Funded by the European Union

EMN European Migration Network

Bilateral Readmission Agreements

EMN INFORM

September 2022

1. KEY FINDINGS

This inform identifies several key findings:

- The number of bilateral readmission agreements concluded between European Union (EU) Member States and Norway and third countries and their practical implementation appear dependent on and proportional to the relevance of those third countries to migration management, the volume of their nationals irregularly present in the EU Member States or non-nationals originating from their territories, their geographical proximity to EU external borders, and their presence along the main migratory routes to the EU.
- It is intended that EU Readmission Agreements (EURAs) will supersede earlier legally-binding bilateral readmission agreements made by EU Member States with individual third countries to the extent that their provisions are incompatible with those of EU Readmission Agreements. Only one EU Member State has taken formal steps to suspend their pre-existing bilateral readmission agreements, while others were more generally no longer implemented in practice.
- EU Member States systematically collect data on readmission, but not in a uniform manner: data are mostly disaggregated by country, readmission agreement, and share of requests approved or denied.
- EU Member States use monitoring meetings to exchange information with third countries on the implementation of their bilateral readmission agreements. However, no public monitoring and evaluation reports were available for the period 2014-2020.
- Linkage of bilateral readmission agreements to other policy areas ('issue linkages', in EU documents also called incentives or leverage) are not usually implemented or explored by Member States in their bilateral relations with third countries. Within the area of migration policy, however, several linkages exist, which refer to parallel discussions and/or agreements on labour migration or the issuance of travel documents.
- While some EU Member States did not report major challenges in the implementation of bilateral readmission agreements (due to the relatively low number of nationals from a partner country or a good level of cooperation between the partners), others raised concerns about the timely production of documentation and identity verification. Another challenge is the impact of obliging third countries to readmit foreign nationals, in addition to their own.
- Member States reported that their bilateral readmission agreements contribute to higher numbers of returns and smoother return operations, as well as consolidating good cooperation with third countries. However, they provided no evidence on the effectiveness of bilateral readmission agreements in improving reintegration measures.

2. INTRODUCTION

Readmission agreements

Readmission agreements between an EU Member State, or block of EU Member States, and a third country are based on reciprocity. These agreements establish rapid and effective procedures for the identification, and safe and orderly return, of persons who do not, or who no longer, fulfil the conditions to enter or remain on the

territory of the third country or the EU Member State in question. The aim is to facilitate the transit of such persons in a spirit of cooperation.[1]

Readmission agreements are technical instruments that bring procedural improvements to cooperation between the administrations of two (or more) countries involved in the readmission process of the nationals of one to the territory of the other.[2] They may include a direct commitment by signatory States to accept requests for the re-entry of an individual (own national, third-country national or stateless person), but can also include collaboration on other areas of readmission, such as time limits and the issuing of travel documents. Other return clauses (e.g. reintegration support) can also be included so as to effectively implement returns and/or improve the quality of returns.[3] Some operational and technical elements may be included in annexes or separate implementation protocols.

In addition to bilateral readmission agreements, a number of EU-level Readmission Agreements (EURAs) have been negotiated with third countries, in line with the increasing acquisition of competence by the EU in this policy field (see Box 1).

Box 1: EURAs and their bilateral implementing protocols

The EU has increasingly gained competence in the area of readmission agreements: between 2000 and 2002, the European Commission received the first mandates to negotiate with 11 partner countries. It devised incentives to aid the negotiation and conclusion of EURAs, beginning with Visa Facilitation Agreements (VFAs), then moving to more far-reaching commitments on migration management (e.g. Stabilisation and Association Agreements (SAAs) or Mobility Partnerships (MPs)). Since 2004, 18 legally binding EURAs have entered into force, with an additional six EU non-binding arrangements with third countries also concluded.[4]

With third countries covered by an EURA, Member States can conclude 'bilateral implementing protocols' that clarify practical and operational aspects for national authorities on when and how to readmit people who are irregularly present on their territories. Bilateral implementing protocols support the operationalisation of EURAs. Only some Member States have opted to adopt such protocols, primarily with third countries in the proximity of the EU's common external borders, i.e. Armenia,[5] Russia[6] and Ukraine.[7] Most of these agreements entered into force but only became operational later, sometimes several years after the conclusion of the relevant EURA.

Table 1. Bilateral implementing protocols concluded between EU Member States and third countries party to EURAs.

EURA (date signed)	Member States who concluded bilateral protocols implementing the EURA
Albania (2006)	BE, BG, ES, FR, IT, LU, NL, SK
Armenia (2014)	BE, BG, CZ, DE, EE, FR, NL
Bosnia-Herzegovina (2008)	BE, BG, CZ, DE, EE, EL, FR, IT, LU, NL, SI, SK
Cape Verde (2014)	LU
Georgia (2011)	AT, BE, BG, BG, CZ, EE, HU, LT, LU, NL, SK
Hong Kong (2004)	DE
Moldova (2008)	BE, BG, CZ, EE, ES, IT, LU, LV, NL, PL, SI, SK
Montenegro (2008)	BE, BG, CZ, DE, EE, ES, HU, IT, LU, NL, SK
North Macedonia (2008)	BE, BG, CZ, DE, EE, IT, LU, NL, SK
Pakistan (2010)	NO
Russia (2007)[8]	BE, BG, CY, CZ, DE, EE, HR, IT, LU, LV, NL, PL, PT, SE, SK
Serbia (2008)	BE, BG CY, CZ, DE, EE, ES, FR, IT, LU, NL, SE, SK
Ukraine (2008)[9]	BE, AT, CZ, EE, LT, LU, NL, PL

1 EMN, 'Asylum and Migration Glossary', 2021, https://ec.europa.eu/home-affairs/pages/glossary/readmission-agreement_en, last accessed on 28 October 2021.
2 European Commission, 'Communication on the Evaluation of EU Readmission Agreements', 2011, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0076&from=EN, last accessed on 25 October 2021.
3 Ibid.
4 The full list and additional information is available at: https://home-affairs.ec.europa.eu/policies/migration-and-asylum/irregular-migration-and-return/return-and-readmission_en, last accessed on 25 August 2022.
5 BE, BG, CZ, DE, EE, FR, LU, NL.
6 CY, DE, EE, HR, IT, LU, LV, NL, PL, PT, SE, SK.
7 AT, CZ, EE, PL, LT, LU, NL.
8 BE, LU, NL signed bilateral implementing protocols but they did not enter into force.
9 BE, LU, NL signed bilateral implementing protocols but they did not enter into force.

Main aims and scope of the inform

Little is known about how international law instruments – including bilateral readmission agreements – influence the return of irregular migrants, including asylum applicants whose claims were rejected.

The starting point for the EMN to contribute to closing this knowledge gap was to update, check and expand the existing information on legally binding bilateral readmission agreements[10] by EU Member States and Norway included in:

- The inventory by Prof. Cassarino, which provides a comprehensive overview of bilateral readmission agreements between EU and European Free Trade Association (EFTA) countries since 1950, by type and date of signature;[11]
- The overview of bilateral readmission agreements in place in the EU Member States in the 2014 EMN study on 'Good practices in the return and reintegration of irregular migrants'.[12]

This inform looks at the implementation, monitoring and evaluation, and effectiveness of bilateral readmission agreements signed by EU Member States. It complements existing data by examining bilateral readmission agreements that were signed or entered into force in the period 2014-2020 in the EU Member States and Norway, as well as their scope and characteristics in terms of issue linkages. Readmission agreements signed by a bloc of EU Member States (e.g. Benelux agreements) are also included.

The analysis was prepared on the basis of contributions from 24 EMN NCPs, 23 of whom verified and updated the Prof. Cassarino inventory for 2014-2021.[13]

3. OVERVIEW AND PRACTICAL IMPLEMENTATION OF BILATERAL READMISSION AGREEMENTS

This section provides an overview of legally binding bilateral readmission agreements, considering both those concluded with third countries *prior* to an EURA (section 3.1) and those concluded with third countries *not covered* by an EURA (section 3.2) between 2014 and 2020.

It also summarises their practical implementation during that period, as well as whether they include nationals and/or foreign nationals of the third countries in their scope.

Overview of Bilateral readmission agreements concluded prior to EURAs

Thirteen EU Member States reported that bilateral readmission agreements (and their implementation protocols) concluded with 12 third countries *prior* to the entry into force of the relevant EURA were still in force as of 2020.[14]

Table 2. EURAs and pre-exiting bilateral readmission agreements in force between EU Member States and those third countries party to EURAs.

EURA (date signed)	Pre-existing bilateral agreements in force
Albania (2006)	BG, DE, HR
Armenia (2014)	CBG, Z, DE, LT, LV
Bosnia-Herzegovina (2008)	AT, BE, BG, DE, EL, ES, LU, HR, NL, SI
Cape Verde (2014)	ES
Georgia (2011)	BG, DE, LV
Moldova (2008)	CZ, LT
Montenegro (2008)	AT, HR
North Macedonia (2008)	AT, BE, BG, DE, ES, HR, LU, NL, SI
Russia (2007)	PL
Serbia (2008)	AT, BE, BG, DE, LU, HR, NL, SI

10 Memoranda of Understanding (MoU) are not included in the scope of this inform, unless they are legally binding.

11 Cassarino, J.P., 'Inventory of the Bilateral Agreements linked to Readmission', www.jeanpierrecassarino.com/datasets/ra/, last accessed on 25 October 2021. Access requires registration and approval by the author and the EMN thanks Prof. Cassarino for granting permission to use and update the inventory for the purposes of this inform.

12 EMN, 'Good practices in the return and reintegration of irregular migrants: Member States' entry bans policy and use of readmission agreements between Member States and third countries', 2014, pp. 45-47, https://home-affairs.ec.europa.eu/system/files/2022-09/emn_synthesis_reentry_bans_and_readmission_agreements_final.pdf, last accessed on 6 November 2022.

13 AT, BE, BG, CZ, DE, EE, EL, ES, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK and NO. The update information concerning new readmission agreements negotiated, signed or entered into force as of 2014 are compiled in an EMN inventory of bilateral readmission agreements, published in September 2022 in parallel to this inform. The inventory does not contain any sensitive information, but provides data on the type of agreement, signature date, status, date of entry into force and, where relevant, inclusion of readmission of nationals of the third country and readmission of nationals of other third countries.

14 BE, CZ, DE, EE, EL, ES, HR, LT, LU, LV, NL, PL, SI.

EURA (date signed)	Pre-existing bilateral agreements in force
Turkey (2014)	EL
Ukraine (2008)	LV

However, EURAs take precedence over the provisions of any legally binding instrument on the readmission of persons residing without authorisation that was concluded between individual EU Member States and a third country before the entry in force of the EURA, in so far as the provisions of the bilateral agreement is incompatible with those of the EURA. This means that the provisions of pre-existing bilateral readmission agreements continue to apply as long as their provisions comply with the EURA.

Essentially, this means that the provisions of pre-existing bilateral readmission agreements as well as EURA's bilateral implementing protocols, apply to the extent that they adhere to EURA's.

Only Lithuania took actions to formally suspend the bilateral readmission agreements pre-existing the EURA, albeit other EU Member States suspended them in practice.[15]

Overview of Bilateral readmission agreements with countries not covered by an EURA (2014-2020)

In fifteen EU Member States and Norway, bilateral readmission agreements with countries not covered by EURAs were negotiated, signed or entered into force in the period 2014-2020, for a total of 26 agreements.[16] These agreements concerned 10 countries, including three (Belarus, Cape Verde and Turkey) covered by EURAs.

Notably, bilateral readmission agreements with Kazakhstan and Kosovo entered into force in nine and six EU Member States, respectively.

By contrast, during the period 2014-2020, all EU Member States (except Ireland and Finland) signed at least one bilateral implementing protocol, including 69 bilateral implementing protocols related to EURAs.[17]

Annex 1 presents an overview of the bilateral readmission agreements mapped by the EMN in 2014,[18] and the new agreements signed or entered into force since then.

A complete inventory of bilateral readmission agreements, as well as of memorandum of understanding and bilateral implementing protocols signed and entered into force during the period 2014-2021 is published by the EMN along with this inform.

Table 3. Bilateral readmission agreements negotiated, signed and entered into force in 2014-2020

Country	Negotiated	Signed	Signed and entered into force
Belarus			EE
Cape Verde			LU
Eritrea	NO		
India		FR	
Kazakhstan	CY		BE, CZ, DE, LT, LU, LV, NL, PL, NO
Kosovo			AT, BE, FR, IT, LU, NL
Guinea			DE
Mongolia		CZ	
Turkey		BG, EL, NO	
Vietnam			LT

Practical implementation of bilateral readmission agreements

While most EU Member States did not report the existence of any agreement that was not implemented in practice from 2014-2020, seven indicated several reasons for not applying bilateral readmission agreements:[19]

15 E.g. AT, BE, LU and NL concerning agreements with Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia

16 AT, BE, BG, CY, CZ, DE, FR, EE, EL, IT, LT, LU, LV, NL, PL, NO. The information is taken from the EMN Inventory on Bilateral Readmission Agreements signed by or entered into force in EU Member States in 2014-2021, September 2022.

17 AT, BE, BG, CY, CZ, DE, EE, EL, ES, FR, HR, HU, IT, LV, LT, NL, PL, SI, SK. For details, please refer to the EMN Inventory on Bilateral Readmission Agreements signed by or entered into force in EU Member States in 2014-2021.

18 European Migration Network (EMN), Good practices in the return and reintegration of irregular migrants: Member States' entry bans policy and use of readmission agreements between Member States and third countries, 2014, p. 45-47.

19 CY, DE, EL, HU, HR, SI, SK.

- The overall level of cooperation with third countries is good, which eliminates the necessity of using bilateral readmission agreements, as is the case for Cyprus.
- Fast-track measures in cooperating with third countries' consular authorities for obtaining the necessary documents. For Croatia, this is the case when it comes to managing returns to Albania and North Macedonia.
- Absence, or very low volume, of readmission requests.[20] In Germany, this was the case with regard to South Korea and Syria. This was also the case for Kazakhstan and Uzbekistan in Latvia.
- Expulsion orders to return irregular third-country nationals, making readmission agreements unnecessary.[21] This applies in particular to Slovakia, the bilateral readmission agreement with Vietnam and the implementing protocols with Albania, Russia, Northern Macedonia, Montenegro, Bosnia and Herzegovina, Moldova and Georgia.
- Suspension of the bilateral agreement by a third country in spite of the presence of a considerable number of migrants to be returned,[22] as in the case of the implementation of the protocol between Greece and Turkey, which has been unofficially suspended.

Most EU Member States collect statistics on readmissions,[23] but not in a uniform manner. Overall, the data collected cover the number of requests submitted for readmission to third countries, and the share approved or denied, with some EU Member States disaggregating by country[24] and others by readmission agreement.[25]

The Netherlands collects information on the dates of submission and response by the third country, giving the authorities a view of the overall processing time. Slovenia does not disaggregate data on requests submitted by readmission agreement or by country. The Czech Republic can gather information on effective readmissions by country and readmission agreement. Hungary gathers gender and age-sensitive data for each readmission request.

Personal scope and linkages of bilateral Readmission agreements to other policy fields

Both nationals and foreign nationals of the third country concerned are included in the scope of bilateral agreements by the large majority of EU Member States.[26] This means that some bilateral readmission agreements make use of a 'third-country national clause' to facilitate the return of people to a third country through which they transited before entering the EU. Some third countries tend to oppose the inclusion of foreign nationals in the scope of such agreements,[27] due to legal, operational and human rights concerns, resulting in sporadic application, usually with countries of transit in the neighbourhood of the EU that are facing migratory pressure.[28] However, not all agreements include a third-country national clause. In some cases, readmission agreements regulate only the readmission of nationals of a specific third country (e.g. the agreements between the Czech Republic, Lithuania and Poland with Vietnam).

Information gathered by EMN NCPs aimed to explore issue linkages with policy areas in other agreements made between 2014 and 2020 and the resources made available. These insights are useful in understanding the types of agreements that work, and why.

In general terms, issue linkages are not widely implemented or explored by EU Member States in their relations with third countries, with about half of the EU Member States providing no information.[29] Despite their involvement in the negotiations of EURAs, government departments in charge of readmissions do not make use of linkages to parallel agreements.[30]

Several exceptions refer chiefly to bilateral agreements signed or entered into force between 2014-2020, related to legal/labour migration:

- France has signed agreements with seven third countries (Benin, Burkina Faso, Cape Verde, Congo Brazzaville, Gabon, Senegal and Tunisia) on the concerted management of migratory flows, which link legal migration, the fight against irregular migration and solidarity-based development. The procedure provides for readmission and facilitation of exchanges between competent authorities.
- Specific provisions on legal mobility/migration are linked to the bilateral readmission agreement between Germany and Guinea.
- Simplified procedures for obtaining residence permits and visas are at the core of the bilateral cooperation agreement signed by Luxembourg with Cape Verde in 2015.
- Spain referred to its framework agreements on legal migration signed with some African countries (Cape Verde, the Gambia, Guinea-Bissau, Guinea Conakry, Mali, Niger).

Other policy fields linked to bilateral readmission agreements include: capacity-building[31] and reintegration

20 DE, ES, LV.
21 SK.
22 EL.
23 BE, BG, CY, CZ, DE, EE, EL, ES, FR, HR, HU, IT, LU, LV, NL, PL, PT, SE, SI, SK, NO.
24 BE, BG, CY, EE, ES, FR, HR, HU, IT, LU, NL, SK.
25 CY, DE, EL, HR, HU, NL, PL, SE.
26 AT, BE, CY, CZ, DE, EE, FR, EL, HR, HU, IT, LT, LU, LV, NL, PL, SE, SI.
27 Based on information collected, this was referred to bilateral readmission agreements with Afghanistan, Guinea, India, Iraq, Mauritania, Mongolia, Morocco, Tunisia, Vietnam.
28 Carrera, S., 'Implementation of EU Readmission Agreements: Identity Determination Dilemmas and the Blurring of Rights', 2016, https://www.ceps.eu/ceps-publications/implementation-eu-readmission-agreements-identity-determination-dilemmas-and-blurring/, last accessed on 26 October 2021.
29 AT, BG, CY, EE, EL, HR, LT, NL, SE, SI, SK.
30 Wolff, S., 'The politics of negotiating EU readmission agreements: Insights from Morocco and Turkey' (2014), *European Journal of Migration and Law*, 16 (1), pp. 69-95, https://qmro.qmul.ac.uk/xmlui/bitstream/handle/123456789/17625/Wolff%20The%20Politics%20of%20Negotiating%20EU%20Readmission%20Agreements%3A%20Insights%20from%20Morocco%20and%20Turkey%202014%20Accepted.pdf?sequence=1, last accessed on 8 November 2021.
31 LU, MT.

support,[32] or the issuance of documents, such as visa or diplomatic passports,[33] work or holiday visa[34] or emergency travel documents.[35]

Very few readmission clauses were included by the Member States in other types of agreements with third countries from 2014-2020. Germany noted that general readmission clauses were included in bilateral air transport agreements (e.g. with Rwanda).

4. EFFECTIVENESS OF BILATERAL READMISSION AGREEMENTS

While some research has been conducted on EURAs,[36] the characteristics and impacts of bilateral readmission agreements have not been systematically evaluated. This section explores the extent to which EU Member States consider their bilateral readmission agreements effective in relation to the volume of third-country nationals returned, the existence of issue linkages to other policy fields as possible contributors to their effective implementation, and information on evaluation.

Improvements in returns and readmission operations

Member States reported on the effectiveness of their bilateral readmission agreements by considering different categories of assessment. They were asked to consider different aspects of effectiveness, such as increasing return rates or speeding up the readmission procedures.

Eight EU Member States consider their bilateral agreements instrumental to increasing returns and/or successful requests for readmission.[37] Luxembourg indicated that readmission agreements facilitate the implementation of forced return requests, primarily in countries where no diplomatic relations or missions are present: around one-third of requests to forcibly return third-country nationals to the Western Balkans was handled this way. The Netherlands reported the positive impact of bilateral readmission agreements on the effectiveness of return and readmission operations with Eastern Partnership countries (Armenia, Azerbaijan, Georgia and Ukraine), Serbia and Russia.

Similarly, eight EU Member States considered the speeding up of return operations a tangible outcome of existing bilateral readmission agreements.[38] Sweden specifically mentioned the quicker verification process and issuance of emergency documents making return more effective in its cooperation frameworks with Kosovo and Vietnam.

Poland stated that bypassing lengthy procedures handled by the Vietnamese embassy and establishing a direct working relationship between its national border police and counterparts at the Immigration Department of the Ministry of Public Security of Vietnam was instrumental in achieving faster return operations. Workshops on return and document forgery, English courses and training activities for sky marshals enhanced Vietnamese officials' capacity to effectively managing readmission operations.

Other inputs from EU Member States referred to:

- Overall improvement of cooperation with specific countries, such as Vietnam[39] and Kosovo;[40]
- Facilitating identification of third-country nationals,[41] issuance of necessary emergency travel documents,[42] exchanges on diverging interpretation or application of readmission provisions;[43]
- Increases in general communication;[44]
- Deployment of EU Return Liaison Officers (EURLO) to third countries.[45]

Generally, EU Member States were unable to assess their bilateral readmission agreements as effective in improving the quality of reintegration measures in third countries.

Monitoring and evaluation

No public monitoring and evaluation reports of bilateral readmission agreements were available for the period 2014-2020.

To date, the only exception is a policy review of the return of migrants and an evaluation of return policy commissioned by the Dutch Ministry of Justice and Security.[46]

32 LU.
33 BE, LU, LV.
34 CZ, PL.
35 HU.
36 Stutz, P. and Trauner, F., 'The EU's "return rate" with third countries: Why EU readmission agreements do not make much difference' (2021), *International Migration*, pp. 1-19, https://doi.org/10.1111/imig.12901, last accessed on 25 October 2021. Court of Auditors (ECA), 'EU readmission cooperation with third countries: relevant actions yielded limited results', 2021, https://www.eca.europa.eu/Lists/ECADocuments/SR21_17/SR_Readmission-cooperation_EN.pdf, last accessed on 8 December 2021.
37 BE, BG, CY, CZ, DE, EE, LU, NL, SE.
38 CZ, DE, HU, HR, PL, SE, SK.
39 DE, PL, SE.
40 BE, SE.
41 CZ, HU, PL.
42 CZ, DE, SE, SK.
43 HR.
44 HU.
45 PL.
46 ACVZ, 'Beleidsadvies: Strategische landenbenadering migratie' (*Policy advice: Strategic Country Approch Migration)*, 2015, p. 18, https://www.adviescommissievoorvreemdelingenzaken.nl/binaries/adviescommissievoorvreemdelingenzaken/documenten/publicaties/2015/6/25/strategische-landenbenadering-migratie/Strategische_landenbenadering_migratie_ACVZ_beleidsadvies_20150625.pdf, last accessed on 8 September 2021.

Box 2: Evaluation of Dutch return policy: Ministry of Justice and Security and the Advisory Committee for Alien Affairs

In 2015, the Netherlands' Advisory Committee for Alien Affairs issued policy advice based on an evaluation of Dutch return policy, focusing on the strategic country approach, which includes the conclusion of bilateral readmission agreements and MoU, as well as conditionality (positive and negative) in international cooperation. Three goals were evaluated: raising awareness of return issues among parties who could positively influence the effectiveness of return policy; creating a political link between return and other Dutch interests; and increasing the effectiveness of return policy by improving the cooperation of countries of origin on the forced return of their own nationals. The evaluation also looked at the effectiveness of readmission agreements (bilateral and EURA) with Armenia, Azerbaijan, Georgia, Pakistan, Russia, Serbia, Sri Lanka and Ukraine.

Although somewhat unlike formal evaluation exercises, several Member States convene periodic meetings with third countries' counterparts, for example, Croatia (usually border-related discussions on the Western Balkans) and Poland (biannually with Russia and every second year with Vietnam). The Slovak Republic reported regular monitoring activities, while Belgium and the Czech Republic reported the use of statistics and qualitative information to assess the implementation of their bilateral readmission agreements. Cyprus indicated that such assessments are carried out in the context of the Irregular Migration Management Application (IRMA) Return Data Collection coordinated by the European Border and Coast Guard Agency (Frontex).[47]

5. CHALLENGES AND LESSONS LEARNT

Challenges

Eight EU Member States reported challenges the implementation of readmission agreements.[48]

Measures or consequences related to the COVID-19 pandemic posed challenges for the implementation of bilateral readmission agreements in some EU Member States:[49] among them, the request for PCR testing,[50] travel restrictions and the absence of international connections,[51] and the closure of/limited access to diplomatic missions, which affected the issuance of identification and travel documents.[52] Poland referred to the shutting of national airspace as an obstacle to returns.

The inclusion and application of the 'third-country national clause' was generally considered challenging by Greece and the Netherlands, while Luxembourg highlighted particular challenges with its application to the readmission of stateless persons. This is supported by a recent European Court of Auditors (ECA) report, which indicates that when the clause resurfaces, it tends to jeopardise negotiations.[53]

Difficulties in respecting procedural deadlines were reported by the Czech Republic, Italy and Luxembourg. In addition, Bulgaria, Italy, Luxembourg and Sweden referred to obstacles in the (timely) issuance or obtaining of necessary documentation. The Swedish Migration Agency reported that difficulties are often created by the absence of translations of relevant documentation in their official correspondence with third countries. Italy referred to problems with the limited validity of travel documents used in cases of return. Similar findings were signalled by the European Commission in the implementation of EURAs.[54] Germany reported the lack of full implementation of readmission agreements as a challenge in itself. According to Luxembourg and Spain, additional conditions raised by third countries can make the practical implementation of bilateral agreements more problematic.

Lessons learnt

While EU Member States did not provide specific information on good practices, some positive aspects are evident from the evidence gathered. According to the information provided by five EU Member States, the regularity of dialogue, frequency of meetings and intensity of bilateral (including diplomatic) relations with third countries appear instrumental in applying readmission agreements in practice.[55]

The policy review commissioned by the Dutch Ministry of Justice and Security reports that negotiating an EURA rather than a bilateral agreement means that EU Member States can benefit from a joint effort, with the EU responsible for negotiating with a single voice and establishing official channels of cooperation with third countries. While such an approach is also likely to increase the political weight during negotiations, the corresponding downside is the lengthy process needed to reach a final text that

47 EMN, 'Asylum and Migration Glossary', 2021, https://ec.europa.eu/home-affairs/what-we do/networks/european_migration_network/glossary_search/managed-migration_en#:~:text=Definition(s),others%20in%20need%20of%20protection%20, last accessed on 25 October 2021.

48 BG, CZ, EL, IT, LU, NL, SE, SK.

49 CZ, DE, ES, NL, PL, SE.

50 BE, CY, ES, SK.

51 BE, CY, CZ, ES.

52 DE, NL, SE.

53 ECA, 'EU readmission cooperation with third countries: relevant actions yielded limited results', 2021, https://www.eca.europa.eu/Lists/ECADocuments/SR21_17/SR_Readmission-cooperation_EN.pdf, last accessed on 25 October 2021.

54 European Commission, 'Recommendation establishing a common "Return Handbook" to be used by Member States' competent authorities when carrying out return related tasks', 2015, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017H2338&from=EN, last accessed on 25 October 2021.

55 DE, HR, HU, IT, SI.

reflects the views of EU institutions and the EU Member States.[56]

Luxembourg emphasised that the pooling of resources (as in the case of the Benelux countries' readmission agreements) is a good solution where EU Member States have bilateral agreements with third countries where an EURA is not in force. They reduce excessive diplomatic and administrative burdens on small or less-represented EU Member States.

Such findings are in line with the objectives of the 2020 EU Pact on Migration and Asylum which indicates that improving cooperation on readmission with third countries requires the full and effective implementation of existing agreements, as well as practical cooperative solutions to increase the number of effective returns.[57]

56 ACVZ, 'Beleidsadvies: Strategische landenbenadering migratie (*Policy advice: Strategic Country Approch Migration)*', 2015, pp. 69-70, https://www.adviescommissievoor-vreemdelingenzaken.nl/binaries/adviescommissievoorvreemdelingenzaken/documenten/publicaties/2015/6/25/strategische-landenbenadering-migratie/Strategische_landenbenadering_migratie_ACVZ_beleidsadvies_20150625.pdf, last accessed on 8 September 2021.

57 European Commission, 'New Pact on Migration and Asylum', 2020, p. 21, https://eur-lex.europa.eu/resource.html?uri=cellar:85ff8b4f-ff13-11ea-b44f-01aa75e-d71a1.0002.02/DOC_3&format=PDF, last accessed on 28 October 2021.

ANNEX 1. BILATERAL READMISSION AGREEMENTS IN PLACE WITH THIRD COUNTRIES

Member State / Norway	Agreements in force as of 1 January 2014[58] and agreements signed but not entered into force nor before or after 2014	Agrements signed or entered into force since 1 January 2014	Agreement formally suspended since 2014
Austria	■ Bosnia and Herzegovina. In force since 01/09/2007. ■ Kosovo. In force since 01/03/2011. ■ North Macedonia. In force since 01/02/2007. ■ Montenegro. In force since 29/04/2004. ■ Nigeria. In force since 18/08/2012. ■ Serbia. In force since 29/04/2004. ■ Switzerland. In force since 01/01/2001 ■ Tunisia. In force since 01/08/1965.		
Belgium	■ Former Yugoslavia (Serbia and Montenegro in force since 29/05/2004; North Macedonia in fornce since 01/12/2008) ■ Switzerland. In force since 1/03/2007. Signed but not in force ■ Armenia, agreement Benelux, signed on 3/06/2009.	■ Kazakhstan, Benelux Readmission Agreement. Signed on 13/04/2015. In force since 01/06/2017 ■ Kosovo. Signed on 12/05/2014. In force since 01/04/2014.	
Bulgaria	■ Albania, signed on 19/08/2002. In force since 4/12/2002. ■ Armenia, signed on 13/02/2008. In force since 01/07/2008. ■ Bosnia and Herzegovina, signed on 15/06/2006. In force since 05/01/2007. ■ Federal Republic of Yugoslavia, signed on 25/01/2001. In force since 10/08/2001. ■ Georgia, signed on 13/06/2022. In force since 14/03/2003. ■ Kosovo, signed on 11/09/2012. In force since 26/10/2012. ■ Lebanon, signed 26/05/2003. In force since 03/07/2003. ■ North Macedonia, signed on 26/04/2002. In force since 19/06/2002. ■ Ukraine, signed on 24/06/2002. In force since 02/08/2002. ■ Uzbekistan, signed on 24/02/2004. In force since 01/04/2004.	■ Turkey, signed, but not yet in force.	
Croatia	■ Albania, signed on 28/1/2003. In force since 15/06/2005. ■ Bosnia Herzegovina, signed on 11/03/2011. In force since 01/02/2012. ■ Kosovo, signed on 23/07/2013. Not yet entered into force. ■ Montenegro, signed on 04/09/2008. In force since 01/05/2010. ■ North Macedonia, signed on 17/09/2001. In force since 01/02/2003. ■ Serbia, signed on 25/05/2009. In force since 01/05/2010.		
Cyprus	■ Lebanon, signed on 15/09/2008. In force since 11/12/2009.		
Czech Republic	■ Armenia, signed on 17/05/2010. In force since 01/04/2011. ■ Canada, signed on 08/03/1996. In force since 07/10/1996. ■ Kosovo, signed on 24/06/2011. In force since 01/02/2013. ■ Moldova, signed on 07/08/2003. In force since 09/09/2004. ■ Switzerland, signed on 17/09/2009. In force since 01/06/2011. ■ Vietnam, signed on 12/09/2007. In force since 21/03/2008.	■ Kazakhstan, bilateral readmission agreement signed on 23/02/2011. In force since 01/07/2016. ■ Mongolia, bilateral readmission agreement. Signed on 20/05/2019. In force since 01/03/2021	
Estonia	■ Kosovo, signed on 17/05/2013. In force since 01/09/2013.	■ Belarus, agreement between the Republic of Estonia and the Republic of Belarus regulating certain aspects of entry, stay and exit of persons. Signed on 20/04/2016. In force since 11/04/2016.	

58 This column reproduces information presented in the Annex A2.8 of the EMN study 'Good practices in the return and reintegration of irregular migrants: Member States' entry bans policy and use of readmission agreements between Member States and third countries', 2014. The information has been filtered to only include agreements which were in force by the 1 January 2014.

Member State / Norway	Agreements in force as of 1 January 2014 and agreements signed but not entered into force nor before or after 2014	Agrements signed or entered into force since 1 January 2014	Agreement formally suspended since 2014
Finland	■ Kosovo. In force since 28/06/2013.		
France	■ Argentina, signed on 01/02/1995. In force since 08/02/2002. ■ Brazil, signed on 28/05/1996. In force since 24/08/2001. ■ Costa Rica, signed on 16/06/1999. In force since 18/02/2001. ■ Dominica, signed on 09/03/2006. In force since 01/03/2007. ■ Ecuador, signed on 16/10/1998. In force since 26/05/2000. ■ Guatemala, signed on 11/11/1998. In force since 02/12/1999. ■ Honduras, signed on 20/11/1998. In force since 21/09/2000. ■ Macedonia, signed on 08/10/1998. In force since 17/06/1999. ■ Mauritius, signed on 15/11/2007. ■ Mexico, signed on 06/10/1997. In force since 16/07/1998. ■ Nicaragua, signed on 20/04/1999. In force since 13/09/2000. ■ Panama, signed on 30/04/1999. In force since 30/05/1999. ■ Paraguay, signed on 10/04/1997. In force since 13/12/1997. ■ El Salvador, signed on 26/06/1998. In force since 01/05/1999. ■ Saint Lucia, signed on 23/04/2005. In force since 01/05/2006. ■ Switzerland-Liechtenstein, signed on 28/10/1998. In force since 01/03/2000. ■ Suriname, signed on 30/11/2004. Not ratified on the Surinam side. ■ Uruguay, signed on 05/11/1996. In force since 24/07/1997. ■ Venezuela, signed on 25/01/1999. In force since 30/12/2001. ■ Serbia and Montenegro, signed 25/04/2006. Not yet entered into force.	■ India, bilateral agreement. Signed on 10/03/2018. In force since 01/10/2021. ■ Kosovo, bilateral agreement. Signed on 02/12/2009. In force since 01/10/2014.	
Germany	■ Albania, signed on 18/11/2002. In force since 01/08/2003. ■ Algeria, signed on 14/02/1997. In force since 12/05/2006. ■ Armenia, signed on 16/11/2006. In force since 20/04/2008. ■ Bosnia-Herzegovina, signed on 20/11/1996. In force since 14/01/1997. ■ Georgia, signed on 06/09/2007. In force since 01/01/2008. ■ Morocco, signed on 22/04/1998? In force since 01/06/1998. ■ Macedonia, signed on 24/06/2002. In force since 01/05/2004. ■ Serbia, signed on 16/09/2002. In force since 01/04/2003. ■ South Korea, signed on 10/12/2004. In force since 22/03/2005. ■ Syria, signed on 14/07/2008. In force since 03/01/2009. ■ Vietnam, signed on 21/07/1995. In force since 21/09/1995.	■ Guinea, bilateral agreement. Signed on05/01/2018. In force since 06/02/2019 ■ Kazakhstan, bilateral agreement. Signed on 10/12/2009. In force since 01/06/2016	
Greece	■ Bosnia-Herzegovina. In force since 2007. ■ Switzerland. In force since 2008. ■ Turkey. In force since 2002.	■ Turkey framework agreement. Signed on 08/03/2016. Not in force.	
Hungary	■ Kosovo, signed on 15/05/2012. In force since 09/08/2012. ■ Switzerland, signed on 04/02/1994. In force since 10/03/1996 (but applicable since 08/07/1995)		
Ireland	N/A		
Italy	N/A	■ Kosovo, bilateral readimission Agreement. Signed on 15/04/2014. In force since 10/02/2015	
Latvia	■ Armenia, signed on 26/06/2002. In force since 17/05/2003. ■ Georgia, signed on 11/07/2008. In force since 13/01/2009. ■ Ukraine, signed on 24/07/1997. In force since 17/05/1998. ■ Republic of Uzbekistan, signed on 07/04/2004. In force since 17/06/2004.	■ Kazakhstan, bilateral agreement on readmission and Implementing Protocol. Signed on 16/09/2011. In force since 04/02/2016.	

Member State / Norway	Agreements in force as of 1 January 2014 and agreements signed but not entered into force nor before or after 2014	Agrements signed or entered into force since 1 January 2014	Agreement formally suspended since 2014
Lithuania	■ Belarus, signed on 16/09/2009. In force since 7/07/2010.59 ■ Russia, Ukraine, Moldova and Armenia, Bilateral agreements in force before the EURAs	■ Kazakhstan, bilateral agreement. Signed on 6 October 2011 and entered into force on 24-9-2015. ■ Vietnam, nilateral agreement. Signed on 23/01/2019. In force since 15/11/2019	Agreement with Ukraine
Luxembourg	■ Bosnia-Herzegovina, agreement Benelux. Signed on 19/07/2006. In force since 01/11/2007. ■ North Macedonia, agreement Benelux. Signed on 30/05/2006. In force since 24/04/2007. ■ Serbia and Montenegro, agreement Benelux. Signed on 19/07/2002. In force since 29/05/2004. ■ Switzerland, agreement Benelux. Signed on 12/12/2003. In force since 01/07/2007. Signed but not in force ■ Armenia, agreement Benelux, signed on 3/06/2009.	■ Kazakhstan, agreement Benelux - signed on 13/04/2015. In force since 06/01/2017. ■ Cape Verde, bilateral agreement between Luxembourg and Cabo Verde on the concerted management of the migratory flow and to the development of solidarity 13/10/2015. In force since 03/01/2020. ■ Kosovo, agreement Benelux - third country, signed on 12/05/2011. In force since 01/04/2014	
Malta			
Netherlands	■ Bosnia-Herzegovina. In force since 01/05/2008 ■ Serbia/Montenegro. In force since 29/05/2004 ■ North Macedonia. In force since 01/12/2008 Signed but not in force ■ Armenia, agreement Benelux, signed on 3/06/2009.	■ Kazakhstan, Agreement Benelux - third country signed on 02/03/2014. In forcesince 01/06/2017 ■ Kosovo Agreement Benelux - third country, signed on 12/05/2011. In force since 01/04/2014	
Poland	■ Russia, bilateral agreement on border matters, including a readmission clause. In force since 15/02/1961. ■ Switzerland, signed 14/10/1993. In force since 31/03/2006. ■ Vietnam, signed on 22/04/2004. In force since 14/05/2005.	■ Kazakhstan, bilateral readmission agreement. Signed on 22/08/2016. In force since 04/08/2017.	
Slovakia	■ Serbia, signed 30/08/ 2001. In force since 27/02/2002. ■ Ukraine, signed on 29/06/1993. In force since 28/03/1994. ■ Vietnam, signed on 17/10/2005. In force since 20/01/2006.		
Slovenia	■ Albania. In force since 03/06/2011 ■ Canada. In force since 13/02/1996 ■ Kosovo. In force since 01/01/2012 ■ North Macedonia. In force since 01/02/1999 ■ Montenegro. In force since 15/09/2009 ■ Russia. In force since 24/09/2012 ■ Serbia. In force since 08/10/2009		
Spain	■ Algeria, in force since 18/02/14. ■ Mauritania, in force since 31/07/13.		

59 This is not a separate readmission agreement. However, a readmission clause is included in the agreement between the Republic of Lithuania and the Republic of Belarus on the Lithuanian-Belarusian State Border Legal Regime.

Member State / Norway	Agreements in force as of 1 January 2014 and agreements signed but not entered into force nor before or after 2014	Agrements signed or entered into force since 1 January 2014	Agreement formally suspended since 2014
Sweden	■ Armenia, signed on 07/11/2008. In force since 19/04/2009. ■ Bosnia-Herzegovina, signed on 29/03/2005. In force since 01/08/2005. ■ Iraq, signed on 18/02/2008. In force since 18/02/2008. ■ Kosovo, signed on 04/10/2011. In force since 01/01/2012. ■ North Macedonia, signed on 23/10/2006. In force since 01/06/2007. ■ Montenegro, signed on 19/01/2006. In force since 19/01/2006. ■ Serbia, signed on 10/09/2004. In force since 10/09/2004. ■ Switzerland, signed on 10/12/2002. In force since 09/01/2003. ■ Vietnam, signed on 16/06/2008. In force since 31/12/2008.		
Norway	■ Afghanistan, signed on 10/08/2005. In force since 10/8/2005. ■ Albania, signed on 12/09/2008. In force since 01/05/2009. ■ Armenia, signed on 20/01/2010. In force since 26/06/2010. ■ Bosnia, signed on 30/06/2005. In force since 25/11/2007. ■ Burundi, signed on 10/03/2009. In force since 10/03/2009. ■ Ethiopia, signed on 26/01/2012. In force since 26/01/2012. ■ Georgia, signed on 10/11/2011. In force since 25/01/2012. ■ Hong Kong, signed on 15/09/2006. In force since 01/01/2007. ■ Iraq, signed on 15/05/2009. In force since 15/05/2009. ■ Kazakhstan, signed on 12/10/2010. Not yet in force. ■ Kosovo, signed on 15/10/2010. In force since 01/01/2011. ■ North Macedonia, signed on 25/09/2006. In force since 21/06/2007. ■ Moldova, signed on 21/03/2005. In force since 09/08/2006. ■ Montenegro, signed on 16/12/2009. In force since 16/12/2009. ■ Russia, signed on 08/06/2007. In force since 01/12/2008. ■ Serbia, signed on 30/11/2009. In force since 01/06/2010. ■ Tanzania, signed on 05/04/2011. In force since 05/04/2011. ■ Ukraine, signed on 13/02/2008. In force since 01/09/2011. ■ Vietnam, signed on 04/07/2007. In force since 14/10/2007.	■ Kazakstan. Entered into in force after 2014	

Disclaimer

Published

September 2022

Suggested citation:

European Migration Network (2022). Bilateral readmission agreements - EMN Inform. Brussels: European Migration Network.

Read more:

EMN website: http://ec.europa.eu/emn

EMN LinkedIn page: https://www.linkedin.com/company/european-migration-network

EMN Twitter account: https://twitter.com/emnmigration

Keeping in touch with the EMN

EMN website www.ec.europa.eu/emn
EMN LinkedIn page https://www.linkedin.com/company/european-migration-network/
EMN Twitter https://twitter.com/EMNMigration

EMN National Contact Points

Austria www.emn.at/en/
Belgium www.emnbelgium.be
Bulgaria www.emn-bg.com
Croatia https://emn.gov.hr/
Cyprus www.moi.gov.cy/moi/crmd/emnncpc.nsf/home/home?opendocument
Czechia www.emncz.eu
Denmark www.justitsministeriet.dk/
Estonia www.emn.ee/
Finland www.emn.fi/in_english
France www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM3/Le-reseau-europeen-des-migrations-REM2
Germany https://www.bamf.de/EN/Themen/EMN/emn-node.html
Greece http://emn.immigration.gov.gr/en/
Hungary www.emnhungary.hu/en
Ireland www.emn.ie/
Italy www.emnitalyncp.it/
Latvia www.emn.lv/en/home/
Lithuania www.emn.lt/en/
Luxembourg https://emnluxembourg.uni.lu/Malta https://emn.gov.mt/
The Netherlands https://www.emnnetherlands.nl/Poland https://www.gov.pl/web/europejska-siec-migracyjna
Portugal https://rem.sef.pt/
Romania https://www.mai.gov.ro/
Spain https://extranjeros.inclusion.gob.es/emn-Spain/
Slovak Republic https://emn.sk/en/
Slovenia https://emm.si/en/
Sweden http://www.emnsweden.se/
Norway https://www.udi.no/en/statistics-and-analysis/european-migration-network---norway
Georgia https://migration.commission.ge/index.php?article_id=1&clang=1
Republic of Moldova http://bma.gov.md/en
Ukraine https://dmsu.gov.ua/