

European Migration Network (EMN)

Common Template EMN Focussed Study 2014

Final Version 5th March 2014

Good Practices in the return and reintegration of irregular migrants: Member States' entry bans policy & use of readmission agreements between Member States and third countries

BG EMN NCP

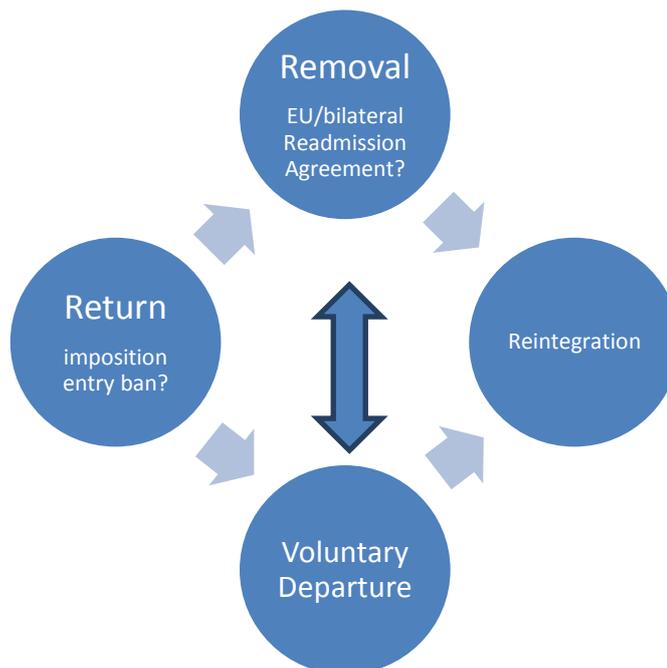
1 Background to the Common Template

1.1 STUDY AIMS AND RATIONALE

A spectrum of policy measures is available to Member States to help them implement effective and sustainable returns of irregular third-country nationals. This Study is concerned with two return measures in particular: entry bans and readmission agreements.

A schematic overview of the return process is provided in Figure below:

Figure 1 Return Process



Entry bans and readmission agreements are distinct measures that serve different purposes within the return process. The return process starts with the imposition of a return decision on an irregular third-country national. A return decision can be accompanied by an entry ban, prohibiting the third-country national concerned from re-entering the territory. Third-country nationals can either return voluntarily or be removed forcefully. The Recital to the Return Directive stipulates that voluntary return should be preferred over forced return¹ and a return decision therefore normally provides for a period of voluntary departure (exceptions as listed in Article 7 (4) Return Directive included). In this spirit, Member States have the option of withdrawing or suspending entry bans as an incentive to encourage third-country nationals to leave the territory voluntarily². If, however, the obligation to return has not been complied with or was not granted following the exceptions listed in Article 7 (4) Return Directive, Member States must take all necessary measures to enforce the return decision so as to remove irregular third-country nationals from their territory.

The obligation for states to readmit their citizens is enshrined in international law³. Readmission agreements, whether EU, or separate bilateral readmission agreements reached between Member States and third countries, aim to facilitate the effective removal process of irregular third-country nationals. Readmission Agreements are typically applicable regardless of the individual's willingness to return. This Study will therefore explore the degree to which Readmission Agreements are used to carry out forced returns as well as the degree to which they facilitate voluntary returns. Finally, reintegration assistance aims to ensure the sustainability of returns by providing returnees with different forms of socio-economic support to promote their self-sufficiency e.g. vocational training, employment and education. This support may already start within the host country or following removal in the country of origin.

This Study focuses on entry bans and readmission agreements and is as such mainly concerned with the implementation of an *effective* return process. Whilst reintegration assistance is indispensable for ensuring the sustainability of returns, Member State approaches to reintegration assistance are not included in the scope of this Focussed Study; Work on reintegration assistance and the sustainability of return more broadly will be carried out under the REG (VREG). Nevertheless, the synergies between entry bans and readmission agreements, on the one hand, and reintegration assistance on the other hand, will be explored in a final concluding section.

The overall aim of this study is to understand the extent to which Member States use entry bans and readmission agreements to enhance their national return policies. To date, little is known about how Member States make use of entry bans (and, to a lesser extent, readmission agreements) and how effective they are at ensuring the effective return of irregular migrants to their countries of origin. The Study takes a practical approach by exploring how entry bans and readmission agreements are applied in practice, distinguishing between their voluntary and coercive elements. The study also analyses how effective the two measures are both from the point of view of the returnee as well as the Member States.

More specifically, the Study aims to:

- ★ Analyse similarities and differences between Member States concerning the **legal framework on entry bans** by reviewing the grounds for the imposition of entry bans (including review of the criteria/indicators used to decide whether particular grounds apply in individual cases); the categories of third-country national who can be imposed an entry ban; the territorial scope of entry bans; as well as the authority responsible for the imposition of an entry ban;
- ★ Explore the **practical application of entry bans** by mapping; the methods for informing third-country nationals of the imposition of an entry ban; possibilities of appealing entry bans; reviewing whether Member States make use of a graduated approach (including withdrawal/suspension of entry bans and not just their imposition) and in what circumstances; and, investigating cooperation mechanisms between Member States including existing information-sharing tools;
- ★ Analyse the **effectiveness of entry bans** by reviewing available statistical evidence on the impact of entry bans, exploring practical challenges to the implementation of entry bans; and identifying any good practices;
- ★ Explore the **practical application of readmission agreements** by reviewing the **use of readmission agreements** between the EU or Member States on the one hand and third countries on the other hand,

¹ Recital 10 Return Directive.

² Article 11 (3).

³ Article 13 of the 1948 UN Universal Declaration of Human Rights enshrines the right to return to one's own country, the corollary of which must be the obligation of the state to allow one to do so.

distinguishing between agreements concluded by EU and by Member States separately on a bilateral basis and specifying the extent to which such agreements are used in the context of forced and voluntary returns;

★ Collecting (new) statistical evidence on the use of readmission agreements, exploring practical challenges to their implementation and identifying good practices for their use.

1.2 SCOPE OF THE STUDY

It is not the Study's aim to provide an extensive overview of all measures used by Member States to combat irregular migration - in particular the study will not address measures aiming to *prevent* irregular migration. The Study also does not address all aspects of the EU's external policy on migration and asylum within which Member States' readmission agreements are embedded. Efforts will be made to avoid duplication between the Study and reports and evaluations already commissioned by the European Commission on the EU's return policies (e.g. DG HOME Study on the practical application of the Return Directive and the Commission's Evaluation on the Readmission Agreements⁴).

Instead, the Study examines the use of entry bans and readmission agreements by Member States in their efforts to implement effective return policies, identifying any examples of good practice. The Study focuses on entry bans that accompany return decisions, which are imposed with a view to returning irregular third-country nationals and preventing their re-entry into the EU/host Member State – in accordance with the Return Directive Article 11. Although Ireland and the United Kingdom have opted-out of the Return Directive, both Member States apply entry bans (or equivalent measures) with similar aims as described under Article 11 Return Directive and as such these measures are included in the scope of this Study. The Study, however, does not cover any other national entry bans imposed for different purposes (e.g. those imposed as international sanctions).

1.3 EU LEGAL AND POLICY FRAMEWORK

Since 1999 the EU has been working to develop a comprehensive approach on migration and asylum. The return of irregular third-country nationals, is an important aspect in the fight against irregular migration and essential to the credibility of the EU common migration and asylum policy. The Hague Programme called for the development of a coherent return policy and the Stockholm Programme reaffirmed this need by calling on the EU and its Member States to intensify the efforts to return irregular third-country nationals by implementing an effective and sustainable return policy.

The main legal instruments for EU return policy include EU Readmission Agreements (EURAs) and the 2008 Return Directive⁵. EURAs impose reciprocal obligations on the contracting parties to readmit own nationals as well as in certain circumstances third country nationals or stateless persons who stayed on or transited through the territory of the other party. They further set out technical and operational criteria for this process. Their potential contribution to an active return policy has long been recognised⁶. Since 1999, the Council has issued negotiating Directives to the Commission for 21 third countries. Since the entry into force of the Lisbon Treaty, the conclusion of Readmission Agreements has an explicit legal basis (Article 79(3) of TFEU). The Commission's 2011 Evaluation of EURAs indicated that there is scope for improving their implementation. For example, practical problems are experienced in the application of EURAs as Member States continue to use their own bilateral Readmission Agreements, thereby potentially jeopardising consistent application of EURAs and undermining the credibility of the EU Readmission Policy towards third countries.

The Return Directive, adopted in 2008, lays down common EU standards on forced return and voluntary departure. The Directive has a two-fold approach: on the one hand, it stipulates that Member States are obliged to issue return decisions to *all* third-country nationals staying irregularly on the territory of a Member State⁷. On the other hand, the importance of implementing return policy with full respect for the fundamental rights and freedoms and the dignity of the individual returnees, including the principle of '*non-refoulement*' is greatly

⁴COM (2011) 76 final, Communication from the Commission to the European Parliament and the Council, Evaluation of EU Readmission Agreements.

⁵ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in member States for returning illegally staying third-country nationals.

⁶ I.e. following the Amsterdam Treaty Member States referred to readmission agreements as valuable tools to reduce irregular migration by effectively returning irregular migrants)

⁷E.g. third-country nationals who entered the EU territory illegally (clandestinely or by using fraudulent travel documents); rejected applicants for international protection; and visa over-stayers.

emphasised. As a result, any return may only be carried out in compliance with EU and other international human rights' guarantees⁸.

The Return Directive stipulates different types of return measures. First, a broad distinction can be made between voluntary and forced return, with the Directive emphasising that voluntary return is preferred, although it also acknowledges the inevitable need for efficient means to enforce returns where necessary.

Article 11 of the Return Directive stipulates one concrete return measure: entry bans. It is emphasised in the preamble to the Return Directive that the effect of national return measures should be given a European dimension by establishing an entry ban prohibiting entry into and stay on the territory of all concerned States. This is however not an obligation and is left to the discretion of Member States. Some of the relevant elements of the provision are briefly summarised in the table below:

Provisions	Description
Article 11 (1)	Return decisions shall be accompanied by an entry ban: (a) If no period for voluntary departure has been granted, or (b) If the obligation to return has not been complied with In other cases return decision may be accompanied by an entry ban.
Article 11 (2)	Member States shall determine the length of the entry ban which may not exceed five years.
Article 11 (3)	Member States may withdraw or suspend an entry ban: - If the returnee can demonstrate that he/she left the territory in full compliance with a return decision. - If the third-country national constitutes a victim of trafficking in human beings who has been granted a residence permit pursuant to Council Directive 2004/81/EC, he/she shall not be subject of an entry ban provided that the third-country national concerned does not represent a threat to public policy, public security or national security. - In individual cases, certain categories of cases, or for other reasons Member States may refrain from issuing, withdraw or suspend an entry ban in individual cases for humanitarian reasons.

As illustrated above, the provision leaves a certain degree of discretion to Member States as to the implementation of entry bans. Member States are free to: a) define the categories of third-country national (only in particular cases); b) determine the exact length of the entry ban; and c) withdraw or suspend entry bans in some (undefined) cases. Entry bans can therefore be used as a coercive policy measure - sending a signal prior to arrival that it does not pay to come to the EU irregularly, or more as an "incentive" by withdrawing or suspending entry bans in certain circumstances. To date, little is known about the application of entry bans (e.g. the number of entry bans issued each year, categories of third-country nationals who are subject of the ban and if Member States make use of the graduated approach by withdrawing or suspending entry bans where relevant).

Although the Return Directive does not include an explicit provision on readmission agreements, it includes a reference to it in Recital 7, emphasising the need for EU and bilateral agreements with third countries to facilitate the return process.

It follows that whilst the EU acquis provides some common elements to the way that Member States should carry out their return policies, Member States are still left some discretion as to which measures to apply, in what circumstances, and how to implement these. Little is known about in particular their practical application and the effectiveness of these measures.

1.4 RESEARCH QUESTIONS

★ What are the main similarities and differences in the **national legal frameworks** of Member States for the imposition of **entry bans** (in relation to national grounds for the imposition of entry bans, categories of third-country national who can receive an entry ban and its territorial scope)? Which authorities decide on the imposition of entry bans?

⁸E.g. the EU Charter of Fundamental Rights, the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms, the 1984 Convention against Torture and other Cruel, Inhuman and degrading treatment or punishment and the 1951 Geneva Convention related to the Status of Refugees as amended by the 1967 New York Protocol.

★ What are the main **similarities and differences** as regards the **practical application** of **entry bans**? How are third-country nationals informed of the imposition of an entry ban? Can individuals who are subject of an entry ban appeal against it? Do Member States make use of a graduated approach for the implementation of entry bans (withdrawing/suspending entry bans in order to encourage the voluntary departure of an irregularly staying third-country nationals)? Do Member States consult each other when considering issuing a residence title to a third-country national subject to an entry ban issued by another Member State? How much information is shared between Member States on the use of entry bans and what are the existing information-sharing mechanisms?

★ Are readmission agreements (both the EURAs and separate bilateral ones reached between Member States and third countries) also used for voluntary returns? How have EURAs provided added-value to Member States' return policy? Do Member States continue to rely on separate bilateral readmission agreements in parallel to EURAs in relation to those third countries for which an EURA has been adopted?

★ How **effective** are **entry bans** and **readmission agreements** in ensuring return? What are the respective **challenges** experienced by Member States when implementing entry bans and carrying out return following EU and separate bilateral readmission agreements?

★ Do Member States have any **good practices** in place for the use of entry bans and readmission agreements to secure an effective return?

1.5 AVAILABLE STATISTICS

Below is an overview of statistics that Member States are to provide in this Study, specifying the relevant sections of the Template.

Eurostat

Eurostat provides statistics relevant to this study, which will be incorporated into the respective sections of the national contributions to be produced by each EMN NCP.

- Third-country nationals found to be illegally present
- Third-country nationals ordered to leave
- Third-country nationals returned following an order to leave
- Persons refused at the border

National statistics

- Number of entry bans imposed
- Number of decision to withdraw an entry ban
- Number of decision to suspend an entry ban
- Number of persons who are the subject of an entry ban who have been re-apprehended
- Proportion of persons issued an entry ban who have returned voluntarily in order to get their entry ban withdrawn/suspended
- Number of persons returned to a particular third country under EU Readmission Agreements and under separate bilateral agreements, disaggregated where possible to: own nationals; third-country nationals including stateless persons (i.e. those who are sent back to their transit country and not country of origin); rejected asylum seekers; other (Tables 4.1, 4.2, 4.3, 4.7, 4.8, 4.9).
- Other relevant statistics gathered by the Member State that help to place the use of entry bans and readmission agreements in the context of each Member States' broader immigration policy (e.g. number of forced returns, number of voluntary returns, number of voluntary returns assisted by IOM, number of persons receiving reintegration assistance, etc).

1.6 DEFINITIONS

The following key terms, principally coming from Directive 2008/115/EC (the Return Directive) and the EMN Glossary, used in the Common Template are defined as follows:

Third-country national (except for readmission context – see below): any person who is not a citizen of the Union (including stateless persons) within the meaning of Article 17 (1) of the Treaty and who is not a person enjoying the Community right of free movement, as defined in Article 2(5) of the Schengen Borders Code⁹;

Illegal stay: the presence on the territory of a Member State of a third-country national who does not fulfil the conditions of entry as set out in Article 5 of the Schengen Borders Code or other condition for entry, stay or residence in that Member State¹⁰;

Return: the process of a third-country national going back – whether in voluntary compliance with an obligation to return, or enforced – to: his or her country of origin, or; a country of transit in accordance with EU or bilateral readmission agreements, or; another third country, to which the third-country national concerned voluntarily decides to return and in which he or she will be accepted¹¹;

Voluntary return: the assisted (in which case it would be Assisted Voluntary Return) or independent return to the country of origin, transit or third country, based on the free will of the returnee;

Assisted Voluntary Return: The provision of (logistical, financial and/or other material) assistance for the voluntary return of a returnee¹²;

Voluntary departure: compliance with the obligation to return within the time-limit fixed for that purpose in the return decision¹³.

Forced return: The compulsory return of an individual to the country of origin, transit or third country [i.e. country of return], on the basis of an administrative or judicial act¹⁴;

Returnee: a third-country national migrant who moves to a Country of Return, whether voluntary or forced¹⁵.

Return decision: an administrative decision or judicial act, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return¹⁶;

Removal: the enforcement of the obligation to return, namely the physical transportation out of the Member State¹⁷;

Removal order: administrative or judicial decision or act ordering a Removal¹⁸;

Country of Origin: the country that is a source of migratory flows (regular or irregular)¹⁹.

Entry ban: an administrative or judicial decision or act prohibiting entry into and stay on the territory of the Member States for a specified period, accompanying a return decision²⁰;

Risk of absconding: existence of reasons in an individual case which are based on objective criteria defined by law to believe that a third-country national who is the subject of return procedures may abscond²¹;

EU readmission agreement: an agreement between the EU with a third country, on the basis of reciprocity, establishing rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territories of the third country or one of the Member States of the European Union, and to facilitate the transit of such persons in a spirit of cooperation²²;

⁹Article 3 (1) Return Directive.

¹⁰ Article 3 (2) Return Directive.

¹¹Article 3(3) Return Directive.

¹² EMN Glossary

¹³Article 3(8) Return Directive.

¹⁴EMN Glossary.

¹⁵ EMN Glossary

¹⁶Article 3(4) Return Directive.

¹⁷Article 3(5) Return Directive.

¹⁸EMN Glossary.

¹⁹ IOM

²⁰ Article 3(6) Return Directive

²¹Article 3(7) Return Directive.

²² EMN Glossary

Separate bilateral readmission agreement: agreement or any other arrangement (MoU, exchange of letters etc) concluded by an EU Member State with a third country²³;

Third country national (clause) in the context of readmission agreements: person who does not hold the nationality of either party to the readmission agreement and who may be readmitted under that agreement due to specific ties with (previous residence) or previous transit through one of the parties to the agreement;

Own national (clause) in the context of readmission agreements: person who holds the nationality of either party to the agreement and who is subject to readmission;

Reintegration: re-inclusion or re-incorporation of a person into a group or a process, e.g. of a migrant into the society of his/her country of return²⁴;

Reintegration assistance: the assistance provided by programmes with the aim of making the reintegration process of each individual returnee a success. Assistance can be provided in various forms, such as identifying opportunities for work and education, cash-in-hand handed at the time of arrival but most often takes the form of payment of goods that go towards setting up a project to sustain the livelihood of the returnee on a long term basis²⁵;

Withdrawal of entry ban: the reversal of the imposition of an entry ban;

Suspension entry ban: to render the entry ban temporarily ineffective.

1.7 RELEVANT PREVIOUS/CURRENT WORK ON THE TOPIC

Relevant studies

The following examples of studies on return are relevant to this Study:

- ★ Communication from the Commission to the European Parliament and the Council, COM (2011) 76 final, Evaluation of EU Readmission Agreements.
- ★ Matrix Insight Ltd, ICMPD, ECRE, "Comparative Study on Best Practices to interlink pre-departure re-integration assistance measures carried out in Member States with short and long-term reintegration measures in the countries of return", 2012.
- ★ IOM, Return Migration: Practices and Policies, 2004
- ★ IOM, "Assisted Voluntary Return and Reintegration in the EU" (brochures and info sheets).
- ★ IOM, "Assisted Voluntary Return and Reintegration Annual Report of Activities 2011"
- ★ IOM, "Focus on Migration: Voluntary Return and Reintegration", Number 3, 18th edition, December 2012.
- ★ ICMPD, "Study on Comprehensive EU Return Policies and Practices", 2002
- ★ A. Roig and T. Huddleston, "EC Readmission Agreements: A re-evaluation of the political impasse", European Law of Migration and Law 9 (2007) 363-387.
- ★ S. Dedja, "Human Rights in the EU Return Policy: the Case of the EU-Albania Relations"
- ★ J. Vranken, "European Cooperation on the Sustainable Return and Reintegration of Asylum Seekers", HIT Foundation, April 2010.
- ★ N. Coleman, "European Readmission Policy: Third-Country interests and Refugee Rights", MartinusNijhof Publishers, Leiden 2009.

Relevant EMN Ad Hoc Queries and Studies

Ad Hoc Queries

- ★ Voluntary Return Policy, *requested 18th December 2013*
- ★ Strengthening readmission and sustainable reintegration in Kosovo, *requested 17th December 2013*
- ★ The control mechanism on voluntary departures of TCNs, counting of the time period of entry bans, *requested 25th October 2013*
- ★ First experiences with the use of the Visa Information System (VIS) for return purposes, *requested 10th June 2013*
- ★ Removal policies for third-country nationals found to be illegally present, *requested 6th June 2013*
- ★ Unescorted forced removals, *requested 21st May 2013*
- ★ Return of unaccompanied minors, *requested 13th November 2012*

²³ It should be borne in mind that any EURA concluded with a third country takes precedence over bilateral agreements in force, concluded by an EU MS with that same third country.

²⁴ EMN Glossary.

²⁵ VREN, Final Recommendations, Booklet.

- ★ Readmission of third-country nationals, *requested 20th July 2012*
- ★ Possible use of biometrics and video conferences in the return (identification) process of irregular migrants, *requested 27th July 2012*
- ★ Dissemination of information (during the asylum procedure) on assisted voluntary programmes, *requested 25th January 2012*
- ★ Acceptance of return decision made by another Member State, *requested 6th May 2011*
- ★ Compulsory execution of the precept to leave, *requested 13th April 2011*
- ★ Forced return, *requested 4th March 2011*
- ★ Agreements on the readmission of irregular migrants signed with Vietnam, *requested 19th April 2010*
- ★ Removal orders for illegally residing third-country nationals, *requested 3rd February 2010*

EMN Studies

- ★ "Reducing Irregular Migration in the EU", EMN Study 2012

EMN NCPs are asked to list any other relevant (national) previous/current work on the study topic in their National Contribution.

Other

PL presidency notes

Note 15703/11 to Working Party on Integration, Migration and Expulsion/Mixed Committee on 26 October 2011 [Defining of conditions where entry ban can be imposed and the means by which Member States can have rapid access to information on entry ban]

Note 15702/11 to Working Party on Integration, Migration and Expulsion/Mixed Committee on 26 October 2011 [Current practices in Assisted Voluntary Returns (AVR) of third country nationals]

1.8 ADVISORY GROUP

For the purpose of providing support to EMN NCPs while undertaking this Focussed Study and for developing the Synthesis Report, an "Advisory Group" has been established. The members of the Advisory Group for this study, in addition to the EMN Service Provider (ICF GHK-COWI), are (currently) the BE, HU, IE, LV, LU, NL, SE, UK, NO EMN NCPs. EMN NCPs are thus invited to send any requests for clarification or further information on the Study to the following "Advisory Group" members:

- ★ BE EMN NCP: Peter.vancostenoble@ibz.fgov.be; Geert.verbauwhede@ibz.fgov.be;
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1.9 TIMETABLE

February 4 th	Circulation Version 1 of the Common Template
February 10 th	Comments due on first version
February 14 th (EMN NCP Meeting)	Circulation and discussion Second Version
Week commencing 3 rd March	Finalisation of the Common Template and launch of the Study
Completion of national reports by EMN NCPs	9 th May 2014
First draft Synthesis Report	23 rd May 2014
Final Synthesis Report	Week commencing 9 th June 2014

2 Template for National Contributions

The Template outlines the information that should be included in the National Contributions to this Focussed Study. The indicative number of pages to be covered by each section is provided in the guidance note. For national contributions, the total number of pages should not exceed 24 pages, excluding the statistics. A limit of 30 pages will apply to the Synthesis Report, in order to ensure that it remains concise and accessible.

Where data is not available for wider public dissemination, EMN NCPs may mark such data in the text as confidential or include it in a separate Annex to their National Contribution. This material will then be excluded from published (public) versions. Where an EMN NCP is in agreement, confidential data will be included in the Synthesis Report in an anonymous format.

3 STRUCTURE OF COMMON TEMPLATE

Top-line 'factsheet'/Executive summary

National contribution (one page only)

Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.

Entry bans

The grounds for imposing entry bans are provided by Law for the foreigners in the Republic of Bulgaria (LFRB). Art. 42h of the LFRB stipulates that prohibition of entry and residence in the territory of Member States of the European Union shall be imposed where:

1. **the grounds under Art. 10, para 1 of the LFRB exist;**

There are a number of grounds provided in the above mentioned Art. 10, para 1 of the LFRB (*pointed in Q2a*)

2. **no time limit has been given for the person to leave Bulgaria voluntarily under the terms of Art. 39b, para 4 of the LFRB;**

The referred Art. 39b, para 4 stipulates that the competent authority imposing a return decision shall not provide a term for voluntary departure where the person presents a threat for the national security or for the public order.

3. **the foreign national fails to fulfil his/her obligation to return.**

Entry ban may not be issued due to humanitarian reasons, right to family life or health reasons. An imposed entry ban can be revoked or suspended where the person concerned proves that he/she has left the territory of the Republic of Bulgaria in accordance with the prescribed term for voluntary departure.

According to the LFRB compulsory administrative measures (including entry ban) shall be imposed by orders of the Chairman of State Agency "National Security" and the Directors of the Chief Directorates "Border Police" and "National Police", the Directors of the Capital and regional directorates of the Ministry of Interior, the Director of Directorate "Migration", the Directors of the regional directorates "Border Police" at the Ministry of Interior and of officials authorized by them.

TCNs concerned may appeal entry ban orders under the conditions and by the common order of the Administrative Procedure Code.

Until 2013 the entry ban was related to prohibition of entry **in the territory of Republic of Bulgaria**. An Amendment of the LFRB entered into force in 2013, according to which prohibition shall be imposed for "**entry and residence in the territory of Member States of the European Union**". However according to the Law the provisions regarding the abovementioned new territorial scope of entry bans – "*prohibition of entry and residence in the territory of Member States of the European Union*" **shall apply after the entry into force of the decision of the Council of the European Union for the implementation of the Schengen acquis in the Republic of Bulgaria.**

The prohibition for entry and residence in the territory of Member States of the European Union shall be valid **for a period of 5 years**. The prohibition for entry and residence in the territory of Member States of the European Union **may be for a period longer than 5 years**, where the person presents a **serious threat for the public order or for the national security**.

As such a decision has not been issued yet the entry bans imposed by Bulgarian competent authorities have territorial scope that covers **the national territory only**.

Readmission Agreements

According to the national legislation General Directorate Border Police at the Ministry of Interior is the competent authority for the implementation of readmission agreements and is responsible for the implementation of activities under acceptance, delivery and escort of persons to and from the border of the neighbouring countries of Bulgaria. It is regulated in Art.52b Para 2 point 6 of the Law for the Ministry of Interior which stipulates that General Directorate Border Police shall carry out activities, related among others to: "accepting and transferring violators of the regime of entering and residence from and to other states in accordance with a law and or international agreement, which the Republic of Bulgaria is a party to".

At present, implementation of the readmission agreements with neighbouring countries is performed entirely by General Directorate Border Police as regard both the administrative processing of requests for readmission and the actual accepting or transferring of persons. In the process of implementation of readmission agreements with countries that are not neighbouring countries, part of the administrative work for the preparation of the case is made by the General Directorate Border Police and actual transferring of persons is carried out by the Migration Directorate at the Ministry of Interior. The Migration Directorate competencies in the area are regulated in Art.52g Para 2 item 3 of the Law for the Ministry of Interior which stipulates that Migration Directorate shall carry out activities among others for: "accompanying foreigners subject to expelling from the country or to compulsory leading to the border of the Republic of Bulgaria in compliance with a law or international agreement, to which the Republic of Bulgaria is a party".

After the accession of Bulgaria in the EU in 2007, the country implemented EU readmission agreements concluded between the EU and third countries, entered into force.

Regarding to EURAs Bulgaria has signed Protocols for the implementation of EU readmission agreements with Russia, Macedonia, Bosnia and Herzegovina, Montenegro, Serbia, Georgia, Moldova and Albania.

However the number of readmission applications sent under EURAs is quite limited to be base for assessment of overall added value of the EURAs.

As main part of irregular migrants enter into Bulgaria via Turkey both at BCPs and through land border Bulgaria highly appreciates the newly signed EURA with Turkey. It may significantly improve the process of removals once it is ratified by relevant bodies.

Republic of Bulgaria has signed 36 intergovernmental agreements on the readmission of persons residing without authorization including with 9 third countries.

However Bulgaria applies bilateral readmission agreements mainly with neighbouring countries.

Section 3 Entry bans (maximum 10 pages)

This section reviews the national legal framework for imposing entry bans, in particular the grounds for issuing an entry ban(including criteria/indicators for assessing whether the grounds apply in individual cases), the categories of third-country national who can be issued such a ban, and the territorial scope of the entry ban. It also provides an overview of the authorities responsible for the imposition and decision-making of entry bans. The practical implementation of entry bans is explored by reviewing the extent to which Member States use a graduated approach, where entry bans are withdrawn or suspended depending on individual circumstances and the category of third-country national. Cooperation between Member States when implementing entry bans is addressed by reviewing whether Member States enter an alert into the SIS following imposition of an entry ban and by reviewing the information exchange/consultation processes including existing information sharing mechanisms between Member States. The section finally also includes questions about the perceived or actual effectiveness of entry bans, the main challenges associated with entry bans and any evidence of good practice.

SECTION 3.1 NATIONAL LEGAL FRAMEWORK ON ENTRY BANS: GROUNDS FOR IMPOSITION OF ENTRY BANS AND CATEGORIES OF THIRD-COUNTRY NATIONAL SUBJECT TO ENTRY BANS

Q1. In your Member State, which scenario applies to the imposition of entry bans?

- a) Entry bans are automatically imposed in case the return obligation has not been complied with OR no period of voluntary departure has been granted

(Yes/No) **Yes**

- b) Entry-bans are automatically imposed on all return decisions other than under a)

(Yes/No) **No**

- c) Entry bans are issued on a case by case basis on all return decisions other than a)

(Yes / No) **Yes**

Q2a. What are according to national legislation in your Member State the grounds for imposing entry bans? Please answer this question by indicating whether the grounds defined in national law include the following listed in the table 3.1 below. In the final column, please add more detailed information on the criteria/indicators used to decide whether particular grounds apply in individual cases:

Table 3.1: Grounds for imposing entry bans

Grounds for imposing entry bans	Yes/No	Please provide information on the criteria/indicators used to decide whether particular grounds apply in individual cases
Risk of absconding ²⁶	No	<p>According to the Final provisions of the LFRB "Risk of absconding" regarding a foreigner whom a compulsory administrative measure under Art. 39a, para 1, Items 2 and 3 (return decision) was imposed exists in the cases, where, on the base of factual data, a grounded presumption that the envisaged person will make an attempt to evade execution of the imposed measure. In this regard, the following may be deemed as such-like factual data: the person cannot be found on the residence address announced, previous public order disturbances, previous convictions of the person, regardless of rehabilitation, the person has not left the country within the prescribed term for voluntary redundancy, the person clearly showed that he or she would not comply with the imposed measure, holds forged documents or no documents, has supplied incorrect information, has already absconded, has not complied with prohibition of entry, etc.</p> <p>However according to the LFRB the risk of absconding is not direct ground for issuing an entry ban. Entry ban can be imposed where the explicit grounds described in cell "Other" of this table exist</p>
The third-country national concerned poses a risk to public policy, public security or national security ²⁷ .	Yes	Third-country national who: with his activities has put or could put in danger the security or the interests of the Bulgarian State or about whom there are data that he acts against the security of the country; with his activities he has discredited the Bulgarian state or has derogated the prestige and the dignity of the Bulgarian people or by his entrance in the country relations of the Republic of Bulgaria with another country could be harmed; there are data that he is a member of a criminal group or organisation or that he implements

²⁶As stipulated in the Return Directive Article 11 (1) (a) in combination with Article 7(4).

²⁷ As stipulated in the Return Directive Article 11 (1) (a) in combination with Article 7(4).

		terrorist activity, smuggling and illegal transactions with arms, explosives, ammunitions, pyrotechnical products, strategic raw materials, products and technologies with double use as well as illegal traffic of anaesthetic and psychotropic substances and precursors and raw materials for their production;. there are data that he implements trade with people and illegal bringing persons in the country and bringing out of the country persons to other states; is sentenced for a committed premeditated crime on the territory of the Republic of Bulgaria which according to the Bulgarian law is sanctioned with a punishment of more than 1 year imprisonment; has made an attempt to enter the country or to pass through it using false or forged documents, visa or residence permit.
The application for legal stay was dismissed as manifestly unfounded or fraudulent ²⁸	Yes	<p>According to the LFRB the grounds for imposing an entry ban to a foreigner are among others:</p> <ul style="list-style-type: none"> - at previous entering and stay he/she has systematically breached the border, the passport - visa, the currency or the customs regime of the Republic of Bulgaria; - indications exists, that the purpose of the crossing the border is to stay in the country as an immigrant without the needed for this special permission; - data exists, that the purpose of his/her entry is to use the country as an transit point for immigration to a third country; - there are reasonable doubts about the authenticity of the attachments to the visa, the veracity of their contents, the reliability of the statements by the foreigner or his/her intention to leave the country before the expiry of the visa he or she applies for.
The obligation to return has not been complied with ²⁹	Yes	Entry ban shall be imposed where the foreign national fails to fulfil his/her obligation to return.
Other (e.g. please indicate and add rows as appropriate)	Yes	The grounds for imposing entry bans are provided by Law for the foreigners in the Republic of Bulgaria (LFRB). Art. 42h of the LFRB stipulates that prohibition of entry and residence in the territory of Member States

²⁸ As stipulated in the Return Directive in Article 11(1)(a) in combination with Article 7(4).

²⁹ As stipulated in the Return Directive Article 11(1)(b).

		<p>of the European Union shall be imposed where:</p> <ol style="list-style-type: none"> 1. the grounds under Art. 10, para 1 of the LFRB exist; 2. no time limit has been given for the person to leave Bulgaria voluntarily under the terms of Art. 39b, para 4 of the LFRB; <p>The referred Art. 39b, para 4 stipulates that the competent authority imposing a return decision shall not provide a term for voluntary departure where the person presents a threat for the national security or for the public order.</p> <ol style="list-style-type: none"> 3. the foreign national fails to fulfil his/her obligation to return. <p>There are a number of grounds provided in the above mentioned Art. 10, para 1 of the LFRB according to which an entry ban shall be imposed to a third country national when:</p> <ol style="list-style-type: none"> 1. with his/her activities he/she has put or could put in danger the security or the interests of the Bulgarian State or about whom there are data that he acts against the security of the country; 2. with his/her activities he/she has discredited the Bulgarian state or has derogated the prestige and the dignity of the Bulgarian people or by his/her entrance in the country relations of the Republic of Bulgaria with another country could be harmed; 3. there are data that he/she is a member of a criminal group or organisation or that he implements terrorist activity, smuggling and illegal transactions with arms, explosives, ammunitions, pyrotechnical products, strategic raw materials, products and technologies with double use as well as illegal traffic of anaesthetic and psychotropic substances and precursors and raw materials for their production; 4. there are data that he/she implements trade with people and illegal bringing persons in the country and bringing out of the country persons to other states; 5. he/she has been expelled from the Republic of Bulgaria sooner than 10 years ago and has not restored in 6 months term after the expel the funds spent for this by the country; 6. he/she is sentenced for a committed premeditated crime on the territory of the Republic of Bulgaria which according to the Bulgarian law is sanctioned with a punishment of more than 1 year
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		<p>imprisonment;</p> <p>7. he/she has made an attempt to enter the country or to pass through it using false or forged documents, visa or residence permit;</p> <p>8. it could be supposed that he/she will disseminate grave infectious disease, suffers from a disease which according to the criteria of the Ministry of health or the World Health Organisation represents a threat for public health or when he does not have a certificate for vaccination, or comes from a region with complicated epidemic or epizootic situation;</p> <p>9. he/she has no ensured maintenance and the necessary obligatory insurances during the stay in the country and funds ensuring opportunity for returning back;</p> <p>10. at previous entering and stay he/she has systematically breached the border, the passport - visa, the currency or the customs regime of the Republic of Bulgaria;</p> <p>11. at previous stay he/she has breached the labour or tax legislation of the country;</p> <p>12. he/she has no visas or tickets for the following countries along the route;</p> <p>13. to the person has been imposed compulsory administrative measure not to enter the country and this measure is in force;</p> <p>14. he/she is included in the informational massif of the unwelcome foreigners in the country;</p> <p>15. applies for an entry visa by a document for final leaving of the territory of another country where he/she has stayed by this moment;</p> <p>16. applies for a visa by invalid document for travelling abroad or by other substituting document.</p> <p>17. does not prove the purpose and terms of the planned stay;</p> <p>18. has already stayed for three months within the current 6-months period on the territory of the Republic of Bulgaria as a holder of a visa as per Art. 14, Para 3 of the LFRB.</p> <p>19. is a person, about who an alert into the Schengen Information System for refusal of permission of entrance has been entered.</p> <p>20. in case of a previous stay in the country, the person have been committing breaches of the public order</p>
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		<p>systematically;</p> <p>21. indications exists, that the purpose of the crossing the border is to stay in the country as an immigrant without the needed for this special permission;</p> <p>22. data exists, that the purpose of his/her entry is to use the country as an transit point for immigration to a third country;</p> <p>23. has submitted a document containing false information or declared false data;</p> <p>24. there are reasonable doubts about the authenticity of the attachments to the visa, the veracity of their contents, the reliability of the statements by the foreigner or his/her intention to leave the country before the expiry of the visa he or she applies for.</p>
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Q2b. What are the national grounds based upon which your Member State can decide **not** to issue an entry ban? Please answer this question by indicating whether the grounds defined in national law include the following listed in the table 3.2 below. In the final column, please add more detailed information on the criteria/indicators used to decide whether particular grounds apply in individual cases:

Table 3.2: Grounds for not imposing entry bans

Grounds for not imposing entry bans	Yes/No	Please provide information on the criteria/indicators used to decide whether particular grounds apply in individual cases
Humanitarian reasons	Yes	<p>Issuance of a visa or of a permission to enter the territory of the Republic of Bulgaria may be done due to humanitarian reasons or where the State interest or execution of international obligations enforce so.</p> <p>Entry ban is one of the so called compulsory administrative measures according to the LFRB. When imposing compulsory administrative measures, the competent official shall take into account the duration of the stay of the foreigner on the territory of the Republic of Bulgaria, the categories of vulnerable persons, presence of proceedings under the Asylum and Refugees Act or of proceedings for renewal of residence permit or of another permit granting right to reside, his family status and the availability of family, cultural and social relations with the country of origin of the person.</p>
Right to family life (Article 8)	Yes	When imposing compulsory

ECHR)		administrative measures, the competent official shall take into account the duration of the stay of the foreigner on the territory of the Republic of Bulgaria, the categories of vulnerable persons, presence of proceedings under the Asylum and Refugees Act or of proceedings for renewal of residence permit or of another permit granting right to reside, his family status and the availability of family, cultural and social relations with the country of origin of the person.
Health reasons	Yes	When imposing compulsory administrative measures, the competent official shall take into account the duration of the stay of the foreigner on the territory of the Republic of Bulgaria, the categories of vulnerable persons, presence of proceedings under the Asylum and Refugees Act or of proceedings for renewal of residence permit or of another permit granting right to reside, his family status and the availability of family, cultural and social relations with the country of origin of the person.

Q3. Please provide a short overview of the categories of third-country national that can be issued an entry ban by completing the table 3.3 below:

Table 3.3: Categories of third-country national who can be issued an entry ban

Categories of third-country national who can be issued an entry ban³⁰	Who comply voluntarily with return decision (Y/N)	Who do not cooperate with return decision (Y/N)
Third-country nationals staying illegally on the territory of a Member State (including residence/visa over-stayers, rejected applicants for international protection, third-country nationals who entered the territory illegally)	Yes	Yes
Third-country nationals who are subject to a refusal of entry in accordance with Article 13 of the Schengen Borders Code	Yes	Yes
Third-country nationals who are apprehended or intercepted by the competent authorities in connection with the irregular crossing by land, sea or air of the external border of a Member State and who have not subsequently obtained an	Yes	Yes

³⁰ Based on Article 2 Return Directive

authorisation or a right to stay in that Member State		
Third-country nationals who are subject to return as a criminal law sanction or as a consequence of a criminal law sanction	Yes	Yes
Other (please indicate and add rows as appropriate)		

Q4. Specify the territorial scope of entry bans that are imposed by your Member State, i.e. do they apply to the entire EU territory or do they only cover the national territory of the Member State? If both types of entry bans can be imposed, please indicate that this is the case.

Until 2013 the entry ban was related to prohibition of entry **in the territory of Republic of Bulgaria**.

An Amendment of the LFRB entered into force in 2013, according to which prohibition of entry and residence **in the territory of Member States of the European Union** shall be imposed where:

1. the grounds under Art. 10, para 1 of the LFRB are present (described in Q2a);
2. no time limit has been given for the person to leave Bulgaria voluntarily under the terms of Art. 39b, para 4 of the LFRB;
3. the foreign national fails to fulfil his/her obligation to return.

The prohibition for entry and residence in the territory of Member States of the European Union shall be valid **for a period of 5 years**. The prohibition for entry and residence in the territory of Member States of the European Union **may be for a period longer than 5 years**, where the person presents a **serious threat for the public order or for the national security**.

However according to the Law the provisions regarding the abovementioned new territorial scope of entry bans – "*prohibition of entry and residence **in the territory of Member States of the European Union***" **shall apply after the entry into force of the decision of the Council of the European Union for the implementation of the Schengen acquis in the Republic of Bulgaria**.

As such a decision has not been issued yet the entry bans imposed by Bulgarian competent authorities have territorial scope that covers **the national territory only**.

From 01.01.2014 to 15.05.2014, 443 entry bans were issued.

Q5. Which institution(s) in your Member State decides whether or not to issue an entry ban on third-country nationals who are the subject of a return decision? Please specify whether this concerns for example the police, border police, immigration service, asylum agency etc.

According to the LFRB compulsory administrative measures (including entry ban) shall be imposed by orders of the Chairman of State Agency "National Security" and the Directors of the Chief Directorates "Border Police" and "National Police", the Directors of the Capital and regional directorates of the Ministry of Interior, the Director of Directorate "Migration", the Directors of the regional directorates "Border Police" at the Ministry of Interior and of officials authorized by them.

SECTION 3.2 PRACTICAL APPLICATION OF ENTRY BANS

Q6. Who informs third-country nationals of the imposition of the entry ban and what procedure is used to convey this information? Please specify

The competent authority that issued the order/decision has the obligation to familiarize the TCN with the imposed order.

Q7. Do third-country nationals who have been imposed an entry ban have the possibility to appeal the decision? (Yes/No) Specify whether this is laid down in national law (make reference to the national legislation and the provision) and specify the concerned court of appeal

Yes.

The general regime of appealing is stipulated in Art.46 of LFRB. According to Art.46 the orders for imposing compulsory administrative measures (including entry ban) can be appealed under the conditions and by the common order of the Administrative Procedure Code. Therefore an entry ban order can be appealed in 14 days before the respective Administrative Court. The decision of the first instance administrative court can be appealed before the Supreme Administrative Court.

There is a more severe regime for entry bans imposed on the ground of Art.10, Para 1, item 1 - "person who with his/her activities has put or could put in danger the security or the interests of the Bulgarian State or about whom there are data that he/she acts against the security of the country". These entry bans are subject to immediate fulfilment. For entry ban imposed on such a ground there is also more severe regime for appealing as such an entry ban shall be subject to appeal before the Supreme Administrative Court, whose decision shall be final.

Q8. Please indicate whether entry bans can be withdrawn or suspended in your Member State, specifying the categories of third country national who may be withdrawn/suspended from an entry ban, and explain the circumstances or reasons for this by filling out the table 3.4 below:

Table 3.4: withdrawal and suspension of entry bans

Categories of third-country national who can be exempted from an entry ban	Entry ban can be withdrawn or suspended (Y/N)	If yes, please provide information on the criteria/indicators used
Third-country nationals who can demonstrate that they have left the territory of the member State in full compliance with a return decision	Yes	According to Art.68, Para 2 if the Implementing Rules of the LFRB the competent authorities may revoke or suspend implementation of compulsory administrative measure - prohibition of entry in cases where the alien prove that he/she has left the territory of the Republic of Bulgaria in accordance with the prescribed term for voluntary departure.
Victims of trafficking in human beings who have been granted a residence permit pursuant to Council Directive 2004/81/EC (provided they do not represent a threat to public policy, public security or national security)	Yes	At the discretion of the competent authority, taking into account the specifics of each case.
Minors	Yes	When imposing compulsory administrative measures, the competent official shall take into account the duration of the stay of the foreigner on the territory of the Republic of Bulgaria, the categories of vulnerable persons , presence of proceedings under the Asylum and Refugees Act or of proceedings for renewal of residence permit or of another permit granting right to reside, his family status and the availability of family, cultural and social relations with the country of origin of the person.

Unaccompanied Minors	Yes	When imposing compulsory administrative measures, the competent official shall take into account the duration of the stay of the foreigner on the territory of the Republic of Bulgaria, the categories of vulnerable persons , presence of proceedings under the Asylum and Refugees Act or of proceedings for renewal of residence permit or of another permit granting right to reside, his family status and the availability of family, cultural and social relations with the country of origin of the person.
Disabled people	Yes	When imposing compulsory administrative measures, the competent official shall take into account the duration of the stay of the foreigner on the territory of the Republic of Bulgaria, the categories of vulnerable persons , presence of proceedings under the Asylum and Refugees Act or of proceedings for renewal of residence permit or of another permit granting right to reside, his family status and the availability of family, cultural and social relations with the country of origin of the person.
Elderly people	Yes	When imposing compulsory administrative measures, the competent official shall take into account the duration of the stay of the foreigner on the territory of the Republic of Bulgaria, the categories of vulnerable persons , presence of proceedings under the Asylum and Refugees Act or of proceedings for renewal of residence permit or of another permit granting right to reside, his family status and the availability of family, cultural and social relations with the country of origin of the person.

Pregnant women	Yes	When imposing compulsory administrative measures, the competent official shall take into account the duration of the stay of the foreigner on the territory of the Republic of Bulgaria, the categories of vulnerable persons , presence of proceedings under the Asylum and Refugees Act or of proceedings for renewal of residence permit or of another permit granting right to reside, his family status and the availability of family, cultural and social relations with the country of origin of the person.
Single parents with minor children	Yes	When imposing compulsory administrative measures, the competent official shall take into account the duration of the stay of the foreigner on the territory of the Republic of Bulgaria, the categories of vulnerable persons, presence of proceedings under the Asylum and Refugees Act or of proceedings for renewal of residence permit or of another permit granting right to reside, his family status and the availability of family, cultural and social relations with the country of origin of the person.
Persons with serious illness	Yes	When imposing compulsory administrative measures, the competent official shall take into account the duration of the stay of the foreigner on the territory of the Republic of Bulgaria, the categories of vulnerable persons , presence of proceedings under the Asylum and Refugees Act or of proceedings for renewal of residence permit or of another permit granting right to reside, his family status and the availability of family, cultural and social relations with the country of origin of the person.

Persons with mental disorders	Yes	When imposing compulsory administrative measures, the competent official shall take into account the duration of the stay of the foreigner on the territory of the Republic of Bulgaria, the categories of vulnerable persons , presence of proceedings under the Asylum and Refugees Act or of proceedings for renewal of residence permit or of another permit granting right to reside, his family status and the availability of family, cultural and social relations with the country of origin of the person.
Persons who have been subjected to torture, rape, or other serious forms of psychological, physical or sexual violence (e.g. victims of female genital mutilation)	Yes	When imposing compulsory administrative measures, the competent official shall take into account the duration of the stay of the foreigner on the territory of the Republic of Bulgaria, the categories of vulnerable persons , presence of proceedings under the Asylum and Refugees Act or of proceedings for renewal of residence permit or of another permit granting right to reside, his family status and the availability of family, cultural and social relations with the country of origin of the person.
Other humanitarian reasons, (please indicate and add rows as appropriate)	Yes	<p>Issuance of a visa or of a permission to enter the territory of the Republic of Bulgaria may be done due to humanitarian reasons or where the State interest or execution of international obligations enforce so.</p> <p>Entry ban is one of the so called compulsory administrative measures according to the LFRB. When considering to revoke or suspend the implementation of compulsory administrative measure, the competent official shall take into account the duration of the stay of the foreigner on the territory of the Republic of Bulgaria, the categories of vulnerable persons, presence of proceedings under the Asylum and Refugees Act or of proceedings for renewal of residence permit or of another permit granting right to reside, his family status and the availability of family, cultural and social relations with the country of origin of the person.</p>

Other individual cases or certain categories of cases for other reasons (please indicate and add rows as appropriate)	N/A	
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Q9. Is the institution responsible for the imposition of the entry ban the same as the authority that is competent to decide on withdrawal/suspension? Yes/ No. **Yes**

If not, or in case other actors are involved, please specify which ones and comment on the cooperation between the two actors.

Under the national legislation, the authority which issued the order imposing an entry ban may at its discretion and in the event of new facts and circumstances reconsider its decision.

There is another option for withdrawal provided in the national legislation as the entry ban order is subject to judicial review under the order and in terms of the Administrative Procedure Code.

SECTION 3.3 COOPERATION BETWEEN MEMBER STATES

Q10. Does your Member State enter an alert into the SIS when an entry ban has been imposed on a third-country national? (e.g. see Article 24 (3) of Regulation No 1987/2006 – SIS)? (Yes/No) Yes

Please specify whether;

- a) Alerts are entered into the SIS as standard practice
- b) Alerts are entered into the SIS on a regular basis
- c) Alerts are entered into the SIS on a case-by-case basis

Alerts shall be entered as standard practice as according to Art. 44c. of the LFRB alerts for refusal shall be entered into the Schengen Information System on the grounds of entered into force:

1. refusals , issued on the grounds of Art. 10, Para 1, items 1-4, 11, 14, 16, 20-22 and Art. 26 of the LFRB
2. orders for imposture of compulsory administrative measures under Art. 39a, Items 1-4 of the LFRB. **(including entry bans).**

However Republic of Bulgaria is currently not a member of the Shengen area and apply national signal "entry ban in the Republic of Bulgaria". Currently Shengen alerts "entry ban" are for information only. According to the Law for the Foreigners in the Republic of Bulgaria the entry ban "prohibition to enter and reside on the territory of Member States" for a period of 5 years will be applied after the entry into force of the decision of the EU Council for the full implementation of the provisions of the Schengen acquis in the Republic of Bulgaria.

Thus according to Para 5 of the Final Provisions of the ORDINANCE № 2727 of 16 November 2010 on the organization and functioning of the National Schengen Information System of the Republic of Bulgaria, "Provisions establishing, updating, deleting and implementation of actions to implement the alerts to third country nationals under Art. 4, para. 1, item 2, 2a and 2b will apply after the entry into force of a decision of the European Council for the full implementation of the Schengen acquis in Bulgaria"

According to Art.4, Para 1, points 2,2a and 2b of the abovementioned Ordinance alerts shall be processed in NSIS for the following categories of persons

- The third country nationals that has refused entry pursuant to Art. 44c of the Law for the Foreigners in the Republic of Bulgaria (Article 24 of Regulation (EC) № 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the Schengen Information System II (SIS II) ;
- The third country nationals who enjoy rights of free movement within the European Union, which has refused entry because of a serious threat to national security or evidence of committing acts against national security or public order (Article 25 of Regulation (EC) № 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the Schengen Information system II (SIS II);
- The third country that has a restrictive measure taken in order to prevent the entry into or transit through the territory of the Member States in accordance with the Treaty European Union, including a travel ban issued by the Security Council of the United Nations (Article 26 of Regulation (EC) № 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment,

operation and use Schengen Information system II (SIS II);

Q11a. Does your Member State share information on the use of entry bans with other Member States? (Yes/No)

- | | | |
|--|----------|-----|
| a) Your Member State exchanges information as a standard practice | Yes / No | Yes |
| b) Your Member State exchanges information on a regular basis | Yes / No | No |
| c) Your Member State exchanges information on a case-by-case basis | Yes / No | Yes |

Bulgaria exchanges information as a standard practice as well as on a case-by-case basis

Q11b. What type of information is shared with other Member States? Please indicate whether any or all of the following types of information are shared:

- a) Number of entry bans imposed (Yes/No) Yes
- b) Identity of the individuals who have been imposed an entry bans (Yes/No) Yes
- c) Reasons for imposing the entry bans (Yes/No) Yes
- d) Decision to withdraw an entry ban and reasons for this (Yes/No) Yes
- e) Decision to suspend an entry ban and reasons for this (Yes/No) Yes
- f) Any other information (please specify)

However Republic of Bulgaria is currently not a member of the Schengen area and apply national signal "entry ban in the Republic of Bulgaria". Currently Schengen alerts "entry ban" are for information only.

Q11c. How is information shared with other Member States? Please provide an overview of the existing mechanisms to share information (e.g. via the Schengen Information System, bilateral exchange of information either face-to-face, over the telephone, via e-mail, other?)

via the Schengen Information System

Q12a. Article 11 (4) stipulates that "where a Member State is considering issuing a residence permit or other authorisation offering a right to stay to a third-country national who is the subject of an entry ban issued by another Member State, it shall first consult the Member State having issued the entry ban and shall take account of its interests in accordance with Article 25 of the Convention implementing the Schengen Agreement". Please describe the processes how these consultations take place; indicate which authorities are involved as well as the method of consultation.

Coordination procedures are performed by SIRENE bureau, for which an appropriate mechanism for interaction is developed and implemented.

Q12b. Has your Member State ever issued a residence permit or any other authorisation offering a right to stay to a third-country national who is the subject of an entry ban imposed by another Member State? (Yes/No); If yes, please indicate the number of residence permits issued to third-country nationals in these circumstances.

No

Q12c. In case your Member State has issued a residence permit or any other authorisation offering a right to stay to a third-country national who is the subject of an entry ban imposed by another Member State, please specify the circumstances based on which such decisions were taken.

N/A

SECTION 3.4 EFFECTIVENESS OF ENTRY BANS

Q13. Has your Member State conducted any evaluations of the effectiveness of entry bans? (Yes/No) **NO**

No If yes, please provide any results pertaining to the issues listed in the table 3.5 below. The full bibliographical references of the evaluations can be included in an Annex to the national report.

3.5: Entry ban's effectiveness

Aspects of the effectiveness of entry bans	Explored in national evaluations (Y/N)	Main findings
Contribute to preventing re-entry	No	
Contribute to ensuring compliance with voluntary return ³¹	No	
Cost-effectiveness of entry bans	No	
Other aspects of effectiveness (please specify)	N/A	

Q14. The following indicators have been developed in order to measure the effectiveness of entry bans as a means for enhancing the ability of (Member) States to carry out sustainable returns, or provide proxy measures of their effectiveness. If your Member State collects any statistics that would permit the population of these indicators, please indicate this is the case and provide the statistics for the last 5 years. The statistics should be provided as a total number from January 1st until December 31st of each year.

Table 3.6: National statistics on entry bans

Indicators (refer to 12 month period, if possible data should be disaggregated by category of third-country national)	Y/N	2009	2010	2011	2012	2013
Number of entry bans imposed	Yes	1274	718	1610	1054	849
Number of decisions to withdraw an entry ban	Yes	3	3	1	5	3
Number of decisions to suspend an entry ban	No					
Number of persons who are the subject of an entry ban who have been re-apprehended inside the territory (not at the border)	No					
Proportion of persons issued an entry ban who have returned voluntarily – out of	No	There is no such a statistic available.				

³¹ i.e. to what extent does the graduated approach (withdrawal or suspension of the entry ban) contribute to encouraging third-country nationals to return voluntarily?

the total number of persons that were issued an entry ban		
Proportion of persons who were not issued an entry ban who have returned voluntarily – out of the total number of persons that were imposed a return decision	No	There is no such a statistic available.

Q15. Please indicate whether your Member State has encountered any of the following challenges in the implementation of entry bans and briefly explain how they affect the ability of entry bans to contribute to effective returns.

Table 3.7: Practical challenges for the implementation of entry bans

Challenges associated with entry bans	Y/N	Reasons
It is difficult to ensure compliance with entry bans on the part of the third-country national concerned	No	
It is difficult to monitor compliance with entry bans	No	
It is difficult to secure the cooperation of other MS in the implementation of entry bans ³²	No	
It is difficult to secure the cooperation of the country of origin in the implementation of entry bans	Yes	In some cases it is difficult to secure the cooperation of the country of origin in the implementation of entry bans
Other challenges (please specify and add rows as necessary)	N/A	

Q16. Please describe any examples of good practice in your (Member) State’s implementation of entry bans, identifying as far as possible the reasons why the practice in question is considered successful. *In the synthesis report, these good practices will be compared and those which appear most transferrable to other Member States will be highlighted.*

The national authorities do not declare any good practice.

Section 4. Readmission agreements³³ (maximum 10 pages)

This section investigates the practical application of EU and separate bi-lateral readmission agreements of EU Member States with third countries. In particular, it attempts to ascertain how frequently EU and bi-lateral readmission agreements are used, any practical challenges Member States have experienced when carrying out return on the basis of readmission agreements and to what extent readmission agreements have been effective in ensuring the removal of irregular third-country nationals.

³² This could for example relate to problems in the use of the Schengen Information System, and/or the lack of a common system.
³³ Please note that this Section only concerns readmission agreements with third countries and that any other readmission agreements with EEA countries are outside the scope.

SECTION 4.1 INSTITUTIONAL SET-UP

Q17. Which authority is responsible for making applications for readmission to third countries in individual cases of forced and or voluntary return?

According to the national legislation General Directorate Border Police at the Ministry of Interior is the competent authority for the implementation of readmission agreements and is responsible for the implementation of activities under acceptance, delivery and escort of persons to and from the border of the neighbouring countries of Bulgaria. It is regulated in Art.52b Para 2 point 6 of the Law for the Ministry of Interior which stipulates that General Directorate Border Police shall carry out activities, related among others to: "accepting and transferring violators of the regime of entering and residence from and to other states in accordance with a law and or international agreement, which the Republic of Bulgaria is a party to".

At present, implementation of the readmission agreements with neighbouring countries is performed entirely by General Directorate Border Police as regard both the administrative processing of requests for readmission and the actual accepting or transferring of persons. In the process of implementation of readmission agreements with countries that are not neighbouring countries, part of the administrative work for the preparation of the case is made by the General Directorate Border Police and actual transferring of persons is carried out by the Migration Directorate at the Ministry of Interior. The Migration Directorate competencies in the area are regulated in Art.52g Para 2 item 3 of the Law for the Ministry of Interior which stipulates that Migration Directorate shall carry out activities among others for: "accompanying foreigners subject to expelling from the country or to compulsory leading to the border of the Republic of Bulgaria in compliance with a law or international agreement, to which the Republic of Bulgaria is a party".

SECTION 4.2 EU READMISSION AGREEMENTS

Q18. Please provide any available statistics on the number of readmission applications that your Member State has submitted on the basis of **EU readmission agreements**. In Table 4.1 you are required to provide statistics on the total number of all readmission applications made based on EURAs. In table 4.2, 4.3 and 4.4 you are required to only provide statistics for the three third countries to which most readmission applications are made. These statistics are to be provided separately for each third country by filling out table 4.1, 4.2 and 4.3 below. Please distinguish, if possible, between own nationals and third-country nationals or stateless persons.

Table 4.1: National Statistics on the total number of readmission applications under EU Readmission Agreements

	Total number of readmission applications made based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	-	3	4	8	-	-	-	-
Own nationals	-	3	4	8	-	-	-	-
Third-country nationals (including stateless persons)	-	-	-	-	-	-	-	-

Table 4.2: National Statistics on the number of readmission applications made under EU Readmission Agreement to third country 1 (Georgia)

	Number of readmission applications made to third country 1 based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	-	1	4	8	-	-	-	-
Own nationals	-	1	4	8	-	-	-	-
Third-country nationals (including stateless persons)	-	-	-	-	-	-	-	-

Table 4.3: National Statistics on the number of readmission applications made under EU Readmission Agreement to third country 2 (Russia)

	Number of readmission applications made to third country 2 based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	-	1	-	-	-	-	-	-

Own nationals	-	1	-	-	-	-	-	-
Third-country nationals (including stateless persons)	-	-	-	-	-	-	-	-

Table 4.4: National Statistics on the number of returns under EU Readmission Agreement to third country 3 (Albania)

	Number of readmission applications made to third country 3 based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	-	1	-	-	-	-	-	-
Own nationals	-	1	-	-	-	-	-	-
Third-country nationals (including stateless persons)	-	-	-	-	-	-	-	-

Q19. Has your (Member) State experienced any practical obstacles when implementing EU Readmission Agreements? Please answer this question by filling in the table below. Please specify in your answer whether problems are of a general nature and/or only experienced in relation to certain third countries. In case particular problems are experienced only in relation to specific third countries, please indicate which third countries these are (the latter is optional).

Table 4.4 Practical obstacles for the implementation of EU Readmission Agreements

Practical obstacles associated with EU readmission agreements	Yes/No	If yes, please specify whether only in relation to a specific third country, or more of general nature. Also illustrate the obstacle with an example in this column
Countries of origin do not cooperate in general	No	So far with the exception of one application for readmission with Armenia national authorities did not experience obstacles to the implementation of EU readmission agreements
Countries do not respect the deadlines	No	
Countries do not cooperate in relation to readmission applications of third-country nationals (as opposed to own nationals)	No	
Countries do not cooperate in relation to readmission applications of stateless persons (as opposed to own nationals)	No	
Countries do not issue travel document to enable readmission/return	No	
Gaps in own (Member) State's administrative capacity to implement readmission agreement	No	
Other obstacles (please add columns as necessary)	No	

Q20. Has your (Member) State conducted any evaluations of the effectiveness of EU and/or its bilateral readmission agreements? **(NO)**

If yes, what issues have the evaluations covered? Please provide any results pertaining to:

Table 4.5 Findings of the evaluations of EU Readmission Agreements carried out by your MS (if applicable)

Aspects of effectiveness	Covered in national evaluations (Y/N)	Main findings
Recognition rates of readmission applications	NO	No studies on the effectiveness of EU readmission agreements were carried out
Other (please indicate and add rows as necessary)	N/A	

Q21. The following indicators have been developed in order to provide (proxy) measures of the effectiveness of EU and bilateral readmission agreements. If your Member State collects any statistics that would permit the population of these indicators, please indicate this is the case and provide the statistics for the last 5 years

Table 4.6: Indicators measuring the effectiveness of EU Readmission Agreements

Indicators (refer to 12 month period, if possible data should be disaggregated by own nationals and third country nationals, including stateless persons)	2009	2010	2011	2012	2013
Number of readmission applications sent	-	-	3	4	9
Number of readmission applications that received a positive reply	-	-	3	4	8
Number of requests for travel documents in the context of a readmission application	-	-	3	4	8
Number of travel documents issued by third country after the positive reply	-	-	3	4	8
Number of persons who were effectively returned	-	-	3	4	8

Q22. Please provide an assessment of the added value of the EU Readmission Agreements in facilitating the effective returns in comparison with the period before the EU Readmission Agreements were concluded.

Effective implementation of agreements for readmission of persons residing without authorization is a regulatory factor in the fight against irregular migration within the EU. Readmission is an instrument for implementation of an effective return policy, thus the common European readmission policy of signing such agreements and their implementation should be target for each EU Member State.

After the accession of Bulgaria in the EU in 2007, the country implemented readmission agreements concluded between the EU and third countries, entered into force.

Regarding to EURAs Bulgaria has signed Protocols for the implementation of EU readmission agreements with: Russia, Macedonia, Bosnia and Herzegovina, Montenegro, Serbia, Georgia, Moldova and Albania as follows:

- Protocol between the Government of the Republic of Bulgaria and the Government of the Republic of Serbia for Implementation of the Agreement between the European Community and the Republic of Serbia on the readmission of persons illegally residing (Approved by Decision № 6 of January 12, 2012 of the Council of Ministers. Effective since November 12, 2013)
- Executive Protocol between the Government of the Republic of Bulgaria and the Government of the Russian Federation for Implementation of the Agreement Between the European Community and the Russian Federation for Readmission of Persons of 25 May 2006 (Approved by Decision № 860 of October 19, 2012 of the Council of Ministers. Effective since November 15, 2012)
- Protocol between the Government of the Republic of Bulgaria and the Government of the Republic of

Moldova for Implementation of the Agreement Between the European Community and Moldova on Readmission of Persons Residing without Authorization (Approved by Decision № 19 of January 13, 2012 of the Council of Ministers. Effective since September 11, 2012)

- Protocol between the Ministry of Interior of the Republic of Bulgaria and the Ministry of Interior of the Republic of Macedonia for the Implementation of the Agreement between the European Community and the Former Yugoslav Republic Of Macedonia on the Readmission of Persons Residing Without Authorization (Approved by Decision № 886 of December 7, 2011 of the Council of Ministers. Effective since February 3, 2012)
- Protocol between the Ministry of Interior of the Republic of Bulgaria and the Ministry of Interior of the Republic of Albania for Implementation of the Agreement between the European Community and Republic of Albania on the readmission of persons residing without authorization (Approved by Decision № 236 of April 18, 2013 of the Council of Ministers. Effective since September 23, 2013)

Number of readmission applications sent under EURAs is quite limited to be base for assessment of overall added value of the EURAs.

As main part of irregular migrants enter into Bulgaria via Turkey both at BCPs and through land border Bulgaria highly appreciates the newly signed EURA with Turkey. It may significantly improve the process of removals once it is ratified by relevant bodies.

SECTION 4.3 SEPARATE BILATERAL READMISSION AGREEMENTS

Q23. Does your Member State have any separate bilateral readmission agreements in place with third countries? (Yes/No) **Yes**

If yes, please indicate the number of agreements, the third countries concerned, the date of the agreement, and the date of its entry into force

Republic of Bulgaria has signed 36 intergovernmental agreements on the readmission of persons residing without authorization including with the following 9 third countries:

- Republic of Lebanon, approved by Decision № 383 of May 26, 2003 of the Council of Ministers. Effective since July 3, 2003)
- Republic of Albania, approved by Decision № 545 of August 19, 2002 the Council of Ministers. Effective December 4, 2002
- Republic of Armenia, approved by Decision № 78 of February 13, 2008 of the Council of Ministers. Effective since July 1, 2008
- Republic of Georgia, approved by Decision № 400 of June 13, 2002 of the Council of Ministers. Effective since March 14, 2003
- Republic of Uzbekistan, approved by Decision № 114 of 24 February 2004 of the Council of Ministers. Effective since April 1, 2004)
- Ukraine, approved by Decision № 431 of June 24, 2002 of the Council of Ministers. Effective since August 2, 2002
- FYROM, approved by Decision № 266 of April 26, 2002 of the Council of Ministers. Effective since June 19, 2002)
- Bosnia and Herzegovina, approved by Decision № 447 of June 15, 2006 of the Council of Ministers. Effective since January 5, 2007
- Republic of Kosovo, approved by Decision № 737 of September 11, 2012 of the Council of Ministers. Effective since October 26, 2012

Statistic provided by the General Directorate Border Police as regard readmission under bilateral agreements show that:

In 2010 under bilateral readmission agreements:

- 126 persons are transferred to Republic of Greece from the following third countries: Afghanistan - 97; Israel Palestinian territory - 9; Somalia - 4; Others - 16;
- 6 persons are transferred to the Republic of Macedonia from the following third countries: Macedonia - 3; Kosovo - 2; Serbia - 1.
- 2 Serbian citizens are transferred to the Republic of Serbia;
- 4 persons are transferred to Romania from the following third countries - India - 2; Peru - 1; Ukraine -1.

In 2011 under bilateral readmission agreements:

- 296 persons are transferred to Republic of Greece from the following third countries: Afghanistan - 106; Iraq - 63; Pakistan - 47; Bangladesh - 25; Palestine - 10; Others - 45
- 5 persons are transferred to the Republic of Macedonia from the following third countries: Kosovo - 4; Serbia - 1
- 1 Serbian citizen is transferred to the Republic of Serbia;
- 2 persons are transferred to Romania from the following third countries - Iran - 1; Afghanistan - 1;

In 2012 under bilateral readmission agreements:

- 221 persons are transferred to Republic of Greece from the following third countries: Afghanistan - 75; Algeria - 43; Pakistan - 23; Morocco - 22; Syria - 17; Others - 41
- 14 persons are transferred to the Republic of Macedonia from the following third countries: Macedonia - 10; Kosovo - 3; Albania - 1
- 3 persons are transferred to the Republic of Serbia from the following third countries: Serbia -1; Ukraine -2.
- 1 person is transferred to Romania from Iran - 1;

In 2013 under bilateral readmission agreements:

- 54 persons are transferred to Republic of Greece from the following third countries: Somalia - 16; Pakistan - 12; Syria - 10; Albania - 5; Afghanistan - 2; Bangladesh -2; Iraq-2; Mali-2; Iran-1; Sudan-1, Palestine - 1
- 25 persons are transferred to the Republic of Macedonia from the following third countries: Macedonia - 13; Kosovo - 4; Albania - 7; Pakistan -1
- 11 persons are transferred to the Republic of Serbia from the following third countries: Serbia -7; Syria -2; Cuba -1; Kosovo -1.
- 1 person is transferred to Romania from Russia - 1.

Q24. Please provide any available statistics on the number of readmission applications that your Member State has submitted on the basis of separate **bilateral readmission agreements**. Please only provide such statistics for the three third countries to which most readmission applications are made. The statistics are to be provided separately for each third country by filling out tables 4.7, 4.8, and 4.9. Please distinguish, if possible, between own nationals and third-country nationals or stateless persons. If there have been any instances of voluntary return under the separate bilateral readmission agreements, please indicate this in the last column of the tables:

Table 4.7: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 1 (Macedonia).

	Number of readmission applications made to third country 1 based on separate bilateral readmission agreements				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	6	5	14	25	-	-	-	-
Own nationals	3	0	10	13	-	-	-	-
Third-country nationals (including stateless persons)	3	5	4	12	-	-	-	-

Table 4.8: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 2 (Serbia).

National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 2 (specify the country concerned).	Number of readmission applications made to third country 2 based on separate bilateral readmission agreements				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	2	5	3	11	-	-	-	-
Own nationals	2	1	1	7	-	-	-	-
Third-country nationals (including stateless persons)	0	4	2	4	-	-	-	-

Table 4.9: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 3 (N/A).

National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 3 (specify the country concerned).	Number of readmission applications made to third country 3 based on separate bilateral readmission agreements				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers								
Own nationals								
Third-country nationals (including stateless persons)								

Q25. Please indicate the most common problems encountered in the implementation of separate bilateral readmission agreements by filling in the table 4.10 below. Please indicate whether problems are of general nature or whether these are only experienced in relation to specific third countries. In case particular problems are experienced only in relation to specific third countries, please indicate which third countries these are (the latter is optional).

Table 4.10: Practical obstacles experienced under separate bilateral readmission agreements

Practical obstacles associated with separate bilateral readmission agreements	Yes/No	If yes, please specify whether only in relation to a specific third country, or more of general nature. Also illustrate the obstacle with an example in this column
Countries of origin do not cooperate in general	No	So far the national authorities did not experience obstacles to the implementation of bilateral readmission agreements
Countries do not respect the deadlines	No	
Countries do not cooperate in relation to readmission applications of third-country nationals (as opposed to own nationals)	No	
Countries do not cooperate in relation to readmission applications of stateless persons (as opposed to own nationals)	No	
Countries do not issue travel document to enable readmission/return	No	
Gaps in own (Member) State's administrative capacity to implement readmission agreement	No	
Other obstacles (please add columns as necessary)	No	

Q26. Do any of the separate bilateral readmission agreements signed by your (Member) State include an article encouraging both Parties to promote the use of voluntary return? If yes, please indicate with which countries these agreements have been signed. If no, please confirm whether the agreements focus exclusively on readmission cases involving forced returns.

In the recital of the readmission agreement signed between Bulgaria and Kosovo there is statements that parties "Affirm their willingness to promote voluntary return and to facilitate the reintegration of the persons".

Q27. Does your Member State prefer to use separate bilateral readmission agreements instead of EU Readmission agreements with particular third countries? **NO**

If yes, please indicate with which third countries and the reasons for this.

N/A

Q28. Has your (Member) State conducted any evaluations of the effectiveness of separate bi-lateral readmission agreements? **NO**

If yes, what issues have the evaluations covered? Please provide any results pertaining to:

Table 4.11: Evaluations on separate bilateral readmission agreements

Aspects of effectiveness	Covered in national evaluations (Y/N)	Main findings
Recognition rates of readmission applications	No	No studies on the effectiveness of bilateral readmission agreements were carried out
Other (please indicate and add rows as necessary)	N/A	

Q29. The following indicators have been developed in order to provide (proxy) measures of the effectiveness of separate bilateral readmission agreements. Please provide the statistics for the three third countries to which most readmission applications are made on the basis of such agreements – these should be provided in a separate table for each of the third countries concerned (third country 1 in table 4.12; third country 2 in table 4.13; and third country 3 in table 4.14). If your Member State collects any statistics that would permit the population of these indicators, please indicate this is the case and provide the statistics for the last 5 years.

Table 4.12: Indicators measuring the effectiveness of separate bilateral readmission agreement with third country 1 (Macedonia)

Indicators	2009	2010	2011	2012	2013
(Refer to 12 month period for readmission applications made to third country 1. If possible data should be disaggregated by own nationals and third country nationals, including stateless persons)					
Number of readmission applications sent		6	5	14	25
Number of readmission applications that received a positive reply		6	5	14	25
Number of requests for travel documents in the context of a readmission application		-	-	-	-
Number of travel documents issued by third country after the positive reply		-	-	-	-
Number of persons who were effectively returned		6	5	14	25

Table 4.13: Indicators measuring the effectiveness of separate bilateral readmission agreement with third country 2 (Serbia)

Indicators	2009	2010	2011	2012	2013
(Refer to 12 month period for readmission applications made to third country 2. If possible data should be disaggregated by own nationals and third country					

nationals, including stateless persons)					
Number of readmission applications sent		2	5	3	11
Number of readmission applications that received a positive reply		2	5	3	11
Number of requests for travel documents in the context of a readmission application		-	-	-	-
Number of travel documents issued by third country after the positive reply		-	-	-	-
Number of persons who were effectively returned		2	5	3	11

Table 4.14: Indicators measuring the effectiveness of separate bilateral readmission agreement with third country 3 (N/A)

Indicators (Refer to 12 month period for readmission applications made to third country 3. If possible data should be disaggregated by own nationals and third country nationals, including stateless persons)	2009	2010	2011	2012	2013
Number of readmission applications sent					
Number of readmission applications that received a positive reply					
Number of requests for travel documents in the context of a readmission application					
Number of travel documents issued by third country after the positive reply					
Number of persons who were effectively returned					

Q30. Please provide an assessment of the added value of the separate bilateral readmission agreements in facilitating effective returns in comparison with the period before the separate bilateral readmission agreements were concluded. Please only provide this assessment for the separate bilateral readmission agreements conducted with the three third countries to which most readmission applications are made.

As Bulgaria applies readmissions mainly with neighbouring countries there is no ground to assess added value of the bilateral readmission agreements signed.

Section 5. Entry bans and readmission agreements: understanding the synergies with reintegration assistance (maximum 3 pages)

In view of the important role that reintegration assistance can play in ensuring the sustainability of returns, this section examines the dependencies that might exist between entry bans and readmission agreements, on the one hand, and reintegration assistance, on the other hand; it also explores the extent to which decision-makers in charge of issuing entry bans and making readmission applications cooperate with the officials in charge of granting

/ administering reintegration assistance. The answers to these questions will be used in the Synthesis Report to determine whether greater cooperation between the relevant authorities would lead to better outcomes for sustainable return.

Q31. Do the authorities in charge of imposing an entry ban subsequently consult with and/or inform the authorities in the concerned third country to which the individual is to be returned? If yes, at which stage in the process of imposing an entry ban is the third country consulted/informed? And if yes, do third countries subsequently impose travel bans on third-country nationals who were imposed an entry ban?

No

Q32. Is it possible in your (Member) State for returnees who have been the subject of an entry ban to apply for re-integration assistance? (Yes/No) **Yes**

If yes, please indicate in which circumstances.

The reintegration assistance in Bulgaria is provided only by IOM under assisted voluntary return and reintegration programmes funded mainly under European Return Fund.
Persons imposed with entry bans are not excluded from possible beneficiaries of reintegration assistance in the IOM programmes.

Q33. (If answered yes to question 32), are the competent authorities involved in making decisions about the use of entry bans and granting of re-integration assistance the same? **NO**.

Q34. (If answered no to question 33), have any formal cooperation mechanisms been set up to facilitate coordination? (e.g. Protocols, contracts, conventions, working arrangements, etc.). Yes/No. If yes, please describe.

IOM and Ministry of Interior have signed a Memorandum of understanding for facilitation of Assisted Voluntary Return and Reintegration

Q35. (If answered no to question 34), do the competent authorities consult with each other when making decisions? If yes, do these consultations take place on a regular basis as a standard practice, or are consultations only made on very few/exceptional occasions?

There is no consultations regarding provision of reintegration assistance to persons imposed with entry ban

Q36. Does your (Member) State offer re-integration assistance to returnees who have been removed on the basis of a readmission agreement? Yes/No. **No**

If yes, please indicate in which circumstances.

The reintegration assistance in Bulgaria is provided only by IOM under assisted voluntary return and reintegration programmes.

Q37. (If answered yes to question 36), are the competent authorities involved in making readmission applications and granting re-integration assistance the same? Yes/No.

No

Q38. (If answered no to question 37), have any formal cooperation mechanisms been set up to facilitate coordination? (e.g. Protocols, contracts, conventions, working arrangements, etc.). Yes/No. Yes

If yes, please describe.

IOM and Ministry of Interior signed a Memorandum of understanding for facilitation of AVRR

Q.39(If answered no to question 38), do the competent authorities consult with each other when making decisions? If yes, do these consultations take place on a regular basis as a standard practice, or are consultations only made on very few / exceptional occasions?

N/A

Section 6. Statistics

Contextual statistics on number of returns, etc. may be added to this section (besides the specific statistics requested in the body of the report to populate the effectiveness indicators). The statistics working group will also be consulted about this possibility.

Contextual statistic for Bulgaria is provided in the table below:

	2008	2009	2010	2011	2012	2013
Third country nationals refused entry at the external borders	4 060	3 030	3 070	2 810	3 070	2 550
Third country nationals found to be illegally present	1 415	1 465	1 705	1 355	2 050	5 260
Asylum and new asylum applicants	745	855	1 025	890	1 385	7 145
Third country nationals ordered to leave	1 405	1 465	1 705	1 355	2 050	5 260
Third country nationals returned following an order to leave	275	285	295	665	835	1 100
Third country nationals returned under assisted voluntary return programmes	0	30	5	77	51	162
Third country nationals provided with reintegration assistance under assisted voluntary return programmes	0	0	0	27	19	47

Section 7. Key findings/conclusions

The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policymakers at national and EU level.

Entry bans

The grounds for imposing entry bans are provided by Law for the foreigners in the Republic of Bulgaria (LFRB). Art. 42h of the LFRB stipulates that prohibition of entry and residence in the territory of Member States of the European Union shall be imposed where:

- 1. the grounds under Art. 10, para 1 of the LFRB exist;**
- 2. no time limit has been given for the person to leave Bulgaria voluntarily under the terms of Art. 39b, para 4 of the LFRB;**

The referred Art. 39b, para 4 stipulates that the competent authority imposing a return decision shall not provide a term for voluntary departure where the person presents a threat for the national security or for the public order.

- 3. the foreign national fails to fulfil his/her obligation to return.**

There are a number of grounds provided in the above mentioned Art. 10, para 1 of the LFRB according to which an entry ban shall be imposed to a third country national when:

1. with his/her activities he/she has put or could put in danger the security or the interests of the Bulgarian State or about whom there are data that he acts against the security of the country;
2. with his/her activities he/she has discredited the Bulgarian state or has derogated the prestige and the dignity of the Bulgarian people or by his/her entrance in the country relations of the Republic of Bulgaria with another country could be harmed;
3. there are data that he/she is a member of a criminal group or organisation or that he implements terrorist activity, smuggling and illegal transactions with arms, explosives, ammunitions, pyrotechnical products, strategic raw materials, products and technologies with double use as well as illegal traffic of anaesthetic and psychotropic substances and precursors and raw materials for their production;
4. there are data that he/she implements trade with people and illegal bringing persons in the country and bringing out of the country persons to other states;
5. he/she has been expelled from the Republic of Bulgaria sooner than 10 years ago and has not restored in 6 months term after the expel the funds spent for this by the country;
6. he/she is sentenced for a committed premeditated crime on the territory of the Republic of Bulgaria which according to the Bulgarian law is sanctioned with a punishment of more than 1 year imprisonment;
7. he/she has made an attempt to enter the country or to pass through it using false or forged documents, visa or residence permit;

8. it could be supposed that he/she will disseminate grave infectious disease, suffers from a disease which according to the criteria of the Ministry of health or the World Health Organisation represents a threat for public health or when he does not have a certificate for vaccination, or comes from a region with complicated epidemic or epizootic situation;
9. he/she has no ensured maintenance and the necessary obligatory insurances during the stay in the country and funds ensuring opportunity for returning back;
10. at previous entering and stay he/she has systematically breached the border, the passport - visa, the currency or the customs regime of the Republic of Bulgaria;
11. at previous stay he/she has breached the labour or tax legislation of the country;
12. he/she has no visas or tickets for the following countries along the route;
13. to the person has been imposed compulsory administrative measure not to enter the country and this measure is in force;
14. he/she is included in the informational massif of the unwelcome foreigners in the country;
15. applies for an entry visa by a document for final leaving of the territory of another country where he/she has stayed by this moment;
16. applies for a visa by invalid document for travelling abroad or by other substituting document.
17. does not prove the purpose and terms of the planned stay;
18. has already stayed for three months within the current 6-months period on the territory of the Republic of Bulgaria as a holder of a visa as per Art. 14, Para 3 of the LFRB.
19. is a person, about who an alert into the Schengen Information System for refusal of permission of entrance has been entered.
20. in case of a previous stay in the country, the person have been committing breaches of the public order systematically;
21. indications exists, that the purpose of the crossing the border is to stay in the country as an immigrant without the needed for this special permission;
22. data exists, that the purpose of his/her entry is to use the country as an transit point for immigration to a third country;
23. has submitted a document containing false information or declared false data;
24. there are reasonable doubts about the authenticity of the attachments to the visa, the veracity of their contents, the reliability of the statements by the foreigner or his/her intention to leave the country before the expiry of the visa he or she applies for.

Entry ban may not be issued due to humanitarian reasons, right to family life or health reasons. An imposed entry ban can be revoked or suspended where the person concerned proves that he/she has left the territory of the Republic of Bulgaria in accordance with the prescribed term for voluntary departure.

According to the LFRB compulsory administrative measures (including entry ban) shall be imposed by orders of the Chairman of State Agency "National Security" and the Directors of the Chief Directorates "Border Police" and "National Police", the Directors of the Capital and regional directorates of the Ministry of Interior, the Director of Directorate "Migration", the Directors of the regional directorates "Border Police" at the Ministry of Interior and of officials authorized by them.

TCNs concerned may appeal entry ban orders. The general regime of appealing is stipulated in Art.46 of LFRB. According to Art.46 the orders for imposing compulsory administrative measures (including entry ban) can be appealed under the conditions and by the common order of the Administrative Procedure Code. Therefore an entry ban order can be appealed in 14 days before the respective Administrative Court. The decision of the first instance administrative court can be appealed before the Supreme Administrative Court.

There is a more severe regime for entry bans imposed on the ground of Art.10, Para 1, item 1 - "person who with his/her activities has put or could put in danger the security or the interests of the Bulgarian State or about whom there are data that he/she acts against the security of the country". These entry bans are subject to immediate fulfilment. For entry ban imposed on such a ground there is also more severe regime for appealing as such an entry ban shall be subject to appeal before the Supreme Administrative Court, whose decision shall be final.

Until 2013 the entry ban was related to prohibition of entry **in the territory of Republic of Bulgaria**. An Amendment of the LFRB entered into force in 2013, according to which prohibition shall be imposed for "entry and residence **in the territory of Member States of the European Union**". However according to the Law the

provisions regarding the abovementioned new territorial scope of entry bans – *"prohibition of entry and residence in the territory of Member States of the European Union"* shall apply after the entry into force of the decision of the Council of the European Union for the implementation of the Schengen acquis in the Republic of Bulgaria.

The prohibition for entry and residence in the territory of Member States of the European Union shall be valid **for a period of 5 years**. The prohibition for entry and residence in the territory of Member States of the European Union **may be for a period longer than 5 years**, where the person presents a **serious threat for the public order or for the national security**.

As such a decision has not been issued yet the entry bans imposed by Bulgarian competent authorities have territorial scope that covers **the national territory only**.

Alerts shall be entered as standard practice as according to Art. 44c. of the LFRB alerts for refusal shall be entered into the Schengen Information System on the grounds of entered into force:

1. refusals , issued on the grounds of Art. 10, Para 1, items 1-4, 11, 14, 16, 20-22 and Art. 26 of the LFRB
2. orders for imposture of compulsory administrative measures under Art. 39a, Items 1-4 of the LFRB. (**including entry bans**).

According to Art.4, Para 1, points 2,2a and 2b of the ORDINANCE № 2727 of 16 November 2010 on the organization and functioning of the National Schengen Information System of the Republic of Bulgaria alerts shall be processed in NSIS for the following categories of persons

- The third country nationals that has refused entry pursuant to Art. 44c of the Law for the Foreigners in the Republic of Bulgaria (Article 24 of Regulation (EC) № 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the Schengen Information System II (SIS II) ;
- The third country nationals who enjoy rights of free movement within the European Union, which has refused entry because of a serious threat to national security or evidence of committing acts against national security or public order (Article 25 of Regulation (EC) № 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the Schengen Information system II (SIS II);
- The third country that has a restrictive measure taken in order to prevent the entry into or transit through the territory of the Member States in accordance with the Treaty European Union, including a travel ban issued by the Security Council of the United Nations (Article 26 of Regulation (EC) № 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use Schengen Information system II (SIS II);

However Republic of Bulgaria is currently not a member of the Shengen area and apply national signal "entry ban in the Republic of Bulgaria". Currently Shengen alerts "entry ban" are for information only. According to the Law for the Foreigners in the Republic of Bulgaria the entry ban "prohibition to enter and reside on the territory of Member States" will be applied after the entry into force of the decision of the EU Council for the full implementation of the provisions of the Shengen acquis in the Republic of Bulgaria.

Thus according to Para 5 of the Final Provisions of the ORDINANCE № 2727/16.10.2010 on the organization and functioning of the National Schengen Information System of the Republic of Bulgaria, *"Provisions establishing, updating, deleting and implementation of actions to implement the alerts to third country nationals under Art. 4, para. 1, item 2, 2a and 2b will apply after the entry into force of a decision of the European Council for the full implementation of the Schengen acquis in Bulgaria"*.

Readmission Agreements

According to the national legislation General Directorate Border Police at the Ministry of Interior is the competent authority for the implementation of readmission agreements and is responsible for the implementation of activities under acceptance, delivery and escort of persons to and from the border of the neighbouring countries of Bulgaria. It is regulated in Art.52b Para 2 point 6 of the Law for the Ministry of Interior which stipulates that General Directorate Border Police shall carry out activities, related among others to: *"accepting and transferring violators of the regime of entering and residence from and to other states in accordance with a law and or international agreement, which the Republic of Bulgaria is a party to"*.

At present, implementation of the readmission agreements with neighbouring countries is performed entirely by General Directorate Border Police as regard both the administrative processing of requests for readmission and the actual accepting or transferring of persons. In the process of implementation of readmission agreements with countries that are not neighbouring countries, part of the administrative work for the preparation of the case is made by the General Directorate Border Police and actual transferring of persons is carried out by the Migration Directorate at the Ministry of Interior. The Migration Directorate competencies in the area are regulated in Art.52g Para 2 item 3 of the Law for the Ministry of Interior which stipulates that Migration Directorate shall carry out activities among others for: "accompanying foreigners subject to expelling from the country or to compulsory leading to the border of

the Republic of Bulgaria in compliance with a law or international agreement, to which the Republic of Bulgaria is a party”.

After the accession of Bulgaria in the EU in 2007, the country implemented EU readmission agreements concluded between the EU and third countries, entered into force.

Regarding to EURAs Bulgaria has signed Protocols for the implementation of EU readmission agreements with Russia, Macedonia, Bosnia and Herzegovina, Montenegro, Serbia, Georgia, Moldova and Albania.

However the number of readmission applications sent under EURAs is quite limited to be base for assessment of overall added value of the EURAs.

As main part of irregular migrants enter into Bulgaria via Turkey both at BCP and through land border Bulgaria highly appreciates the newly signed EURA with Turkey. It may significantly improve the process of removals once it is ratified by relevant bodies.

Republic of Bulgaria has signed 36 intergovernmental agreements on the readmission of persons residing without authorization including with the following 9 third countries:

- Republic of Lebanon, approved by Decision № 383 of May 26, 2003 of the Council of Ministers. Effective since July 3, 2003)
- Republic of Albania, approved by Decision № 545 of August 19, 2002 the Council of Ministers. Effective December 4, 2002
- Republic of Armenia, approved by Decision № 78 of February 13, 2008 of the Council of Ministers. Effective since July 1, 2008
- Republic of Georgia, approved by Decision № 400 of June 13, 2002 of the Council of Ministers. Effective since March 14, 2003
- Republic of Uzbekistan, approved by Decision № 114 of 24 February 2004 of the Council of Ministers. Effective since April 1, 2004)
- Ukraine, approved by Decision № 431 of June 24, 2002 of the Council of Ministers. Effective since August 2, 2002
- FYROM, approved by Decision № 266 of April 26, 2002 of the Council of Ministers. Effective since June 19, 2002)
- Bosnia and Herzegovina, approved by Decision № 447 of June 15, 2006 of the Council of Ministers. Effective since January 5, 2007
- Republic of Kosovo, approved by Decision № 737 of September 11, 2012 of the Council of Ministers. Effective since October 26, 2012

As Bulgaria applies readmissions mainly with neighbouring countries there is no ground to assess added value of the bilateral readmission agreements signed.
