, assess the overall cooperation with DRC in the **identification procedure** as average to very good. Seven Member States have an established routine either with the diplomatic representation or with the central authorities via the EURLO, which is effectively implemented for five Member States. Six Member States representing 42% of return decisions, indicated that the overall cooperation with DRC in the identification procedure is poor or very poor, however for most of the potential caseload without indicating whether identification has been requested. Cooperation via the EURLO is assessed as effective by all the Member States who reported having attempted this channel.

Evidence accepted includes not only valid or expired passports, but also in most cases information extracted from the VIS and other identity documents.

Half of the responding Member States reported information on consular interviews: in five cases interviews are organised upon request as necessary while in three cases they are never or rarely organised.

Five Member States reported interviews being often to always requested by DRC authorities in cases where sufficient evidences to establish nationality are provided (e.g. valid or expired travel documents).

According to more than half of the responding Member States, representing half of the return decisions issued, the **issuance of travel documents** always or almost always takes place in a timely manner.

DRC accepts returns by **charters flights**.

## RESTREINT UE/EU RESTRICTED

Certain restrictions are applied in case of returns by scheduled flights, namely visa are required for escorts

In general, Member States have assessed the **overall cooperation on return and readmission** as stable or improving.

*With a total of 6 540 Congolese nationals ordered to leave in 2019, the Democratic Republic of Congo ranks 18<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, half of the Member States engage on readmission with DRC. No jointly agreed procedures are in place at EU level, however the EURLO deployed to DRC was able to successfully support any requesting Member States in identification and issuance of travel documents. Two Member States have bilateral agreements. With Member States representing half of the return decisions issued to Congolese nationals, identification processes are conducted in a satisfactory manner, including through interviews, however the other Member States encounter difficulties. Once identification is performed issuance of travel documents is timely in half the cases. For a more effective and predictable readmission cooperation, the better cooperation practices would need to be extended to all Member States, by expediting identification processes and issuing travel documents without interviews for documented cases. This, together with Member States increasing the number of readmission requests channeled through the EURLO, should eventually result in a higher return rate.*

## Egypt

### **EU engagement to date**

Currently, at EU level, there is no cooperation instrument or process in place dedicated to readmission. The EU-Egypt Association Agreement, which refers to readmission obligations of own nationals, entered into force in June 2004. The EU deployed in 2019 a EURLO in Cairo to support operational cooperation in identification and returns.

### **Cooperation on readmission**

In 2019, 6 020 Egyptian nationals illegally staying in the Member States were issued return decisions and 995 effectively returned to Egypt resulting in a **return rate** of 17%. Member States submitted 745 readmission requests to Egyptian authorities, who issued 117 travel documents resulting in an **issuance rate** of 16%.

A total of 20 Member States reported having approached the authorities of Egypt for readmission matters related to its nationals in 2019.

Two Member States reported having **bilateral agreements/arrangements** in place with Egypt, whose relevant provisions are in one case always/almost always respected and in the other case often respected.

Half of the responding Member States assess the overall cooperation with Egypt in the **identification procedure** as good to very good. It is average for five Member States, where almost two-thirds of all Egyptian nationals ordered to leave are to be found.

This is reflected in more than half of the responding Member States having an established business routine for cooperation on identification, which is in two-thirds of the cases often to always effectively implemented.

For three quarters of responding Member States consular interviews are often or always performed upon their request, with, on average, acceptable or very satisfactory outcomes for half of the responding Member States.

However Egyptian authorities always or often requested interviews in cases where sufficient evidences to establish nationality was already provided (e.g. valid or expired travel documents) from over half of the Member States.

For half of the responding Member States, accounting for 45% of the return decisions issued to Egyptian nationals, the **issuance of travel documents** often to always takes place in a timely manner. It is rarely to never the case according to eight Member States, where half of all Egyptian nationals ordered to leave are present.

Four Member States report that returns by **charter flights** are accepted and one that they are not. Eight of the responding Member States report restrictions in case of returns by **scheduled flights**. In all cases this concerns visas for escorts.

## RESTREINT UE/EU RESTRICTED

In general, Member States have assessed the **overall cooperation on return and readmission** as mainly stable. It has improved according to three Member States and deteriorated according to two.

*With a total of 6 020 Egyptian nationals ordered to leave in 2019, Egypt ranks 19<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, two thirds of Member States interact with Egypt on readmission and two have bilateral agreements whose provisions are respected. No jointly agreed procedures are in place at EU level, however a readmission routine is in place for more than half of the Member States. This routine delivers mixed results with average performance on identification and no timely issuance of travel documents for Member States representing half of the return decisions issued. For a more effective and predictable readmission cooperation, the better cooperation practices would need to be extended to all Member States. Identification processes would need to be expedited and followed through swiftly with issuing travel documents, also without interviews for documented cases. Clear, agreed procedures would provide for a more predictable and efficient process and the EURLO in Cairo could support such process. Further improvements could be envisaged by accepting charter flights from all requesting Member States. This should result in a better rate of issuance of travel documents and a higher return rate.*

## Eritrea

### **EU engagement to date**

The Commission has not engaged so far with the Eritrean authorities specifically on readmission cooperation and the country has not been prioritised for such engagement due to the high asylum recognition in the EU. Article 13 of the ACP-EU Cotonou Agreement, to which Eritrea is party, prescribes the commitment of the partner countries to cooperate with the EU in readmitting its own nationals.

### **Cooperation on readmission:**

In 2019, 3 615 nationals staying illegally in the Member States were issued return decisions and 155 effectively returned to Eritrea resulting in a **return rate** of 4%. Member States submitted 116 readmission requests to Eritrean authorities, who issued 6 travel documents resulting in an **issuance rate** of 5%.

A total of eight Member States, accounting for 48% of all return decisions issued in relation to Eritrean nationals, reported having approached the authorities of Eritrea for readmission matters related to its nationals (amongst Member States who did not report about interactions with Eritrea, one alone represents 35% of all Eritreans ordered to leave).

The overall cooperation with Eritrea in the **identification procedure** is assessed as poor or very poor by all interacting Member States, but one, who considers it very good, even though the verification process remains slow and the cooperation of the returnee needed.

This is reflected in only four Member States having an established routine for cooperation on identification with Eritrea diplomatic missions which, according to all of them, is not effectively implemented.

For more than half of responding Member States, consular interviews are never/almost never performed upon their request and if they do take place their outcomes are unsatisfactory. A number of Member States accounting for one-third of Eritrean nationals ordered to leave inform that that the interviews, possible by phone for one of them, are always required, no matter how sufficient evidence of nationality, or that they receive the confirmation of nationality only verbally.

Evidence accepted in the identification process: for half of the Member States the valid or expired passports are accepted, however not the information extracted from the VIS, and for a number of them the other identity documents are considered.

According to three Member States the **issuance of travel documents** never/almost never takes place in a timely manner – issuance may take up to two or three months according to one of them. For one Member State, issuance often takes place in a timely manner, but only for voluntary returns.

One Member State informs that, additional elements other than nationality such as declaration of voluntary return, are also always taken into account by Eritrea when deciding whether to issue travel documents or not.

Only two Member States have tested the possibility of **charter flights** and Eritrean authorities do not accept them. For three Member States restrictions in the form of visa requirements for escorts apply in the case of **scheduled flights**.

In general, most reporting Member States find the **overall cooperation on return and readmission** unsatisfactory, deteriorated, inexistent or impossible to assess, indicating as key factor the prevailing political and security situation of the country.

*With a total of 3 615 Eritrean nationals ordered to leave in 2019, Eritrea ranks 27<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. The asylum recognition rate of Eritrean nationals is high in most Member States, leading to a limited operational practice on readmission. Returns however took place during the reporting period. Overall, one quarter of the Member States, accounting for less than half of the return decisions issued, have attempted engaging with Eritrea on readmission and submitted a small number of readmission requests. No jointly agreed procedures are in place at EU level, Member States have no bilateral instruments and no effective readmission routine is in place. Cooperation on identification and issuance of travel documents is poor for most cases and the few resulting returns – mostly voluntary – can take place by scheduled flight only. Taking into account the evolution of the situation in the country, for a more effective and predictable readmission cooperation a structured practice would need to be built with clearly agreed procedures, including commitment to accept forced returns.*



## **Ethiopia**

### **EU engagement to date**

The EU and Ethiopia agreed on “Admission Procedures for the Return of Ethiopians from European Union Member States” on 1 November 2017. Arrangements identical to the Admission Procedures were later agreed between Ethiopia and Norway and Switzerland. Two meetings of the Joint Working Group and two additional technical meetings organised by the Commission have taken place since, to monitor and facilitate the implementation of the Admission Procedures the latest in March 2020.

An EMLO is present in the country and the deployment of a fulltime EURLO to support operational cooperation is ongoing.

A technical assessment of the implementation of the Admission Procedures, carried out by independent consultants and finalised in May 2020, listed a number of short and long term recommendations on how to improve the cooperation on an operational level: adequate IT equipment and training for staff of competent Ethiopian agencies, a RCMS, extended use of videoconferencing and identification missions for identification processes and clear decision making processes and instructions for issuance of travel documents. Article 13 of the ACP-EU Cotonou Agreement, to which Ethiopia is party, prescribes the commitment of the partner countries to cooperate with the EU in readmitting its own nationals.

### **Cooperation on readmission**

In 2019, 1 395 Ethiopian nationals staying illegally in the Member States were issued return decisions and 215 nationals returned to Ethiopia resulting in a **return rate** of 15%. Member States submitted 985 readmission requests to Ethiopian authorities, who issued 41 travel documents resulting in an **issuance rate** of 4%.

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

According to nine of them the relevant provisions of the **existing Admission Procedures** are rarely to never respected by Ethiopia. This can be largely attributed to the fact that Ethiopia does not respect the timelines agreed in the Procedures, imposes verification of nationality by central authorities in all submitted cases and frequently does not follow up with travel documents issuance.

Overall, more than half of responding Member States, assess the overall cooperation with Ethiopia in the **identification procedure** as poor or very poor (86% of all Ethiopian nationals ordered to leave are to be found in those Member States). Three Member States find it is good or very good.

This is reflected in the fact that a routine for cooperation on identification with Ethiopian diplomatic missions, as formulated in Admission Procedures, is not implemented effectively. While two Member States consider it is often to always implemented, it is rarely to never the case for seven Member States. This results in delayed responses (if at all) and no interviews

being conducted by the diplomatic missions. Instead, an operational routine for submission of requests for verification of nationality has been agreed with the central authorities in end 2019.

For 11 Member States consular interviews are rarely to never performed upon their request as necessary. Among the other four Member States where they took place outcomes were satisfactory in three of them.

Ethiopian authorities are very often available to organise short term identification missions, which in practice replaced the consular interviews. Among the six Member States which experienced them, half of them find their outcomes as very good or good, two consider them poor and one acceptable.

Interviews to verify the nationality – in practice never made by the consulates, but conducted by the experts of the identification missions, with final decision by the competent central authority – are often requested by Ethiopian authorities also in cases where sufficient evidence to establish nationality is provided (e.g. valid or expired travel documents).

Evidence accepted does not always include valid or expired passports, according to three Member States. Half of the responding Member States confirm that information extracted from the VIS and other (identity) documents were accepted.

According to more than half of responding Member States, the **issuance of travel documents** rarely or never takes place in a timely manner. Those Member States represent 87% of return decisions made in relation to Ethiopia nationals.

Four Member States, representing 65% of the return decisions, inform that the Ethiopian diplomatic missions are reluctant to issue travel documents in cases where nationality is confirmed by the central authorities. Additional elements are also required by the missions, such as a declaration by the returnee that return is voluntary, information on his/her health condition or family situation in the EU.

Ethiopia does not impose restrictions to readmission upon arrival of persons who are to be legally returned. Visas are required for the escorts staying overnight, but can be obtained at the airport.

Returns by **charters flights** are accepted by Ethiopia, but one Member State signals that restrictions apply (number of flights, frequency and landing permit required).

In general, a third of the Member States assessed the **overall cooperation on return and readmission** as improving since 2015, and the rest as stable or poor in equal proportion.

*With a total of 1 395 Ethiopian nationals ordered to leave in 2019, Ethiopia ranks 35<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, half of the Member States interact with Ethiopia on readmission and practices are gradually being established. The provisions of the readmission arrangement (and the equivalent provisions of the bilateral arrangements) are largely not followed by the Ethiopian authorities with only 4% of the cases submitted being*

*finalised with a travel document issued. For Member States representing more than three quarters of return decisions issued, identification processes are slow, deliver unsatisfactory results and are rarely followed up with issuance of travel document, as in most cases Ethiopian authorities decide whether to issue travel documents on individual circumstances of the returnees, rather than on established nationality, as foreseen in the readmission arrangement. Cooperation could be improved by Ethiopia, by building solid practices and decision making workflows within its administration, conducive to the correct implementation of the arrangement for forced returns. Furthermore the respect of timelines agreed for identification and swift issuance of travel documents, without interviews for documented cases is necessary. This, potentially facilitated by a capacity building project including an RCMS, as well as the EURLO should result in a better rate of issuance of travel documents and a higher return rate.*

## **Ghana**

### **EU engagement to date**

Efforts to engage Ghana in formalising cooperation on readmission practices at EU level have not resulted in a commitment by Ghanaian authorities so far. In July 2017 the Commission put forward draft Best Practices on identification and return, and in October 2018, aiming at a wider engagement, a draft roadmap based on the Valetta pillars. Ghana was reluctant to address readmission, at EU level, beyond general terms. From a practical perspective, a workshop for the consular authorities organised by Frontex back to back to a familiarisation visit to the Agency took place in February 2019. An ERRIN Gov-2-Gov project ‘Management Information Centre for Returnees (MICR)’ is ongoing. Article 13 of the ACP-EU Cotonou Agreement, to which Ghana is party, prescribes the commitment of the partner countries to cooperate with the EU in readmitting its own nationals.

### **Cooperation on readmission**

In 2019, 2 675 Ghanaian nationals illegally staying in the Member States were issued return decisions and 555 effectively returned to Ghana resulting in a **return rate** of 21%. Member States submitted 444 readmission requests to Ghanaian authorities, who issued 275 travel documents resulting in an **issuance rate** of 62%.

A total of 15 Member States reported having approached the authorities of Ghana for readmission matters related to its nationals in 2019. Among those, two Member States report **bilateral agreements/arrangements** in place with Ghana, whose relevant provisions are often to very often respected.

Four Member States where approximately two-thirds of all Ghanaian nationals ordered to leave are to be found, assess the overall cooperation with Ghana in the **identification procedure** as average. Five Member States, accounting for 4% of the return decisions issued assess it as good to very good, and six others accounting for 28% of return decisions issued consider it poor to very poor. This is reflected in 10 Member States having a functioning established routine, which is often to always effectively implemented in eight of them.

For all responding Member States but two, consular interviews are very often to always performed upon their request as necessary. Outcomes are, on average, satisfactory to very satisfactory in the case of six Member States representing more than half of all Ghanaians ordered to leave, but unsatisfactory in the case of five representing around a quarter of Ghanaians ordered to leave. The remaining two consider interviews outcomes as acceptable.

In the case of ten Member States, interviews are very often to always requested by Ghanaian authorities in cases where sufficient evidences to establish nationality are already provided (e.g. valid or expired travel documents). At the same time, Ghanaian authorities are rarely to never available to organise short or long term identifications mission, according to four Member States who tried – and for the two that managed, the outcomes were poor.

According to more than half of the responding Member States, where more than two-thirds of all Ghanaian nationals ordered to leave are to be found, once the person has been positively

identified by Ghanaian authorities, the **issuance of travel documents** is often to always timely. This is rarely to never the case for five Member States, where a quarter of all Ghanaian nationals ordered to leave are to be found.

Returns by **charters flights** are accepted by Ghana. Certain restrictions may apply, for some Member States: the issuance of a landing permission, the frequency of flights, the number of returnees on board and/or a visa requirement for escorts. Visa requirement for escorts also apply in case of returns by **scheduled flights**, according to four Member States.

In general, two-thirds of responding Member States have assessed the **overall cooperation on return and readmission** as good, stable or improved since 2015.

*With a total of 2 675 Ghanaian nationals ordered to leave in 2019, Ghana ranks 31<sup>st</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall half of the Member States interact with Ghana on readmission and two have bilateral agreements/arrangements. No jointly agreed procedures are in place at EU level, however a readmission routine is in place for two-thirds of the Member States who engaged. Those practices deliver mixed results, yet acceptable for Member States representing two thirds of return decisions issued - where identification processes are conducted successfully, including through interviews, and issuance of travel documents is timely – and poor for the remaining Member States. For a more effective, even and predictable readmission cooperation, the better cooperation practices could be extended to all Member States. Identification could be further expedited by issuing travel documents without interviews for documented cases and availing itself of alternative means of identification (missions, phone or videoconference). This should result in a better rate of issuance of travel documents and a higher return rate.*

## Guinea

### **EU engagement to date**

Guinea agreed with the EU on Good practices for the efficient operation of the return procedure in July 2017, in the framework of the dialogue on cooperation on irregular migration<sup>13</sup>. Four EU-Guinea Joint Working Groups have taken place to date. The Guinean authorities have participated in a familiarisation visit and consular seminar organised by Frontex to support the implementation of the Good practices. Since the conclusion of the arrangement, Frontex has supported the organisation of identification missions to Member States, with mixed results. The follow-up to identification requests and operational cooperation with the authorities on the spot is ensured by the EURLO, deployed in Abidjan with a mandate on Guinea and Ivory Coast. In addition, Guinea has concluded Best practices for return operations with Frontex and a working arrangement with the Agency is currently being negotiated. Article 13 of the ACP-EU Cotonou Agreement, to which Guinea is party, prescribes the commitment of the partner countries to cooperate with the EU in readmitting its own nationals.

### **Cooperation on readmission:**

In 2019, 9 720 Guinean nationals illegally staying in the Member States were issued return decisions and 275 effectively returned to Guinea resulting in a **return rate** of 3%. Member States submitted 454 readmission requests to the Guinean authorities, who issued 249 travel documents resulting in an **issuance rate** of 55%.

A total of 13 Member States reported having approached the authorities of Guinea for readmission matters related to its nationals in 2019.

According to four Member States representing more than one third of return decisions issued to Guinean nationals, the relevant provisions of the existing **EU arrangement** are often to always respected by Guinea. According to three Member States representing around 2% of the return decisions issued to Guinean nationals the relevant provisions of the existing EU readmission arrangement are never or almost never respected. The remaining six responding Member States, including three that use a bilateral arrangement in place, did not report on the respect of the provisions of the EU arrangement.

In total, five Member States reported having **bilateral agreements/arrangements** in place with Guinea that in one case is no longer implemented because the EU arrangement is used and in another case is implemented together with the EU arrangement. For three of the four Member States using their bilateral arrangement, the relevant provisions are often respected, while for one, representing almost half of the return decisions issued to Guinean nationals, bilateral provisions are not respected.

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<sup>13</sup> Document partagé entre les représentants du Gouvernement Guinéen et de l'Union Européenne portant sur la coopération en matière de migration irrégulière.

The overall cooperation with Guinea in the **identification and issuance of travel documents procedures**, and the results they deliver varies, depending on the agreement/arrangement used as a basis.

Among the seven Member States that base their cooperation on **identification** on the EU readmission arrangement, cooperation is assessed as good or very good by two Member States representing 40% of all return decisions issued to Guinean nationals. The other five Member States, representing 3 % of return decisions issued, assess the cooperation as average or poor.

For the three Member States basing their cooperation on identification on bilateral instruments, two, representing more than half of all decisions issued, assess the cooperation as poor or very poor. The remaining Member State, with return decisions issued below 1% assesses the cooperation as good.

Six Member States have an established routine for cooperation on identification with Guinean diplomatic missions that is effectively implemented for three of them and rarely implemented for the other three.

According to five Member States, the Guinean authorities are available to organise short or long-term identification missions, the outcomes of which is assessed as good or acceptable in four cases.

Among the seven Member States that base their cooperation for **issuance of travel documents** on the EU readmission arrangement, three, accounting for 40 % of all return decisions issued, assess that the issuance of travel document takes place often or very often in a timely manner. Of the remaining four, accounting for 3% of all return decisions issued, three Member States assess it as poor and the other one had no experience to share.

For the three Member States basing their cooperation on issuance of travel documents on bilateral instruments, one, representing 10% of return decisions issued indicates that issuance of travel documents is timely, while the other two, representing almost half of all decisions issued, assess that it is not.

Returns by charters flights are accepted by Guinea according to seven of the responding Member States, and not accepted according to six.

In general, Member States have assessed the **overall cooperation on return and readmission** as stable or improving since 2015.

*With a total of 9 720 Guinean nationals ordered to leave in 2019, Guinea ranks 10<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, about a third of the Member States interact with Guinea on readmission and practices are being consolidated in most Member States. The provisions of the EU arrangement are often respected for the largest part of the caseload, while this is not the case for the bilateral arrangements. The identification process and issuance of travel documents processes and their results vary greatly depending on the arrangement used as a basis. The cooperation is satisfactory and timely for Member States representing*

*about half of the return decisions issued, using the EU arrangement as a basis, and less satisfactory or poor for Member States representing the other half of return decisions issued, who used bilateral tracks in 2019. Cooperation could be improved further by extending the better practices, developed along the EU arrangement, to all requesting Member States, in particular by reducing the time for the identification and issuance of travel documents, thus encouraging a higher number of readmission requests potentially resulting in a higher return rate.*



## **Guinea-Bissau**

### **EU engagement to date**

The Commission has not engaged with Guinea-Bissau authorities on readmission cooperation as specific issues have so far not been raised by Member States and the relatively low number of return decisions issued to its nationals did not trigger prioritisation at EU level so far. Article 13 of the ACP-EU Cotonou Agreement, to which Guinea-Bissau is party, prescribes the commitment of the partner countries to cooperate with the EU in readmitting its own nationals.

### **Cooperation on readmission**

In 2019, 935 Guinea-Bissau nationals staying illegally in the Member States were issued return decisions and 50 effectively returned to Guinea Bissau resulting in a **return rate** of 5%. Member States submitted 51 readmission requests to Guinea-Bissau authorities, who issued 10 travel documents resulting in an **issuance rate** of 20%.

A total of nine Member States reported having approached the authorities of Guinea-Bissau for readmission matters related to its nationals in 2019.

One Member State reports having a **bilateral agreement/arrangement** in place with Guinea-Bissau, whose relevant provisions are never/almost never respected.

Half of the responding Member States, accounting for 68% of all irregularly staying Guinea-Bissau nationals ordered to leave, assess the overall cooperation with Guinea-Bissau in the **identification procedure** as good or very good, while a third rated it as very poor. Only a third of the reporting Member States have an established routine with diplomatic missions, which in two cases is often effectively implemented.

For half of the Member States accounting for 68% of all irregularly staying Guinea-Bissau nationals ordered to leave consular interviews are very often to always performed upon their request as necessary, with satisfactory results, while for three Member States covering 22% of the return decisions they are never/almost never organised upon request. Four Member States accounting for 71% of return decisions report that consular interviews are often to always requested by Guinea-Bissau even if sufficient evidence to establish nationality is provided.

According to two Member States, Guinea-Bissau authorities are often to always available to organise short or long-term identification missions, the outcomes of which are acceptable or very good. At the same time, two Member States report that this is never/almost never the case.

Evidence accepted includes in five Member States valid or expired passports, but also other ID documents and other relevant documents. At the same time three Member States report that no other evidence is accepted. Two Member States reported that information extracted from the VIS is accepted.

According to four of the responding Member States, accounting for 68% of the return decisions, the **issuance of travel documents** is often or very often timely. For the four

Member States where 22% return decisions are issued the travel documents are rarely or never issued in a timely manner, in some cases the issuance can take up to seven months. One Member State noted that Guinea-Bissau refuses to issue travel documents even for positively identified cases.

Only one Member State stated that additional elements other than nationality are often taken into account.

Most Member States did not attempt returns by **charters flights**. One Member State stated that charter flights are accepted by Guinea-Bissau without any limitations and two that charters are not accepted.

Certain restrictions are applied in case of returns by **scheduled flights**, namely visas for escorts.

Five of the reporting Member States, which account for less than a quarter of all Guinea-Bissau nationals ordered to leave, report that **overall cooperation on return and readmission** has either improved or remained stable since 2015. For two Member States, accounting for more than half of all Guinea-Bissau nationals ordered to leave, it has deteriorated. One Member State, where a fifth of all Guinea-Bissau nationals ordered to leave are to be found, noted that despite engagement no cooperation has been established.

*With a total of 935 Guinea-Bissau nationals ordered to leave in 2019, Guinea-Bissau ranks 43<sup>rd</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, less than a third of the Member States interact with Guinea-Bissau on readmission and submitted a small number of readmission requests. No jointly agreed procedures are in place at EU level, the provisions of the only bilateral readmission agreement are never or almost never respected. Member States representing two-thirds of return decisions issued are satisfied with Guinea-Bissau cooperation, on both identification and timely issuance of travel documents, even though they identify obstacles and delays. The remaining Member States are not satisfied. For an improved cooperation on readmission, the identification procedures would need to be improved, by including consular interviews and identification missions as necessary, and travel documents would need to be issued in a timely manner for all cases and towards all Member States. This should result in an increased caseload processed, a better issuance rate for travel documents and eventually a higher return rate.*

## **India**

### **EU engagement to date**

A Joint Declaration on a Common Agenda on Migration and Mobility (CAMM) between India and the European Union and its Member States, was agreed on 29 March 2016, in the framework of the EU-India High Level Dialogue on Migration and Mobility (HLDMM). Irregular migration is one of the 4 priority areas of the CAMM (alongside regular migration, the development impact of migration and international protection).

### **Cooperation on readmission**

In 2019, 9 745 Indian nationals staying illegally in the Member States were issued return decisions and 1 570 effectively returned to India resulting a **return rate** of 16%. Member States submitted 1 325 readmission requests to Indian authorities, who issued 352 travel documents resulting in an **issuance rate** of 27%.

A total of 21 Member States reported having approached the authorities of India for readmission matters related to its nationals in 2019.

Only one Member State reports having a **bilateral arrangement** in place with India, whose relevant provisions are very often respected.

A third of Member States, where more than two-thirds of Indian nationals ordered to leave were to be found, assess the cooperation with India in the **identification procedure** as average. Another third of the responding Member States, representing 9% of Indian nationals ordered to leave, consider it good or very good and the remaining third, standing for 11% of Indian nationals ordered to leave, poor or very poor.

This is reflected in 11 Member States having an established routine for cooperation on identification that is generally effectively implemented with Indian diplomatic missions.

For two-thirds of responding Member States consular interviews are almost always performed upon their request as necessary, with, outcomes either (very) satisfactory, acceptable or unsatisfactory in similar proportions.

Interviews are also almost always requested by Indian authorities even in case where sufficient evidence to establish nationality was already provided (e.g. valid or expired travel documents), in the case of 13 Member States.

Evidence accepted includes not only valid or expired passports, but also information extracted from the VIS in the case of seven responding Member States, other identity documents in the case of 15 responding Member States, photocopies of documents in the case of 17 responding Member States, other evidence, and biometric evidence in the case of six Member States.

According to more than two-thirds of the responding Member States, where more than 85% of Indian nationals ordered to leave are to be found, the **issuance of travel documents** often to always takes place in a timely manner.

Additional elements other than nationality are also very taken into account by India when deciding whether to issue travel documents or not, in the case of three Member States.

Returns by **charters flights** are generally not accepted by India.

Certain restrictions are applied in case of returns by **scheduled flights**, namely visa requirements for escorts.

In general, Member States have assessed the **overall cooperation on return and readmission** as stable or improving since 2015.

*With a total of 9 745 Indian nationals ordered to leave in 2019, India ranks 12th amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, two-thirds of Member States interact with India, with only one (non-EU) having a bilateral arrangement in place. No jointly agreed procedures are in place at EU level, but half of Member States who engaged have an established readmission routine. Those practices deliver mixed results, yet mostly satisfactory/acceptable for Member States representing two-thirds of the return decisions issued, where identification processes are conducted successfully, including through interviews, and with timely issuance of travel documents. For a more effective and predictable readmission cooperation, the better cooperation practices would need to be consolidated and extended to all Member States. Identification processes could be expedited, by issuing travel documents without interviews for documented cases, by availing itself of alternative means of identification (missions, phone or videoconference) and by accepting biometrics as evidence from all Member States. Further improvements could be envisaged by accepting charter flights from all requesting Member States.*

## **Iran**

### **EU engagement to date**

There is no EU readmission agreement or arrangement with Iran. However, Terms of References (ToRs) for a Comprehensive Dialogue between Iran and the EU on Migration and Refugee issues have been agreed and are supposed to be signed by the two sides at the earliest occasion. The ToRs include the topic of non-voluntary returns, which Iran previously always refused to consider invoking ‘constitutional constraints’.

### **Cooperation on readmission**

In 2019, 9 835 Iranian nationals staying illegally in the Member States were issued return decisions and 1 665 effectively returned to Iran resulting in a **return rate** of 17%. Member States submitted 428 readmission requests to Iranian authorities, who issued 93 travel documents resulting in an **issuance rate** of 22%.

A total of 20 Member States reported having approached the authorities of Iran for readmission matters related to its nationals in 2019.

No Member State reported having a **bilateral agreement or arrangement** in place with Iran.

Two thirds of the responding Member States, accounting for 80% of all Iranian nationals ordered to leave, assess the overall cooperation with Iran in the **identification procedure** as poor or very poor. Since Iran only accepts voluntary returns, identification takes place to ascertain that the returnee voluntarily returns (if at all, as two Member States report that their requests remain unanswered). Travel documents are therefore issued only in such cases.

In that context, a third of the responding Member States have an established routine for cooperation on identification, which is for most of them often to always effectively implemented with Iran’s diplomatic missions.

While for two-thirds of the responding Member States consular interviews are often to always performed upon their request as necessary (a rule to secure that return is voluntary), outcomes are, on average, unsatisfactory. Interviews are therefore often or always requested by Iranian authorities in cases where sufficient evidences to establish nationality was already provided (e.g. valid or expired travel documents), in the case of 12 Member States.

According to more than half of the responding Member States, the **issuance of travel documents** rarely or never takes place in a timely manner. Additional elements other than nationality are always taken into account by Iran when deciding whether to issue travel documents or not in the case of 11 Member States.

With Iran only accepting voluntary returnees, **charter flights** are not allowed.

In general, Member States have assessed the **overall limited cooperation on return and readmission** with Iran as poor or stable, rather stagnating, since 2015

*With a total of 9 835 Iranian nationals ordered to leave in 2019, Iran ranks ninth amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, two-thirds of Member States interact with Iran on readmission matters on a significant number of cases, even though only a fraction of the high number of return decisions issued to Iranian nationals are followed up with requests for readmission. No jointly agreed procedures are in place at EU level and there are no bilateral arrangements however a third of the Member States have an established routine for readmission. Identification processes deliver unsatisfactory results or no results for Member States representing three quarters of return decisions issued and are rarely followed up with issuance of travel document, as Iran only cooperates on voluntary returns. Cooperation could be improved by agreeing on ways to cooperate on forced return along a clear and predictable procedure, and swift issuance of travel documents. This, potentially facilitated by capacity building projects, should result in a better issuance rate of travel documents and a higher return rate.*

## **Iraq**

### **EU engagement to date**

There is no EU readmission agreement or arrangement with Iraq, but a migration dialogue EU-Iraq with readmission as one of its major strands saw three meetings from December 2017 to March 2019. The EU called on Iraq to enhance cooperation on readmission based on positive experience with countries of the region, and to implement the EU-Iraq Partnership and Cooperation Agreement (in force since 1 August 2018) providing for an obligation to readmit own nationals who are illegally present on the territory of the other party (Article 105). At operational level, Frontex continued support for chartered flights (only rarely admitted by Iraq), and launched assistance in scheduled flights whose first phase presented a fairly positive record. A EURLO was also deployed to Iraq between March 2018 and March 2019.

### **Cooperation on readmission**

In 2019, 21 015 Iraqi nationals staying illegally in the Member States were issued return decisions and 5 315 effectively returned to Iraq resulting in a **return rate** of 25%. Member States submitted 759 readmission requests to Iraqi authorities, who issued 222 travel documents resulting in an **issuance rate** of 29%.

A total of 22 Member States reported having approached the authorities of Iraq for readmission matters related to its nationals in 2019.

A quarter of the Member States replied explicitly that Iraq never respects the Partnership and Cooperation Agreement (Article 105 providing for an obligation of readmission of own nationals), one Member State that it is rarely respected and another that it is very often the case.

Four Member States flagged that they have a **bilateral arrangement** with Iraq, one of which assessing that it is in principle respected, but only for criminals, and another one that it is only applied to voluntary returns. The remaining two informed that it is not respected.

Nine of the responding Member States representing two-thirds of Iraqi nationals ordered to leave assessed the cooperation with Iraqi authorities in **identification procedure** as poor or very poor. Four Member States representing 13% of Iraqi nationals ordered to leave rated it as average and the remaining nine Member States, standing for 20% of Iraqi nationals ordered to leave, as good or very good. Some of them indicated explicitly that even if the persons are identified as Iraqis, the travel documents are only issued in case of voluntary returns, others also indicated a possibility of return of criminal, sometimes only charged with a very serious offence.

In this context, 11 Member States confirmed that there is a business routine established in identification procedure, which in all but two, is considered to be often to always effectively implemented. However, a presence or lack of a business routine did not, as such, translate into effective cooperation, since some successful Member States indicated that cooperation was

very informal, and for some others the functioning routine covered only or almost only voluntary return.

Valid and expired passports were accepted for all responding Member States except three. Another three Member States informed about the use of information extracted from VIS. In more than two-thirds of responding Member States also other identity documents are accepted (although five of them flagged that photocopies are not approved of). However, it was repeatedly stated that successful identification is in principle not followed by issuing travel documents in case of forced returns. Consular interviews are organised in two-thirds of responding Member States (in five of them also by phone or videoconference), yet they bring results in principle only as much as voluntary return is at stake.

Identification missions were organised in five Member States, with two of them assessing their results as good, one as acceptable, and two as poor, since identification was not followed by issuance of travel documents.

For 10 Member States accounting for slightly more than half of return decisions issued the **issuance of travel documents** takes place in a timely manner, while for 11 others, representing slightly less than half, it does not. A number of Member States confirmed that travel documents are only issued for voluntary returns, with rare exceptions for (serious) criminal cases.

One Member State indicated that even persons with valid passports are not admitted to Iraq upon arrival unless it is a voluntary return.

Five Member States organised returns by **charter flights**, with a very limited number of returnees on board.

Seven Member States also reported restrictions imposed on **scheduled flights**, which mostly concerned a requirement of visas for the escorts.

Overall, for five Member States the **overall cooperation on return and readmission** is good or has improved. Eight Member States consider it as stable, seven assess it negatively, and one rate it as average.

*With a total of 21 015 Iraqi nationals ordered to leave in 2019, Iraq ranks fifth amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, more than two-thirds of Member States interact with Iraq on readmission matters on a significant number of cases, even though only a fraction of the high number of return decisions issued to nationals of Iraq are followed up with requests for readmission. The PCA provisions and the bilateral arrangements (except one) are largely not respected. Identification processes deliver unsatisfactory or no results for Member States representing more than two-thirds of the return decisions issued and are rarely followed up with issuance of travel document, as in most cases Iraqi authorities only cooperate for voluntary and exceptional (criminal) cases of forced returns. Cooperation could be improved by agreeing on ways to cooperate on forced return along a clear and predictable procedure, and swift issuance of travel documents. This, potentially facilitated*



*by capacity building projects, should result in a better rate of issuance of travel documents and a higher return rate.*

**Kosovo\***

**EU engagement to date**

Cooperation on readmission with Kosovo continues on bilateral tracks. Kosovo has concluded Readmission Agreements with a majority of EU Member States and Schengen Associated Countries and sought to launch negotiations with others.

The Stabilisation and Association Agreement between the EU and Kosovo (Article 88) also provides a basis for readmission.

**Cooperation on readmission**

In 2019, 5 745 Kosovo nationals staying illegally in the Member States were issued return decisions and 2 185 effectively returned to Kosovo resulting in a **return rate** of 38%. Member States submitted 591 readmission requests to Kosovo authorities, who issued 155 travel documents resulting in an **issuance rate** of 26%.

A total of 18 Member States reported having approached the authorities of Kosovo for readmission matters related to its nationals in 2019.

One Member State indicated that cooperation takes place on the basis of the Stabilisation and Association Agreement between the EU and Kosovo (Article 88). Fifteen Member States informed that they have a **bilateral agreement** with Kosovo, which is in all cases often to always respected.

Similarly, all responding Member States assessed the **cooperation on identification** procedures with Kosovo authorities as good or – in most cases – very good.

This is reflected in all reporting Member States, except three, having an established routine with Kosovo diplomatic missions for cooperation on identification that in all these cases is effectively implemented.

Valid and expired passports, as well as their photocopies are accepted, as well as information extracted from VIS (with the exception of one Member State), and other identity documents. Biometric evidence is used by seven Member States.

Consular interviews are always organised upon request, with their outcome assessed positively. All Member States, except one, reported that the **issuance of travel documents** takes place in a timely manner.

One Member State informed that elements other than nationality are taken into account when deciding whether to issue a travel document.

EU or national travel documents are in principle accepted in the case of nine Member States, while one indicated that they are never accepted.

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\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence

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One Member State flagged that restrictions to readmission are often imposed by Kosovo upon arrival.

Twelve Member States informed that they used **charter flights** to Kosovo. Visas for escorts were not necessary. No restrictions on **scheduled flights** were reported.

The **overall cooperation on return and readmission** was assessed as good or stable, except by one Member State where it deteriorated.

*With a total of 5 745 Kosovo nationals ordered to leave in 2019, Kosovo ranks 21<sup>st</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, almost two-thirds of Member States interact with Kosovo – the others have few or no cases. Despite the absence of an EU readmission agreement, cooperation with Kosovo proceeds smoothly, based on a large number of bilateral agreements with the Member States. Identification processes are conducted successfully for all Member States, including through interviews, travel documents are issued timely or EU travel documents accepted and charter and scheduled flights operate as planned.*

## Libya

### **EU engagement to date**

The Commission has not engaged with Libyan authorities on readmission cooperation, due to the unstable political situation in the country and current risk of *refoulement* of Libyan nationals.

### **Cooperation on readmission**

In 2019, 2 710 Libyan nationals staying illegally in the Member States were issued return decisions and 210 effectively returned to Libya resulting in **return rate** of 8%. Member States submitted 155 readmission requests to Libyan authorities, who issued 10 travel documents resulting in an **issuance rate** of 6%.

A total of 11 Member States reported having approached the authorities of Libya for readmission matters related to its nationals in 2019. However, some of them stressed that no effective return to Libya took place in the reported period, and the reported experience relates to preceding years. Four Member States flagged explicitly that Libya only accepted voluntary returns.

No Member State has a **bilateral agreement** with Libya.

Half of the engaging Member States covering three quarters of return decisions issued, assessed **cooperation on identification** with Libyan authorities as poor or very poor, three Member States as average, while two others as very good. ,

Four Member States confirmed that there is an established routine for the identification procedure, which in all of these cases is considered to be effectively implemented.

Valid or expired passports, are in principle accepted as evidence, while information extracted from VIS is not, and biometrics only for two Member States. Other identity documents were accepted from five Member States. Photocopies of documents are accepted in half of the Member States.

Consular interviews are, as a rule, required by the Libyan authorities, however they are not available by videoconference. Five Member States assessed their results positively, while two were dissatisfied. Only one Member State reported that the **issuance of travel documents** takes place in a timely manner. Four Member States replied negatively, while the remaining ones provided no explicit reply.

One Member State flagged restrictions to readmission imposed by Libya upon arrival.

No **charter flights** were used with Libya and four Member States indicated restrictions imposed on **scheduled flights** (visa for escort, no possibility for escort to reach the final destination).

Two Member States reported that the **overall cooperation on return and readmission** with Libya has improved while one assessed that it has deteriorated. Five considered it as stable, while others expressed no explicit opinion.

*With a total of 2 710 Libyan nationals ordered to leave in 2019, Libya ranks 30<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, a third of Member States interacted with Libya – even though not necessarily in 2019 – and primarily for voluntary returns. There are currently few effective channels of cooperation established, due to the non-acceptance by Libya of forced returns. Processing of additional requests could be considered by Member States provided that conditions are met so that the principle of non-refoulement is respected. Cooperation could be improved by establishing the necessary cooperation channels for swift identification and issuance of travel documents.*

## **Mali**

### **EU engagement to date**

Negotiations for standard operating procedures on return and readmission were finalised in December 2016, but the Malian government decided to backtrack on signature, upon facing strong public pressure.

Despite further attempts to discuss readmission as part of a wider approach, there was no progress towards formalising cooperation on readmission matters. Article 13 of the ACP-EU Cotonou Agreement, to which Mali is party, prescribes the commitment of the partner countries to cooperate with the EU in readmitting its own nationals.

### **Cooperation on readmission**

In 2019, 8 525 Malian nationals staying illegally in the Member States were issued return decisions and 240 effectively returned to Mali resulting in a **return rate** of 3%. Member States submitted 365 readmission requests to Malian authorities, who issued 141 travel documents resulting in an **issuance rate** of 39%.

A total of 11 Member States report having approached the authorities of Mali for readmission matters related to its nationals in 2019.

One Member States, where 40% of all Malian nationals ordered to leave are to be found, reports having **bilateral arrangement** in place with Mali, whose relevant provisions are however never respected.

Two of the responding Member States – with one of them accounting for half of all return decisions issued to Malian nationals, assess the **cooperation on identification procedure** with Mali as very good or good and eight, accounting for the other half, as poor or very poor.

Four Member States have an established routine for cooperation on identification, with only the one with half of all cases, confirming that it is effectively implemented with Mali's diplomatic missions.

For eight of the responding Member States, where slightly more than 40% of all Malian nationals ordered to leave are to be found, consular interviews are never performed upon their request – three of them inform that diplomatic missions refuse to carry the interviews or state that they have no mandate to assist in the identification process. Two of them also report that Malian authorities are never available to organise short or long-term identification missions.

On the other hand, the three Member States that experienced consular interviews, assess their outcomes as very satisfactory or acceptable. The two Member States that together represent more than 90% of return decisions issued to Malians inform that identification missions also take place, often in one case and rarely in the other, with respectively acceptable and poor outcomes.

While for two Member States interviews in cases where sufficient evidence to establish nationality are provided (e.g. valid or expired travel documents) are very often to always

requested by Malian authorities, this is never the case for three other Member States, representing more than 90% cases of return decisions issued to Malians.

Three Member States inform that Mali does not accept valid or expired passports as evidence of nationality. For these and two more Member States information extracted from the VIS is neither accepted and eight Member States in total cannot rely on any other (identity) documents in this regard. Two Member States also signal that confirmation of voluntary return and available reintegration package, information about health condition and criminal record is required.

According to two-thirds of the responding Member States the **issuance of travel documents** rarely or never takes place in a timely manner. Those Member States represent 46% of return decisions issued to Malian nationals. At the same time the Member State, in which more than half of all Malians issued with a return decision are to be found, informs that travel documents are always issued when the person is identified and that it very often occurs in a timely manner.

For most of the Member States, additional elements (will of the returnee) is taken into account by Mali when deciding whether to issue travel documents or not. This is however never the case in the two Member States with most cases. One Member State also stressed that Mali imposes restrictions to readmission upon arrival of persons who are to be legally returned (e.g.: certificate of health and registration of children with diplomatic mission).

Most Member States have not attempted to return by **charter flights**. Charters from the Member State with the most cases are not accepted. Restrictions apply in case of returns by **scheduled flights**, namely visa for escorts staying overnight.

In general, half of the Member States have assessed the **overall cooperation on return and readmission** as poor or deteriorating (including the one with 40% of all cases), two as stable and three Member States (including the one with more than half cases overall) as improving since 2015.

*With a total of 8 525 Malian nationals ordered to leave in 2019, Mali ranks 13<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, about a third of the Member States interact on readmission with Mali – two of them accounting together for 90% of all cases. There are no jointly agreed procedures at EU level and only one bilateral agreement exists. Readmission routines are in place with Member States that have the most cases. Cooperation on identification, including with interviews and identification missions, and timely issuance of travel documents is assessed as good by one Member State representing half of the return decisions issued – and as poor by all others representing the other half of return decisions issued. For a more effective and predictable readmission cooperation, the better cooperation practices would need to be extended to all Member States. Identification processes could be expedited, by performing interviews as requested by all Member States, by availing itself of alternative means of identification (missions, phone or videoconference), by extending to all Member States the acceptance of a range of evidence, and be followed through swiftly with issuing travel documents. Following one single set of*

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*procedures – such as those already agreed in 2016 - would provide for a more predictable and efficient process. Further improvements could be envisaged by accepting charter flights as requested by all Member States. This should result in a better rate of issuance of travel documents, encourage a higher number of readmission requests and, subsequently, trigger a higher return rate.*



## **Mauritania**

### **EU engagement to date**

The Commission has not engaged with the authorities from Mauritania on readmission cooperation as specific issues have so far not been raised by Member States and the country was not prioritised for EU level engagement due to a relatively low number of return decisions issued annually to its nationals. Article 13 of the ACP-EU Cotonou Agreement, to which Mauritania is party, prescribes the commitment of the partner countries to cooperate with the EU in readmitting its own nationals.

### **Cooperation on readmission**

In 2019, 1 315 Mauritanian nationals staying illegally in the Member States were issued return decisions and 70 effectively returned to Mauritania, resulting in a **return rate** of 5%. Member States submitted 43 readmission requests to Mauritanian authorities, who issued 10 travel documents resulting in an **issuance rate** of 23%.

A total of nine Member States report having approached the authorities of Mauritania for readmission matters related to its nationals in 2019.

Two Member States report having **bilateral agreements/arrangements** in place with Mauritania, whose relevant provisions are often and very often respected.

More than half of responding Member States representing more than two thirds of all return decisions issued to Mauritanian nationals assess the overall cooperation with Mauritania in the **identification procedure** as poor or very poor. This is largely due to consular interviews being organised even in cases where sufficient evidence is provided and to biometric identification, which is available, but not conducted at all. At the same time four Member States, accounting for a third of return decisions, assess the cooperation as good or very good.

This is reflected in five Member States having an established routine (or a procedure formalised in an arrangement) for cooperation on identification which is often to always effectively implemented with Mauritanian diplomatic missions for four of them.

For half of Member States consular interviews are very often or always performed upon their request as necessary. This is never the case for a third of the responding Member States. Most Member States which experienced interviews, consider their outcomes as satisfactory and acceptable, but two find them unsatisfactory.

One Member State, accounting for two thirds of return decisions issued, confirms that Mauritanian authorities are always available to organise identification missions and with very good outcomes. Due to small caseloads, the remaining Member States have not approached Mauritania concerning possible missions.

Five Member States inform that interviews are also very often or always requested by Mauritanian authorities in cases where sufficient evidences to establish nationality was already provided (e.g. valid or expired travel documents).

Evidence accepted includes expired passports and several type of other documents for most Member States, but very rarely information extracted from the VIS. It is not possible for interviews to take place by phone or videoconference.

According to one-third of the responding Member States the **issuance of travel documents** often or always takes place in a timely manner (as soon as a week from confirmation of nationality, for one Member State). At the same time other three Member States, where more than two-thirds of all Mauritanian nationals ordered to leave are to be found, inform that timely issuance occurs rarely or never.

While more than half of responding Member States have not attempted to return by **charters flights**, they appear to be accepted for two Member States (with permission to land required for one of them) and not accepted for another two. In case of returns by **scheduled flights**, the same Member State signalled that Mauritania require that escorts must return by the same flight.

In general, one third of responding Member States have assessed the **overall cooperation on return and readmission** as stable since 2015. Three considered it as satisfactory, improved or good, and the same number as deteriorated, impossible to assess or consider that there is no cooperation.

*With a total of 1 315 Mauritanian nationals ordered to leave in 2019, Mauritania ranks 37<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, one third of the Member States engaged with Mauritania, and submitted a small number of readmission request. No jointly agreed procedures are in place at EU level and the two bilateral agreements/arrangements in place are often respected. While half of the responding Member States have an established business routine with Mauritania, cooperation on identification and issuance of travel documents is poor in those Member States where two thirds of Mauritanian nationals ordered to leave were found. Biometric evidence although usable, or VIS information is not taken into account in the identification procedure and consular interviews, where conducted, are also taking place for documented cases. For a more effective and predictable readmission cooperation, the identification procedure could be improved, including on the basis of biometric evidence and VIS information, the use of consular interviews with all requesting Member States, as well as the organisation of identification missions, and travel documents could be issued in a timely manner. Improvements could be brought by further acceptance of charter flights. This should improve the issuance rate of travel documents, encourage Member States to submit more readmission requests and result in a higher return rate.*

## **Mongolia**

### **EU engagement to date**

The EU-Mongolia Framework Agreement on Partnership and Cooperation, which entered into force on 1 November 2017, deals with cooperation on migration, including the obligation to readmit one's own nationals (Article 31). To date, no further engagement on readmission cooperation has taken place, as no specific issues have been raised by Member States and the country was not prioritised for EU level engagement due to a relatively low number of return decisions issued annually to its nationals.

### **Cooperation on readmission**

In 2019, 1 205 Mongolian nationals staying illegally in the Member States were issued return decisions and 640 effectively returned to Mongolia resulting in a **return rate** of 53%. Member States submitted 155 readmission requests to Mongolian authorities, which issued 31 travel documents resulting in an **issuance rate** of 20%.

A total of 11 Member States reported having approached the authorities of Mongolia for readmission matters related to its nationals in 2019.

One Member State relied explicitly on the EU-Mongolia Partnership and Cooperation Agreement (PCA), and two have a **bilateral agreement** which was often to always respected.

More than half of the Member States engaging, where three quarters of all Mongolian nationals ordered to leave are to be found, assessed the overall cooperation with Mongolia in the **identification procedure** as good or very good, while four considered it as poor or very poor, with the remaining one assessing it as average.

Seven Member States consider an established routine with diplomatic missions as effectively implemented, and four Member States as not effectively implemented, e.g. due to long delays, or lack of effective cooperation on non-voluntary returns.

For most Member States, valid or expired passport, or its photocopy and other identity documents, are used as evidence. Information extracted from VIS is accepted for three Member States, but not for one, and biometrics are accepted for half of the eight who tried.

For five Member States, standing for close to 40% of all return decisions, consular interviews are often to always performed upon their request, while it is rarely or never the case for another four, representing slightly more than half of all return decisions. Of the seven Member States who experienced interviews, five (standing for 70% of return decisions) consider that outcomes are (very) satisfactory or acceptable.

Identification missions are never or almost never organised (no such need was flagged by Member States either).

According to five Member States, standing for nearly three quarters of return decisions issued to Mongolian citizens, the **issuance of travel documents** often to always takes place in a timely manner, except in cases of families whose child/ren born in a Member State first have

to be voluntarily registered by the parents at the Mongolian embassy in order to get travel documents. In four Member States, accounting for 20% of return decisions issued, travel documents are rarely or never issued in time.

Return operations by **charter flights** were accepted from three Member States. Other Member States have not attempted it.

In principle, no restrictions are imposed on **scheduled flights**. However, two Member States indicated that visas for escorts were necessary.

Overall, six Member States, standing for 40% of all return decisions, assess the **overall cooperation on return and readmission** positively or as improved. One rates it as stable, one as challenging and two, standing for slightly more than 40% of all return decisions consider that it has deteriorated.

*With a total of 1 205 Mongolian nationals ordered to leave in 2019, Mongolia ranks 40<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, a third of Member States interact with Mongolia on readmission, with the rest having few or no cases. No jointly agreed procedures are in place at EU level, but two Member States have bilateral agreements and most of those who engage have an established readmission routine. Those practices deliver uneven results, with identification processes conducted successfully for half of the Member States accounting for three quarters of return decisions issued, and the opposite for the rest. Issuance of travel documents is generally timely for Member States representing nearly three quarters of the return decisions issued, with, however, difficulties for certain categories of returnees for the Member States representing 40% of the return decisions issued. For the remaining Member States issuance of travel documents is not timely. The better cooperation practices would need to be extended to all Member States, including regarding the range of evidence accepted (VIS, biometrics). For a more effective and predictable cooperation, identification processes could be expedited by performing interviews as requested by all Member States and by availing itself of alternative means of identification (missions, phone or videoconference), and be followed through swiftly with issuing travel documents for all irregularly staying nationals. This, potentially facilitated by targeted capacity building support, should result in a better rate of issuance of travel documents and a higher return rate.*

## **Morocco**

### **EU engagement to date**

The Commission has been negotiating a Readmission agreement with Morocco since 2003. Interrupted in 2010, the negotiations were relaunched in 2015 in parallel with the negotiations of a Visa Facilitation Agreement. They were interrupted again in December 2015 due to other aspects of Union's relations with Morocco. The political dialogue with Morocco was relaunched in 2019 and cooperation on migration reinvigorated, but readmission negotiations have not yet re-started. At the Association Council of 27 June 2019, the EU and Morocco issued a joint declaration setting the areas of cooperation – migration and mobility is one of those with cooperation on returns and readmission a part of it. Morocco is the beneficiary of a large number of projects on migration management, notably in support of border management where important results have been achieved, although none supporting readmission activities.

### **Cooperation on readmission**

In 2019, 34 830 Moroccan nationals staying illegally in the Member States were issued return decisions and 10 235 effectively returned to Morocco resulting in a **return rate** of 29%. Member States submitted 5 160 readmission requests to Moroccan authorities, which issued 2 388 travel documents resulting in an **issuance rate** of 46%.

A total of 23 Member States reported having approached the authorities of Morocco for readmission matters related to its nationals in 2019.

Five Member States, accounting for two thirds of return decisions issued to Moroccan nationals report having **bilateral agreements/arrangements** in place with Morocco, whose relevant provisions are, in general, often or always respected for four of them.

About half of responding Member States, where more than half of all Moroccan nationals ordered to leave are to be found, assess the **cooperation in identification procedures** with Morocco as good or very good, while four Member States, accounting for slightly more than 40% of return decisions issued to Moroccan nationals, assess it as average and seven, accounting for 5% of return decisions, as poor or very poor. Several Member States report a lengthy identification procedure and a cumbersome and sometimes unclear procedure imposed by Morocco.

This is reflected in 15 Member States having an established routine for cooperation on identification that is often to always effectively implemented with Moroccan diplomatic missions for 13 of them.

For 10 Member States consular interviews are often or always performed upon their request, with, on average, acceptable or satisfactory outcomes. For eight Member States, representing almost a third of return decisions issued, consular interviews are rarely or never performed upon their request. Moroccan authorities are not available to organise identification missions.

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Interviews are also often requested by Moroccan authorities in cases where sufficient evidence to establish nationality was already provided (e.g. valid or expired travel documents) in the case of eight Member States.

In addition, information non-releasable under the EU/national legal framework is often to always requested by Moroccan authorities to five Member States.

Evidence accepted very often includes not only valid or expired passports, but also other identity documents, photocopies of documents, biometric evidence and, for a few Member States only, information extracted from the VIS.

Except for a few Member States, it is generally not possible for interviews to take place by phone or videoconference.

For more than half of the responding Member States, representing two-thirds of Moroccan nationals ordered to leave, the **issuance of travel documents** often or always takes place in a timely manner. It is rarely to never the case for seven Member States representing less than 5% of Moroccan nationals ordered to leave. The remaining Member States representing nearly a third, have no experience with issuance of travel documents or have not reported.

Additional elements other than nationality are also often taken into account by Morocco when deciding whether to issue travel documents or not, in the case of six Member States.

Returns by **charters flights** are not accepted by Morocco. A few Member States report that certain restrictions are applied in case of returns by **scheduled flights**, namely a limited number of returnees per flight.

In general, Member States, with few exceptions have assessed the **overall cooperation on return and readmission** as stable or improved since 2015.

*With a total of 34 830 Moroccan nationals ordered to leave in 2019, Morocco ranks first amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, more than two-thirds of Member States interact with Morocco on readmission matters on a significant number of cases, even though only a fraction of the high number of return decisions issued to Moroccan nationals are followed up with requests for readmission. No jointly agreed procedures are in place at EU level and of the five bilateral agreements/arrangements in place, four are respected, accounting for less than half of the return decisions issued. Identification processes, including interviews, deliver good results for about two thirds of the caseload (good for Member States representing half of the return decisions, average for those issuing 40% of the return decisions and poor for those issuing 10% of return decisions). Issuance of travel documents is timely for Member States representing two thirds of return decisions but delayed for several Member States with a comparatively smaller caseload. Charter flights are not accepted. For a more effective and predictable readmission cooperation, the better cooperation practices would need to be extended to all Member States, while taking into account the specific bilateral practices with some Member States. Given the very high number of cases, a set of commonly agreed procedures would bring effectiveness and predictability. Such process could be supported by a EURLO and potentially a RCMS.*

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*Identification processes could be expedited, by including interviews as requested by all Member States and information from VIS. The timing in issuing travel documents could also be improved for several Member States. Further improvements could be envisaged by accepting charter flights. All this should result in a better rate of issuance of travel documents, encourage a higher number of readmission requests by Member States and, subsequently, trigger a higher return rate.*

## Nigeria

### **EU engagement to date**

Negotiations of a Readmission Agreement with Nigeria, launched in October 2016, have progressed at an irregular pace. In 2018, in parallel with the discussions on a package of incentives linked to the agreement, the negotiations advanced at a steady rhythm for four rounds, but stopped again end 2018, due to a complicated electoral period in Nigeria. Since August 2019 the newly formed Government has not shown any interest in resuming talks and a number of important issues are still to be negotiated. At the EU-Nigeria Ministerial meeting in November 2020 Nigeria agreed to restart negotiations.. Nigeria has concluded a Working Arrangement (2012, updated in 2016 but never signed by Nigeria) and Best Practices (2013) with Frontex. Article 13 of the ACP-EU Cotonou Agreement, to which Nigeria is party, prescribes the commitment of the partner countries to cooperate with the EU in readmitting its own nationals.

### **Cooperation on readmission:**

In 2019, 10 950 Nigerian nationals staying illegally in the Member States were issued return decisions and 2 025 effectively returned to Nigeria resulting in a **return rate** of 19%. Member States submitted 2 439 readmission requests to Nigerian authorities, who issued 1 046 travel documents resulting in an **issuance rate** of 43%.

A total of 27 Member States reported having approached the authorities of Nigeria for readmission matters related to its nationals in 2019.

Eight Member States report having **bilateral agreements/arrangements** in place with Nigeria, whose relevant provisions are almost always respected, even if some Member States report problems with the respect of deadlines. In one Member States with a small number of return decisions (0.04%) the agreement is not applied.

Two thirds of responding Member States, representing more than half of the return decisions issued, assessed the **cooperation on the identification procedure** with Nigeria as very good or good. Six Member States, representing 40% of the return decisions, rated it as average and the remaining four as poor.

Half of the responding Member States, representing 95% of readmission requests, have an established routine for cooperation on identification that is effectively implemented with Nigerians diplomatic missions.

For more than half of the responding Member States consular interviews are often to always performed upon their request as necessary, with, on average, acceptable or satisfactory outcomes, while for seven Member States they are organised rarely to never, and five Member States did not report data.

According to three Member States, Nigerian authorities are almost always available to organise short or long-term identification missions, while six Member States reported Nigeria



to be rarely or never available. The outcomes of the identification missions are poor for four Member States, acceptable for three and good for two.

Interviews are also often or always requested by Nigerian authorities in cases where sufficient evidences to establish nationality are provided (e.g. valid or expired travel documents), as indicated by 17 Member States.

Evidence accepted includes not only valid or expired passports, but also information extracted from the VIS (six Member States) other identity documents (21) photocopies of documents (22). For eight Member States biometric evidence is accepted while 19 Member States report that it is not accepted.

According to two-thirds of the responding Member States, representing 66% of the return decisions, the **issuance of travel documents** often to always takes place in a timely manner while this is rarely or almost never the case for eight Member States.

For 14 Member States additional elements other than nationality are also taken into account by Nigeria when deciding whether to issue travel documents or not, with nine Member States reporting this happening always or often and five rarely. Among those elements Member States indicated medical issues, family and social context, vulnerability. There are generally no restrictions to readmission upon arrival.

16 Member States reported that returns by **charters flights** are accepted by Nigeria without restrictions, while the others indicated not having attempted such returns. As for **scheduled flights**, in some cases Nigeria might request a visa for the escorts.

In general, all the responding Member States have assessed the **overall cooperation on return and readmission** as good, stable or improving, but one who indicated it has deteriorated.

*With a total of 10 950 Nigerian nationals ordered to leave in 2019, Nigeria ranks 8<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, most Member States interact with Nigeria on readmission, and eight have bilateral agreements, whose provisions are almost always respected. Two thirds of the Member States representing more than half of the return decisions issued assess positively the cooperation with Nigeria on identifications and the rest as average (representing more than a third of return decisions) or poor. Consular interviews and, in some cases, identification missions are available, but interviews are also required even when there is sufficient evidence of nationality. A wide range of evidence is accepted. The issuance of travel documents happens in a timely manner for two-thirds of Member States, also representing two-thirds of the return decisions, but elements other than nationality (health, family connections) are taken into account in the process. Charters flights are accepted without particularly burdensome restrictions. Cooperation could improve further by extending the better cooperation practices to all Member States. Identification could be expedited, by excluding interviews for cases supported by sufficient evidence, including valid documents, biometric data and VIS hits, and be followed through swiftly with issuing travel documents to all confirmed nationals. Such improvements could be facilitated by the*

*conclusion of the EU-Nigeria readmission agreement, under negotiation. All this should result in a better rate of issuance of travel documents, encourage a further increase in the number of readmission cases submitted by Member States, and, subsequently, trigger a higher return rate.*

## **Pakistan**

### **EU engagement to date**

The EU-Pakistan Readmission Agreement entered into force in December 2010 and its implementation is monitored through regular meetings of the Joint Readmission Committee. Eleven meetings of the JRC have taken place so far, the last one on 28 January 2020.

The implementation of the agreement is facilitated by a RCMS which became operational in 2017 in a first pilot phase with four Member States participating (DE, FR, BE and EL). Extension of the RCMS to all Member States can happen as soon as the Pakistani Government and the implementing partner IOM sign the required service agreement, however the discussions on this agreement have been prolonged by Pakistan for a year and a half already. A EURLO has been active in Pakistan since 2016.

### **Cooperation on readmission**

In 2019, 22 135 Pakistani nationals staying illegally in the Member States were issued return decisions and 2 500 effectively returned to Pakistan resulting in a **return rate** of 11%. Member States submitted 3 883 readmission requests to Pakistani authorities, who issued 1 700 travel documents resulting in an **issuance rate** of 44%.

A total of 22 Member States reported having approached the authorities of Pakistan for readmission matters related to its nationals in 2019.

According to half of the Member States, representing more than three quarters of the return decisions issued to Pakistan nationals, the relevant provisions of the existing **EU Readmission agreement** are often to almost always respected by Pakistan.

Two Member States reported having **bilateral agreements/arrangements** in place with Pakistan, whose relevant provisions are respected often or always.

Half of the responding Member States representing three quarters of all Pakistani nationals issued a return decision, assess the **cooperation on the identification procedure** with Pakistan as good to very good. Six others qualify it as average and the remaining five, accounting for 17% of the return decisions, as poor to very poor.

Most responding Member States have an established business routine for cooperation on identification which is for most of them often to almost always effectively implemented with Pakistan's diplomatic missions.

As to consular interviews, the Member States that are using the RCMS do, in principle, not need to request interviews for identification purposes. For the remaining Member States consular interviews are often or always performed on their request, in the case of seven but rarely or never in the case of another seven. Outcomes are considered, on average, as acceptable to satisfactory for seven, but unsatisfactory for five.

Interviews are also very often to always requested by Pakistani authorities in cases where sufficient evidences to establish nationality was already provided (e.g. valid or expired travel documents), in the case of five Member States.

Evidence accepted includes not only valid or expired passports, but other identity documents and photocopies of documents are also always accepted for almost three quarters of responding Member States, including biometrics for 13 of the 15 who tried.

According to two thirds of the responding Member States, where three quarters of all Pakistani nationals ordered to leave are to be found, the **issuance of travel documents** often to always takes place in a timely manner. This is rarely to never the case in eight Member States, where the remaining quarter of all Pakistani nationals ordered to leave are present.

Returns by **charter flights** are accepted by Pakistan from more than half of the responding Member States (the remaining ones have not attempted return operations by charters). Certain restrictions are applied to some Member States in case of returns by **scheduled flights** which concern mainly visas for escorts.

In general, half of the responding Member States consider that the **overall cooperation on return and readmission** has improved since 2015. Only two Member States considered that cooperation deteriorated.

*With a total of 22 135 Pakistani nationals ordered to leave in 2019, Pakistan ranks fourth amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, almost three quarters of Member States interact with Pakistan on readmission and the provisions of the EU Readmission Agreement and the two bilateral agreements in place are generally respected. Identification processes are conducted successfully, including through interviews and biometrics for Member States issuing three quarters of return decisions, but are cumbersome and/or unsuccessful for the rest. The same proportion applies for timely issuance of travel document. For a more effective and predictable readmission cooperation, the provisions of the agreement would need to be implemented correctly towards all Member States, in particular regarding identification practices and deadlines on issuance of travel documents. The extension of the RCMS to all Member States could be particularly instrumental in addressing the consistency of practices and increasing efficiency, which should then result in a higher caseload handled timely and a higher return rate.*

**Palestine\***

**EU engagement to date**

The Commission has so far not engaged with Palestinian authorities on readmission cooperation, as no specific issues have been raised by Member States.

**Cooperation on readmission**

In 2019, 3 915 Palestinian nationals staying illegally in the Member States were issued return decisions and 170 effectively returned to Palestine resulting in a **return rate** of 4%. Member States submitted 33 readmission requests to the Palestinian authorities, who issued 5 travel documents resulting in an **issuance rate** of 15%.

A total of 12 Member States reported having approached the authorities of Palestine for readmission matters related to its nationals in 2019. No Member States have **bilateral agreements/arrangements** in place with Palestine.

Half of the responding Member States, accounting for three quarters of Palestinian nationals ordered to leave the EU assess the **cooperation on identification procedures** with Palestine as very good or good. Five Member States have an established routine for cooperation on identification that is effectively implemented with Palestine's diplomatic missions. For half of the Member States consular interviews are always or very often performed upon their request, with, on average, satisfactory outcomes. In the case of three Member States, interviews are also always requested by the Palestinian authorities in cases where sufficient in evidences to establish nationality were already provided (e.g. valid or expired travel documents).

Palestinian authorities issue travel documents only if Jordanian, Egyptian or, primarily, Israeli authorities approve the return via their territory due to the lack of direct access to Palestinian territories. As the only travel documents issued are Palestinian passports, which are requested by the neighbouring countries to transit through their territories, and whose issuance is subject to Israeli scrutiny, the procedure may require an application signed by the returnee and is time-consuming and can take 2-3 months. Even if passports are available, transit approval has to be requested from one of the neighbouring countries. One Member State reported, that none of the countries grants permission for transit, hence no returns to Palestine have been possible in recent years. The Member State with nearly three quarters of return decisions issued to Palestinian nationals, reports not requesting any travel documents, since returns to Palestine cannot be performed. According to half of the responding Member States, accounting for 10% of return decisions issued, the **issuance of travel documents** rarely or never takes place in a timely manner.

Member States report that returns by **charters flights** are not accepted by Palestine, however this does not reflect a decision of Palestinian authorities but the fact that all airports in the Palestinian territories have been closed for years.

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\* This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue.

In general, three quarters of the responding Member States have assessed the **overall cooperation on return and readmission** as stable or deteriorating, though mainly pointing to the fact that returns are hampered by the Jordanian, Israeli or Egyptian authorities who refuse transit via their territories.

*With a total of 3 915 Palestinian nationals ordered to leave in 2019, Palestine ranks 22<sup>nd</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, about a third of the Member States interact on readmission with Palestine – the rest have few or no cases – on a very small number readmission requests submitted, a fraction of the number of return decisions issued. No jointly agreed procedures are in place at EU level and few Member States have an established routine. Identification processes are conducted satisfactorily for Member States representing three quarters of return decisions including through interviews, but for half of them the issuance of documents is not timely or not pursued at all. To improve cooperation, identification processes could be expedited and followed through swiftly with issuing travel documents, also without interviews for documented cases. For the readmission process to be finalised with effective return, however, due to the lack of direct access to Palestine, transit requires approval by its neighbours which postpones or completely hampers returns.*

## Russia

### **EU engagement to date**

The EU-Russia agreement on readmission is in force since 1 June 2007. Its implementation is being monitored by yearly meetings of the Joint Readmission Committee, the latest of which took place on 22 November 2019.

### **Cooperation on readmission**

In 2019, 8 545 Russian nationals staying illegally in the Member States were issued return decisions and 5 730 effectively returned to Russia resulting in a **return rate** of 67%. Member States submitted 2 614 readmission requests to the Russian authorities, which issued 1 046 travel documents resulting in an **issuance rate** of 40%.

A total of 25 Member States reported having approached the authorities of Russia for readmission matters related to its nationals in 2019.

According to 12 Member States, accounting to more than half of the return decisions issued, the relevant provisions of the **Readmission Agreement** are often or always respected by Russia. On the other hand, for eight Member States, representing 40% of return decisions issued, the relevant provisions of the agreement are rarely to never respected by Russia. The main issues regards the non-respect of the time limits laid down by the agreement and the cumbersome procedure for submitting requests and sending replies (notably due to Russia's refusal to use any form of electronic communication).

Four Member States – which are not subject to the EU readmission agreement – report having **bilateral agreements** in place with Russia, whose relevant provisions are often or always respected. They report however similar issues as the Member States subject to the EU Readmission Agreement.

Two thirds of responding Member States assess the **cooperation in the identification procedure** with Russia as good or very good, while six Member States assess it as poor or very poor. The remaining four consider it average.

Only 10 Member States have an established routine for cooperation on identification that is effectively implemented with Russian diplomatic missions while for five Member States such business routine is rarely or never implemented.

For 13 Member States, representing almost two-thirds of all return decision, consular interviews are often to always performed upon their request as necessary, with, on average, acceptable to very satisfactory outcomes. It is rarely to never the case in the remaining eight.

According to three Member States, Russian authorities are often available to organise short or long-term identification missions, the outcomes of which are acceptable.

Interviews are also often to always requested by Russian authorities in cases where sufficient evidence to establish nationality was already provided (e.g. valid or expired travel documents), in the case of six Member States.

Evidence accepted includes not only valid or expired passports, but also almost always other identity documents, photocopies of documents, and, for fewer Member States, information extracted from the VIS and biometric evidence.

According to three quarters of the responding Member States, where more than two-thirds of all Russian nationals ordered leave are to be found, the **issuance of travel documents** often or always takes place in a timely manner.

Additional elements other than nationality are also very often taken into account by Russia when deciding whether to issue travel documents or not, in the case of two Member States.

Returns by **charters flights** are accepted by Russia. For about half of the Member States, certain restrictions are applied in case of returns by **scheduled flights**, namely the visa requirement for escorts.

In general, most Member States have assessed the **overall cooperation on return and readmission** as either stable or improved since 2015.

*With a total of 8 545 Russian nationals ordered to leave in 2019, Russia ranks 14<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, almost three quarters of the Member States interact on readmission with Russia, and the EU Readmission Agreement provisions (and the equivalent provisions of the bilateral arrangements) are generally well respected in more than half of the cases, resulting in steady return and issuance rates. Identification processes are conducted successfully, including through interviews, and issuance of travel documents is timely, even though the degree of formalism requested by Russian authorities for communicating requests slows down the processes, at times beyond time-limits of the agreement. To improve cooperation, identification processes would need to be expedited, by engaging in communication through electronic means and by extending to all Member States identification through biometrics, and be followed through swiftly with issuing travel documents, without interviews for documented cases. This should result in a better rate of issuance of travel documents and a higher return rate.*



## Senegal

### **EU engagement to date**

The EU has engaged in discussions on readmission in 2015, but attempts to build upon Senegal political openness at that time to formalise cooperation at EU level have not been successful, despite several high level contacts in 2017 and 2018. No further EU level engagement has been pursued since due to the expressed preference of Member States most concerned for a bilateral approach. An EMLO is present in the country and Frontex is negotiating a Working Arrangement. Article 13 of the partnership agreement between African, Caribbean, and Pacific (ACP) countries and the EU (thereafter ACP-EU Cotonou Agreement), to which Senegal is party, prescribes the commitment of the partner countries to cooperate with the EU in readmitting its own nationals.

### **Cooperation on readmission**

In 2019, 8 010 Senegalese nationals staying illegally in the Member States were issued return decisions and 585 effectively returned to Senegal resulting in a **return rate** of 7%. Member States submitted 843 readmission requests to Senegalese authorities, who issued 181 travel documents resulting in an **issuance rate** of 21%.

A total of 16 Member States reported having approached the authorities of Senegal for readmission matters related to its nationals in 2019.

Two Member States, accounting for three quarters of the return decisions issued report having **bilateral arrangement** in place with Senegal, whose relevant provisions are often respected.

Six of the responding Member States, representing 48% of return decisions issued assess the overall cooperation with Senegal in the **identification procedure** as very good and good. Four Member States, representing another 48% of the return decisions issued, assess it as average.. The remaining six Member States, accounting for 4% of the return decisions issued, consider it as poor and very poor.

This is reflected in nine Member States having an established routine for cooperation on identification with Senegalese diplomatic missions that is often or always effectively implemented in five of them, representing over 90% of the return decisions issued.

For six Member States, accounting for nearly half of all return decisions issued, consular interviews are often to always performed upon their request as necessary, with acceptable outcomes for one and very satisfactory outcomes for two. At the same time, interviews are rarely to never performed for another six accounting for nearly half of return decisions issued. The interviews outcomes are unsatisfactory, for the two Member States where they have taken place.

According to two Member States Senegalese authorities are often or always available to organise short or long-term identification missions, while, this is rarely to never the case in another six Member States. The outcomes of the identification missions, when they happen, are overall acceptable for four Member States (and poor for two others).

Interviews are also always requested by Senegalese authorities in cases where sufficient evidence to establish nationality are provided (e.g. valid or expired travel documents) in the case of five Member States (representing almost half of return decisions issued, including the one with most cases overall). It is rarely to never the case in another six Member States (representing almost the other half of all return decisions issued, including the ones with the second and third most return decisions issued).

Evidence accepted includes not only valid or expired passports, but also other identity documents – as confirmed by 10 Member States – including ID, consular ID, birth certificate and driving license. According to seven Member States information extracted from the VIS is accepted. It is possible for two Member State that interviews take place by phone or videoconference.

According to half of the responding Member States, where 95% of all Senegalese ordered to leave are to be found, the **issuance of travel documents** often to always takes place in a timely manner, once identification is performed, while the other half of Member States state that it is rarely to never the case.

Additional elements other than nationality, such as the family or health situations, are also taken into account by Senegal when deciding whether to issue travel documents or not, in the case of four Member States.

Returns by **charters flights** are accepted by Senegal from six Member States, with landing permission requested for two of them. Due to low caseload, the remaining Member States have not attempted to return by charters.

In general, Member States have assessed the **overall cooperation on return and readmission** as follows: five Member States consider it poor/insufficient or deteriorating (including the one with the second most cases overall), while six see it as stable (including the one with the third most cases overall) and four as improved (including the one with most cases).

*With a total of 8 010 Senegalese nationals ordered to leave in 2019, Senegal ranks 16<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, half of Member States interact with Senegal on readmission on a relatively high number of readmission requests, though these represent only 10% of return decisions issued. No jointly agreed procedures are in place at EU level but half of those who engage have an established readmission routine. Two Member States, representing three-quarters of all return decisions issued, have a bilateral agreements/arrangements in place whose provisions are often respected. Identification practices differ greatly depending on the Member State and deliver satisfactory results for Member States representing half of the return decisions issued and average or poor for the rest. Once identification is completed, the issuance of travel documents is generally timely, but made dependent on other factors than the established nationality. For a more effective and predictable readmission cooperation, the good practices already established with some Member States would need to be built upon and consistency and predictability ensured for all. Identification processes could be expedited, by performing interviews as requested by all*

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*Member States, but concluding identification without interviews for well documented cases, and by availing itself of remote means of identification (videoconference), and be followed through swiftly with issuing travel documents. A consolidated procedure at EU level, potentially supported by a RCMS, in particular when the biometric data base will be completed, could support consistent practices. This should result in a better rate of issuance of travel documents, encourage more readmission requests from Member States and a higher return rate.*

## **Somalia**

### **EU engagement to date**

There is no EU-level engagement with Somalia on readmission. Limited bilateral cooperation is in place at operational level with some Member States and Schengen Associated Countries. Article 13 of the ACP-EU Cotonou Agreement, to which Somalia is party, prescribes the commitment of the partner countries to cooperate with the EU in readmitting its own nationals.

### **Cooperation on readmission:**

In 2019, 5 885 Somali nationals staying illegally in the Member States were issued return decisions and 235 effectively returned to Somalia resulting in a **return rate** of 4%. Member States submitted 316 readmission requests to Somalian authorities, who issued 19 travel documents resulting in an **issuance rate** of 6%.

A total of 11 Member States reported having approached the authorities of Somalia for readmission matters related to its nationals in 2019.

Two Member States report having **bilateral agreements/arrangements** in place with Somalia, whose relevant provisions are often respected.

Among the responding Member States, three - representing 11% of the return decisions issued, assessed the overall cooperation with Somalia in the **identification procedure** as good, four - representing 25% - as average, noting difficulties in cooperating with the diplomatic representations, restrictions on forced returns and on the region of return. The remaining four Member States, representing more than half of the return decisions issued in relation to Somali nationals, assessed cooperation as poor or very poor, with lack of response and difficulties with the acceptance of evidence. Interviews are organised upon request for half of the responding Member States, and in some cases they can take place by phone. Interviews might also be required even though the necessary evidence is provided, as reported by half of the responding Member States.

According to four Member States, representing one third of the return decisions issued, the **issuance of travel documents** rarely or never takes place in a timely manner. One Member State, standing for 10% of return decisions issued, reported the issuance happening timely once the identification is confirmed. The remaining six Member States, accounting for nearly half return decisions issued, were not able to provide this info – in some cases due to the identification procedure never being completed, in other cases because a Member State travel document is used.

Additional elements other than nationality, such as health, family links, region of origin, and whether the return is voluntary are often taken into account by Somalia when deciding whether to issue travel documents or not.

Somalia might impose **restrictions to readmission upon arrival** of persons who are to be legally returned in the form of final verification of nationality or the family situation in the EU.

Five Member States reported that a travel document or laissez-passer issued by Member States are always accepted, in most cases in combination with prior approval.

Only one Member State reported that **charter flights** are accepted, with restrictions on the number of returnees and the issuance of the landing permit, while 6 reported not having attempted return via charter flights.

In general, Member States have assessed the **overall cooperation on return and readmission** as poor, four Member States reported that cooperation has improved since 2015, three that it has remained stable, three assessed cooperation as poor and one as satisfactory.

*With a total of 5 885 Somali nationals ordered to leave in 2019, Somalia ranks 20<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, one third of Member States interact with Somalia on a relatively high number of readmission requests though only a fraction (under 10%) of return decisions issued. No jointly agreed procedures are in place at EU level, with two Member States having bilateral agreements/arrangements in place, whose relevant provisions are often respected. For Members States with more than half of the return decisions issued, difficulties prevail in the identification procedure, namely in lack of responses and non-acceptance of evidence. Travel documents are rarely issued in a timely manner. Member States experience difficulties with forced returns and restrictions to readmission are imposed upon arrival. Furthermore, charter flights' acceptance is limited to one Member State, with restrictions also in place. For an enhanced cooperation on readmission, the identification procedures would need to be improved, by accepting relevant evidence and responding in a timely manner to all Member States, and be followed through swiftly with issuing travel documents, in all cases and for all Member States. This should result in an increased caseload processed, a better issuance rate for travel documents and eventually a higher return rate.*

## **Sri Lanka**

### **EU engagement to date**

The Readmission Agreement with Sri Lanka entered into force in 2005, however – due to ongoing civil war and political developments at that time – it was not effectively implemented for several years. Six meetings of the Joint Readmission Committee were organised since 2013, the last one took place in March 2020.

In 2018, the EUR 860 000 EU funded project to provide the Government of Sri Lanka with technical assistance for the implementation of the Readmission Agreement delivered in February 2020 a complete overhaul of the RCMS. Fourteen Member States are connected so far and experience a significant improvement in cooperation which they have reflected in their assessment even if the reference period is 2019.

### **Cooperation on readmission**

In 2019, 2 125 Sri Lankan nationals staying illegally in the Member States were issued return decisions and 320 effectively returned to Sri Lanka resulting in a **return rate** of 15%. Member States submitted 105 readmission requests to Sri Lankan authorities, who issued 51 travel documents resulting in an **issuance rate** of 49%.

A total of 14 Member States reported having approached the authorities of Sri Lanka for readmission matters related to its nationals in 2019.

According to eight Member States the relevant provisions of the existing **EU-Sri Lanka Readmission Agreement** are often to always respected by Sri Lanka and respect of timelines foreseen has improved with the new RCMS. Those Member States account for 70% of irregularly staying Sri Lankan nationals ordered to leave. At the same time, two Member States reported that they are rarely to never respected. Those Member States account for 4% of irregularly staying Sri Lankan nationals ordered to leave.

One Schengen Associated Country and one EU Member State with an opt-out from EU Readmission Agreement report having **bilateral agreements/arrangements** in place with Sri Lanka, whose relevant provisions are always/almost always respected.

Overall, all responding Member States but two assess the overall cooperation with Sri Lanka in the **identification procedure** as good or very good. Those Member States account for 96% of irregularly staying Sri Lankan nationals ordered to leave. Amongst them, four however stated that time limits as foreseen in the EU-Sri Lanka Readmission Agreement are not always respected.

This is reflected in 11 Member States having a functioning established routine with diplomatic missions, which in all of them is often to always effectively implemented.

For half of the responding Member States consular interviews are always performed upon their request as necessary, while this is rarely to never the case for three of them. On average, the outcomes of the interviews were rated by most Member States as very satisfactory, with only one Member State rating them as unsatisfactory. Member States report that conducting

interviews by phone or videoconference is always or very often possible in three Member States, and rarely or never in four Member States. The new RCMS has an in-built element for conducting identification videoconference, no Member State has tested it so far.

Four Member States reported that consular interviews are always or very often requested by Sri Lanka even in cases where sufficient evidence to establish nationality is provided.

Evidence accepted includes not only valid or expired passports, but very often to always also other documents, such as ID cards, birth certificates, driving license, electoral cards or student cards, as well as their photocopies. Five Member States reported extracts from VIS are accepted as well. One Member State reported that any supporting evidence that can help with identification (such as address in Sri Lanka, names of family members ...) is accepted.

As for acceptance of biometric evidence, one-third of Member States reported this option has never been proposed, one-third stated biometric evidence was not accepted, while one-third answered positively. With the new RCMS, fingerprints and other biometric elements are now accepted.

According to two thirds of the responding Member States, the **issuance of travel documents** often to always takes place in a timely manner (these account for 73% of irregularly staying Sri Lankan nationals ordered to leave), while two Member States reported this is rarely the case (accounting for 10% of irregularly staying Sri Lankan nationals ordered to leave). In the new RCMS, Member States are able to print travel documents directly out of the system upon positive identification, without involving Sri Lankan Embassies/consulates.

Most reporting Member States have not attempted returns by charter flights to Sri Lanka, with only three Member States indicating acceptance of **charter flights** by Sri Lanka, with visa for escorts and landing permits required for one of them. One Member State reported non-acceptance of charter flights.

Certain restrictions are applied in case of returns by **scheduled flights**, namely visa requirement for escorts.

In general, almost half of the responding Member States have assessed the **overall cooperation on return and readmission** as good. One third of Member States consider the cooperation has improved, while the remaining rate it as stable. No Member State reported poor cooperation or deterioration.

*With a total of 2 125 Sri Lankan nationals ordered to leave in 2019, Sri-Lanka ranks 32<sup>nd</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, almost half of Member States engaged with Sri Lanka on readmission. The Readmission Agreement provisions (and the equivalent provisions of the bilateral agreements) are mostly respected. Identifications processes are conducted satisfactorily with good results for Member States representing more than 90% of return decisions issued, including through interviews, and issuance of travel documents is mostly timely. While most Member States have not availed of using charter flights, these have been accepted by Sri Lanka in the past. As stated above, Member States have reflected the February 2020 launch of the new RCMS in their assessment for 2019 and have already*

*seen a significant improvement in the cooperation, resulting in timely identification and issuance of travel documents. In order to increase the return rate, these recent efforts need to be further sustained, potentially with further capacity-building support.*



## **Sudan**

### **EU engagement to date**

There has been no specific readmission engagement with Sudan at EU level. Sudan has not been considered a priority for engagement on readmission at EU level so far due to the complex political and humanitarian situation in the country. Article 13 of the ACP-EU Cotonou Agreement, to which Sudan is party, prescribes the commitment of the partner countries to cooperate with the EU in readmitting its own nationals.

### **Cooperation on readmission**

In 2019 2 785 Sudanese nationals staying illegally in the Member States were issued return decisions and 255 effectively returned to Sudan resulting in a **return rate** of 9%. Member States submitted 219 readmission requests to Sudanese authorities, who issued 109 travel documents resulting in an **issuance rate** of 50%.

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

Two Member States reported having **bilateral agreements/arrangements** in place with Sudan, whose relevant provisions are in one case rarely respected and in the other case (almost) always.

Almost half of responding Member States assess the overall cooperation with Sudan in the **identification procedure** as good or very good. The three Member States who account for two thirds of all Sudanese nationals ordered to leave consider the cooperation very good.

Half of the responding Member States have an established business routine for cooperation on identification that is effectively implemented. For most Member States consular interviews are often to always performed upon their request as necessary, with, on average, satisfactory outcomes. Consular interviews by phone or videoconference, however, is not possible.

According to two Member States, the Sudanese authorities are almost always available to organise short or long-term identification missions, with very good outcomes.

Evidence accepted by the Sudanese authorities for the purpose of identification includes not only valid or expired passports but can also include, depending on the Member State, information extracted from the VIS and any other type of document that might be helpful.

According to half of the responding Member States, accounting for more than three quarters of all return decisions the **issuance of travel documents** often to always takes place in a timely manner.

Most of the responding Member States did not attempt return operations by **charter flight**. However, three Member States confirmed acceptance by Sudan of charter flights.

In general, Member States have assessed the **overall cooperation on return and readmission** as improved or excellent since 2015, including the three Member States with the overwhelming number of cases.

*With a total of 2 785 Sudanese nationals ordered to leave in 2019, Sudan ranks 29<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, about half of the Member States interact on readmission with Sudan on a small number of cases compared to the number of return decisions issued (less than 10%). Two have bilateral agreements and seven have an established cooperation routine. With half of these Member States, covering more than two thirds of return decisions issued, identification processes are conducted in a satisfactory manner, including by accepting a wide range of documents and through interviews. Once identification is performed the issuance of travel documents takes place in a timely manner for the Member States standing for more than three quarters of return decisions issued. To improve cooperation, this good practice would need to be extended to all Member States and charter flights accepted from all requesting Member States. If the number of readmission requests increased, this should result in a higher return rate.*

## **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.*

## **Tunisia**

### **EU engagement to date**

Tunisia has concluded a Mobility Partnership with the EU in 2014. Negotiations of a Readmission Agreement and a Visa Facilitation Agreement opened in October 2016. After a slow start, negotiations advanced at good pace in 2018/early 2019 with progress at technical level. However, the round confirmed for end April/early May 2019 was postponed by Tunisia, first to June and then to a date still to be decided, due to the presidential and legislative elections of autumn 2019 and the subsequent government changes affecting the administration at high level. Negotiations have not resumed yet. An additional element slowing down the negotiations is the request from Tunisia to discuss in parallel relevant provisions for an agreement on a Deep and Comprehensive Free Trade Area (DCFTA) in view of a holistic approach to migration ensuring the links between provision of services and visa issues.

### **Cooperation on readmission**

In 2019, 12 045 Tunisian nationals staying illegally in the Member States were issued return decisions and 2 670 effectively returned to Tunisia, resulting in a return rate of 22%. Member States submitted 4 812 readmission requests to Tunisian authorities, who issued 1 413 travel documents resulting in an **issuance rate** of 29%, with three Member States representing together 97% of the requests submitted and 89% of the return decisions issued in relation to Tunisia.

A total of 20 Member States reported having approached the authorities of Tunisia for readmission matters related to its nationals in 2019.

Six Member States reported having **bilateral agreements/arrangements** in place with Tunisia, whose relevant provisions are often to always respected for four of them, representing more than three quarters of the return decisions, except for timelines.

Two-thirds of the responding Member States representing 93% of the return decision issued assessed positively the cooperation with Tunisia in the **identification procedure**. However, the Member State with nearly two-third of return decisions issued notes that deadlines are not respected and the process is time consuming. Four Member States representing 6% of the return decisions assessed the cooperation as average and the remaining two as poor.

This is reflected in 16 of the responding Member States having an established routine for cooperation on identification that is implemented with Tunisia diplomatic missions effectively, except for one Member State that reported lack of response. Deadlines are sometimes not respected.

One third of the Member States indicated that consular interviews are performed upon their request as necessary, while for another third interviews are rarely or never organised. One of the most concerned Member States reported the lack of interview being an issue when evidence for identification is not available.

The requirements for identification and the procedure followed vary, also according to the bilateral agreements in place. In general, verification seems to be mostly done by the central authorities, on the basis of evidence, but interviews can also take place. Biometric evidence is widely accepted, but the confirmation is not immediate.

The **issuance of travel documents** often to always takes place in a timely manner according to seven Member States representing a quarter of return decisions issued. The Member State accounting for nearly two thirds of the return decisions issued, notices discrepancies of practices and timeliness depending on the consulate. For another eight, the travel documents are rarely or never issued in a timely manner.

Five Member States indicated that **charter flights** are accepted, with some restrictions on the number of returnees on board and the timing for the landing permit. Four Member States reported charters are not accepted, while 11 have not attempted to return via charter flights.

Seven Member States have reported that the **overall cooperation on return and readmission** has improved since 2015, while three noticed a deterioration and six no changes.

*With a total of 12 045 Tunisian nationals ordered to leave in 2019, Tunisia ranks seventh amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, two-thirds of Member States interact with Tunisia on high number of readmission requests (a third of the return decisions issued) and six have bilateral agreements/arrangements whose provisions are often respected, but for the deadlines in the case of the Member State representing close to two-third of all return decisions issued. While negotiations on an EU Readmission Agreement are ongoing, a readmission routine is in place in three quarters of Member States, covering 97% of the cases. Identification processes are conducted successfully, including through the use of biometrics, yet unevenly when it comes to interviews for Member States accounting for a quarter of return decisions issued and with delays and using up much time for the Member State representing almost two thirds of return decisions issued. They are unsuccessful for the rest. The same pattern in timeliness is observed for issuance of travel documents. For a more effective and predictable readmission cooperation, identification processes would need to be expedited, including by performing interviews as requested by all Member States, and be followed through swiftly with issuing travel documents. Further improvements could be envisaged by accepting charter flights from all requesting Member States. This should result in a better rate of issuance of travel documents and a higher return rate.*

## **Turkey**

### **EU engagement to date**

The EU-Turkey Readmission Agreement, in force since 2014 for Turkish nationals and since 2017 for third country nationals. Turkey maintains its position that it will not implement the third country nationals' provisions as long as visa liberalisation is not granted by the EU.

Only two Joint Readmission Committees have taken place since, as Turkey has refused to hold further since 2016. The Commission continues to raise the need to fully implement the Agreement in all its provisions and towards all EU Member States. For readmission of third country nationals there are three bilateral agreements in place with neighbouring countries as well as the relevant commitments in the 2016 EU-Turkey statement for readmission of all irregular migrants crossing from Turkey to the Greek islands. As of March 2020, Turkey has not been accepting returns under the EU-Turkey Statement.

### **Cooperation on readmission**

In 2019 12 835 Turkish nationals staying illegally in the Member States were issued return decisions and 3 035 effectively returned to Turkey resulting in a **return rate** of 24%. Member States submitted 685 readmission requests to the Turkish authorities, who issued 317 travel documents resulting in an **issuance rate** of 46%.

A total of 22 Member States reported having approached the authorities of Turkey for readmission matters related to its nationals in 2019.

For three quarters of the Member States engaging, where three quarters of all Turkish nationals ordered to leave are to be found, the relevant provisions of the existing EU **Readmission Agreement** are often or always respected by Turkey. One Member State reported that the EU Readmission Agreement is (almost) never respected and two others say that it is rarely respected. In these three Member States 13% of all Turkish nationals ordered to leave are found.

All Member States use the EU Readmission Agreement for Turkish nationals. Three Member States reported having **bilateral agreements/arrangements** in place with Turkey, which include third country national provisions, and is often respected in one case, not used in another, and suspended by Turkey in the third.

Overall, 16 of the responding Member States assess the overall cooperation with Turkey in the **identification procedure** as good or very good. Those Member States account for almost 70% of all irregularly staying Turkish nationals ordered to leave. The remaining Member States assess cooperation as average or poor, mainly because the deadline for replying to a readmission application is not respected. Turkey does not engage on readmission with one Member State.

This is reflected in 16 Member States having an established a business routine for cooperation on identification with Turkey's diplomatic missions, which for 15 of them is often to always effectively implemented



For a more than half of the responding Member States consular interviews are often to always performed upon their request as necessary, with, on average, satisfactory results.

Evidence accepted includes not only valid or expired passports but also very often other identity documents and photocopies of documents.

For 11 Member States, interviews are however often to always requested by Turkish authorities in cases where sufficient evidences to establish nationality are provided (e.g. valid or expired travel documents). In addition, information non-releasable under EU/national legal framework is often to very often requested from four Member States.

For two-thirds of the responding Member States, the **issuance of travel documents** very often to always takes place in a timely manner. These are Member States where almost 80% of irregularly staying Turkish nationals are found. However, for some of these Member States the issuance of the travel document only happens after a delayed reply to the readmission application.

According to 19 Member States, Turkey rarely to never imposes restrictions to readmission upon arrival. As to acceptance of **charter flights** by Turkey, two-thirds of Member States informed that they had not attempted such return operations, while five Member States confirmed that Turkey accepts charter flights and three Member States stated that Turkey does not accept charters. In the latter group 37% of all irregularly staying Turkish nationals who were issued a return decision are found.

In general, Member States have assessed the **overall cooperation on return and readmission** positively since 2015, with only one Member State stating it had deteriorated and one Member State considering it could be improved.

*With a total of 12 835 Turkish nationals ordered to leave in 2019, Turkey ranks sixth amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, three quarters of the Member States engage on readmission with Turkey. For three quarters of these, also representing more than three quarters of return decisions issued, the EU Readmission Agreement is well established and effective (regarding readmission of own nationals), resulting in a successful identification process, including, for most, through interviews, and timely issuance of travel documents. To improve cooperation, the Turkish nationals' provisions would need to be implemented in full towards all Member States, timely replies to readmission applications be ensured and delays in the process due to consular protection activities be avoided. Identification processes should be expedited and followed through swiftly with issuing travel documents without interviews for documented cases. Further improvements could be envisaged by accepting charter flights from all requesting Member States. This should result in a better rate of issuance of travel documents and a higher return rate.*

*On the other hand, as regards the provisions on readmission of third country nationals that entered into force in October 2017, Turkey maintains its position that it would not implement them until the visa requirement for Turkish citizens travelling to the Schengen Area for a short stay is lifted. For a full implementation of readmission obligations as*

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*enshrined in the Readmission Agreement, the third country nationals provisions need to be implemented and the bilateral readmission obligations with the Member State should be observed. Returns under the EU-Turkey Statement should resume.*

## Vietnam

### **EU engagement to date**

The EU-Vietnam Framework Agreement on Comprehensive Partnership and Cooperation signed in 2012 deals with cooperation on migration, including obligation of readmission of own nationals (Article 27). No major issues have been raised so far by the Member States, and the country has not been prioritised for specific EU level engagement on readmission, due to the relatively stable return rate. A EURLO was deployed to Vietnam in November 2018 to support operational cooperation.

### **Cooperation on readmission**

In 2019, 3 710 Vietnamese nationals staying illegally in the Member States were issued return decisions and 905 effectively returned to Vietnam resulting in a **return rate** of 24%. Member States submitted 336 readmission requests to Vietnamese authorities, who issued 113 travel documents resulting in an **issuance rate** of 34%.

A total of 20 Member States reported having approached the authorities of Vietnam for readmission matters related to its nationals in 2019 and 10 have **bilateral agreements/arrangements** with Vietnam, whose provisions are often to always respected.

More than two-thirds of responding Member States, also standing for more than two-thirds of return decisions issued, consider cooperation with Vietnam in **identification procedure** as good or very good, while five Member States, accounting for 20% of return decisions, rate it as average and one, standing for 1%, as poor.

In all responding Member States, valid or expired passport is used as evidence. The same applies for their photocopies, except for two Member States where they are not accepted. Three Member States used information extracted from VIS, and five used biometrics.

For nine responding Member States consular interviews are often to always performed upon their request as necessary, with some other responding Member States indicating that there is rarely a need to organise one. One Member State rated the outcomes of consular interviews as unsatisfactory, but others were generally satisfied. Two Member States indicated that interviews via phone/videoconference were available.

Identification missions were organised by six Member States, and their results were assessed positively. Other Member States did not request for this possibility.

For 12 Member States representing more than three-quarters of return decisions issued, the **issuance of travel documents** often to always takes place in a timely manner, while for six Member States, forming a minor part of those issuing return decisions, this is rarely to never the case.

Three Member States indicated that establishing nationality may be not sufficient to issue a travel document, since Vietnam does not accept unaccompanied minors, persons who arrived before entry into force of the bilateral agreement, or due to family situation.

Return operations by **charter flights** were accepted from four Member States. Other Member States have not attempted it.

In principle, no restrictions are imposed on **scheduled flights**. However, two Member States indicated that visas for escorts were necessary.

In general, all responding Member States assessed the **overall cooperation on return and readmission** as positive or stable, and only one considered that it could be improved.

*With a total of 3 710 Vietnamese nationals ordered to leave in 2019, Vietnam ranks 26<sup>th</sup> amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, two-thirds of Member States interact with Vietnam on readmission. No jointly agreed procedures are in place at EU level, but 10 Member States have bilateral agreements/arrangements whose provisions are respected. For more than two-thirds of Member States, representing more than two-thirds of return decisions issued, identification processes, including through interviews and evidences of nationality accepted, are conducted successfully, and issuance of travel documents is timely. The better cooperation practices could be extended to all Member States, and the EURLO could support the process. This, potentially facilitated by capacity building support, should result in a better rate of issuance of travel documents, encourage a higher number of readmission requests from Member States and, subsequently, trigger a higher return rate.*

**Annex 2: Indicators of Article 25a(2) of the Visa Code**

The data and qualitative information were collected based on the indicators laid out in Article 25a(2) of the Visa Code:

- (a) the number of return decisions issued to persons from the third country in question, illegally staying on the territory of the Member States;
- (b) the number of actual forced returns of persons issued with return decisions as a percentage of the number of return decisions issued to nationals of the third country in question including, where appropriate, on the basis of Union or bilateral readmission agreements, the number of third country nationals who have transited through the territory of the third country in question;
- (c) the number of readmission requests per Member State accepted by the third country as a percentage of the number of such requests submitted to it;
- (d) the level of practical cooperation with regard to return in the different stages of the return procedure, such as:
  - (i) assistance provided in the identification of persons illegally staying on the territory of the Member States and in the timely issuance of travel documents;
  - (ii) acceptance of the European travel document for the return of illegally staying third country nationals or laissez-passer;
  - (iii) acceptance of the readmission of persons who are to be legally returned to their country;
  - (iv) acceptance of return flights and operations.

**Annex 3: Questionnaire sent to Member States for the assessment of Article 25a(2)(d) indicators**

**Questionnaire for qualitative assessment indicators**

In your qualitative assessment, please focus on the state of cooperation with the third country in 2019. This is the first edition of an annual assessment exercise and one of its objectives is establishing a benchmark for the future assessments. The last question (No14) in this questionnaire has been proposed to reflect and assess the cooperation in comparison to the previous years.

**During the reporting period have your national authorities requested identification, travel documents or readmission of the Third Country's nationals or approached the authorities of the evaluated Third Country on identification and/or return related matters?**

*[YES/NO]<sup>14</sup>*

**Return agreements/arrangements**

1) Are the provisions of the **EU agreement/arrangement** respected? *[applicable only to Third Countries with an EU arrangement/agreement]*

Always/almost always	Very often	Often	Rarely	Never/almost never	Not applicable

*General comment field for question 1*

**2) Bilateral agreement/arrangement**

**a.** Do you have a bilateral agreement/arrangement on readmission or provisions on readmission with this country?

*[YES/NO]*

*[IF YES:]* Please provide the date of its signature and entry into force.

**b.** Are the (relevant) provisions of the bilateral agreement/arrangement respected?

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<sup>14</sup> Negative reply will terminate the further completion of the questionnaire. Positive reply will trigger the availability of the questionnaire form.

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Always/almost always	Very often	Often	Rarely	Never/almost never	Not applicable

*General comment field for question 2*

**Cooperation on identification of persons illegally staying on the territory of the MS**

3) How would you assess the Third Country's **overall cooperation** in the **identification procedure**?

Very good	Good	Average	Poor	Very poor

a. Is there a **business routine**<sup>15</sup> established with the Third Country's diplomatic mission on identification procedure? *[YES/NO]*

b. *[IF YES]* Is this business routine effectively implemented?

Always/almost always	Very often	Often	Rarely	Never/almost never	Not applicable

*General comment field for question 3*

4) Is the following **evidence accepted** in the identification process?

a. Valid/expired passport

<sup>15</sup> E.g. Established list of requested documents, deadlines and modalities for the deposit of the identification request; established procedure for the arrangement of consular interviews etc.

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Always/almost always	Very often	Often	Rarely	Never/almost never	Not applicable

**b.** Information extracted from the Visa Information System<sup>16</sup>

Always/almost always	Very often	Often	Rarely	Never/almost never	Not applicable

**c.** Other identity documents

*[IF YES]* Please indicate the type of document and assess below:

Type of document:
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Always/almost always	Very often	Often	Rarely	Never/almost never	Not applicable

**d.** Photocopies of documents

*[IF YES]* Please indicate the type of document and assess below:

Type of document:
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Always/almost always	Very often	Often	Rarely	Never/almost never	Not applicable

**e.** Other evidence (information that links the person to a third country such as list of civil registry acts – birth, marriage, divorce, ... – , drivers' license, phone contacts, social media profile.....) (please indicate):

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<sup>16</sup> In accordance with art. 31 of the Regulation (EC) No 767/2008



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f. Is biometric evidence accepted/required<sup>17</sup> in the identification process? [*YES, NO, NEVER PROPOSED*]

*[IF YES]* Please specify below the evidence and the submission procedure:

*General comment field for question 4*

**5) Consular interviews**

a. Are consular interviews organised upon your request as necessary?

Always/almost always	Very often	Often	Rarely	Never/almost never	Not applicable

b. How would you rate on average the outcomes of the consular interviews?

Very satisfactory	satisfactory	acceptable	unsatisfactory	not applicable

c. Is the possibility of conducting consular interviews by phone or VC available?

Always/almost always	Very often	Often	Rarely	Never/almost never	Not applicable

<sup>17</sup> In case the TC has a biometric database.

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**d.** Are interviews requested by the TC consulates/authorities also when sufficient evidences to establish nationality are provided (e.g. valid or expired travel documents)?

Always/almost always	Very often	Often	Rarely	Never/almost never	Not applicable

*General comment field for question 5*

**6) Identification missions**

**a.** Are TC authorities available to organise identification missions from third countries (short-term and/or long-term)?

Always/almost always	Very often	Often	Rarely	Never/almost never	Not applicable

**b.** *[IF YES]* How would you assess overall the effectiveness of these identification missions?

very good	good	acceptable	poor	Very poor

*General comment field for question 6*

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**RESTREINT UE/EU RESTRICTED**

7) Does the TC request information non-releasable under the EU/national legal framework (information on asylum process, information on health, criminal records) either in the context of identification and/or the issuance of travel documents for returns?

Always/almost always	Very often	Often	Rarely	Never/almost never	Not applicable

*General comment field for question 7*

**Issuance of travel documents**

8) How often are travel documents issued in a timely manner?

*The term 'timely' should be understood as follows:*

- 1. In cases where there is an EU readmission agreement or arrangement, as within the deadlines foreseen in that agreement/arrangement;*
- 2. When there is no EURA but a bilateral RA or arrangement, deadlines should be the ones foreseen in the applicable bilateral agreement/arrangement;*
- 3. When there is no agreement/arrangement, timely issuance should be interpreted by default as 30 days from the request for identification/re-documentation, as foreseen by the ICAO convention, annex IX, chapter 5.*

Always/almost always	Very often	Often	Rarely	Never/almost never	Not applicable

If available, please provide concrete figures (% of the applications/requests which are replied within/outside deadlines)

*General comment field for question 8*

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9) Are elements other than the nationality taken into account **when deciding, whether to issue a travel document** (e.g. non-accepting the issuance of ETD for forced return, for family/health/procedural situation, signature on ETC by the migrant, request for additional interviews after identification)?

Always/almost always	Very often	Often	Rarely	Never/almost never	Not applicable

*General comment field for question 9*

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**Acceptance of EUTD and *Laissez-Passer***

10) Is the EU travel document or *laissez-passer* issued by the MS accepted?

Always/almost always	Very often	Often	Rarely	Never/almost never	Not applicable

*General comment field for question 10 (e.g. clarification in what circumstances it is used/accepted, what are the requirements or bilateral arrangements regarding the use of the EUTD)*

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**Acceptance of the readmission of persons who are to be legally returned to their country**

11) Does the TC impose any restrictions/constraints to readmission **upon arrival**?

Always/almost always	Very often	Often	Rarely	Never/almost never	Not applicable

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(Such restrictions may include: non-admission before exhaustion of legal remedies; non-admission of “vulnerable cases”, criminal cases, or persons having family members in the EU; medical issues as disqualifying factors on arrival, etc.)

*General comment field for question 11*

**Acceptance of return flights**

12) Does the third country accept return operations by **charter flights**? *[Y/N/Not attempted]*

- a. Do you face any restrictions/challenges regarding:
  - i. The number of flights and their frequency? *[Y/N]*
  - ii. The number of returnees on board? *[Y/N]*
  - iii. Issuance of permission to land? *[Y/N]*
  - iv. Visa requirement for escorts? *[Y/N]*
  - v. Other (please describe) *[Y/N]*

*General comment field for question 12*

13) Are any restrictions imposed on **scheduled flights**, e.g. visa requirements for escorts, issuance of transit permit, etc.?

*[Y/N]*

*General comment field for question 13*

**Overall evolution of cooperation**

14) Has the overall cooperation on return and readmission with the third country improved or deteriorated since 2015? Please elaborate.

*General comment field for question 14*

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**Annex 4 – Irregular border crossings per nationality and asylum recognition rate (in order of irregular border crossings in Jan-Nov 2020)<sup>18</sup>**

Third Country	Illegal border crossings (source: Frontex)			Asylum recognition rate (source: Eurostat)
	2015 -2018	2019	Jan-Nov 2020	2019
Morocco	44.579	8.020	14.615	8%
Tunisia	14.179	2.799	12.636	4%
Algeria	22.015	5.314	12.635	6%
Afghanistan	342.093	34.154	9.328	46%
Bangladesh	33.970	2.254	5.263	6%
Turkey	13.020	7.880	3.840	50%
Pakistan	76.286	3.799	2.382	10%
Côte d'Ivoire	37.664	1.500	1.925	17%
Somalia	30.807	3.297	1.819	46%
Sudan	27.629	1.907	1.709	53%
Iraq	153.634	6.433	1.630	39%
Egypt	10.044	996	1.385	12%
Iran	35.065	3.478	1.322	32%
Guinea	47.616	846	1.014	16%
Cameroon	14.602	2.354	1.012	27%
Libya	4.185	379	994	49%
Palestine*	14.786	3.620	963	47%
Eritrea	72.905	655	924	76%
Mali	36.313	748	896	15%
Nigeria	81.337	871	827	12%
Democratic Republic of Congo	3.468	3.070	760	32%
Republic of the Congo	5.047	1.352	521	24%
Senegal	25.598	398	359	6%
Ghana	15.716	493	340	5%
The Gambia	33.103	394	255	8%
India	1.571	210	136	3%
Kosovo*	25.953	303	114	12%
Russia	482	81	113	19%
Ethiopia	7.525	114	112	24%
Comoros	2.873	48	48	11%
Sri Lanka	1.067	133	28	19%
Vietnam	1.698	122	20	1%
Belarus	99	21	18	10%
Guinea-Bissau	2.043	10	17	5%
China	242	91	12	41%
Mauritania	2.124	17	12	15%
Azerbaijan	56	5	9	13%
Armenia	82	19	1	5%
Mongolia	215	2	1	7%

<sup>18</sup> The number of asylum decisions granting Geneva Convention or subsidiary protection status at first instance, divided by the total number of first instance asylum decisions.

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**Annex 5 – Overview of readmission instruments in place**

<b>COUNTRY</b>	<b>EU Readmission Agreements (X) or Arrangements (x)</b>	<b>Member States/Schengen Associated Countries bilateral instruments</b>
Afghanistan	x	7
Algeria	:	5
Armenia	X	3
Azerbaijan	X	3
Bangladesh	x	:
Belarus	X	1
Cameroon	:	2
China	:	4
Comoros	:	1
Republic of the Congo	:	1
Côte d'Ivoire	x	:
Democratic Republic of the Congo	:	2
Egypt	:	2
Eritrea	:	:
Ethiopia	x	:
Ghana	:	2
Guinea	x	5
Guinea-Bissau	:	1
India	:	1
Iran	:	:
Iraq	:	4
Kosovo*	:	15
Libya	:	:
Mali	:	1
Mauritania	:	2
Mongolia	:	2
Morocco	:	5
Nigeria	:	8
Pakistan	X	2
Palestine*	:	:
Russia	X	4
Senegal	:	2
Somalia	:	2
Sri Lanka	X	2
Sudan	:	2
The Gambia	x	3
Tunisia	:	6
Turkey	X	3
Vietnam	:	10