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

French Contact Point of the European Migration Network

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GOOD PRACTICES IN THE RETURN AND REINTEGRATION OF IRREGULAR MIGRANTS: FRANCE'S ENTRY BANS POLICY AND USE OF READMISSION AGREEMENTS BETWEEN FRANCE AND THIRD COUNTRIES

*Study conducted by the French National Contact Point
for the European Migration Network (EMN)*

August 2014

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LIST OF ACRONYMS

- CESEDA: Code on Entry and Residence of Foreign nationals and Right of Asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile*)
- DCPAF: Central Directorate of the French Border Police (*Direction Centrale de la Police aux Frontières*)
- DDPAF : Departmental Directorate of the French Border Police (*Direction Départementale de la Police aux Frontières*)
- DGEF : General Directorate for Foreign Nationals in France (*Direction générale des étrangers en France*)
- DSED : Department for Statistics, Studies and Documentation (*Département des statistiques, des études et de la documentation*)
- IRTF : Entry ban to the French territory (*Interdiction de retour sur le territoire français*)
- LPC : Consular pass (*Laissez-passer consulaire*)
- OFII: French Office for Immigration and Integration (*Office français de l'immigration et de l'intégration*)
- OQTF : Order to leave the French territory (*Obligation de quitter le territoire français*)
- SIS : Schengen Information System
- VLS-TS: Long-stay visa equivalent to a residence permit (*visa de long séjour valant titre de séjour*)

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EXECUTIVE SUMMARY

The development of a coherent return policy was recommended by the Hague Programme and reaffirmed by the Stockholm Programme, encouraging the European Union and its Member States to intensify their efforts for an effective, sustainable return policy.

The **EU readmission agreements** and the **Return Directive**¹ are amongst the main legal instruments for European return policies. The EU readmission agreements impose reciprocal obligations to the contracting parties to readmit their own nationals, as well as in certain circumstances, third-country nationals and stateless persons who have stayed on or transited through the territory of the other contracting party. The evaluation of EU readmission agreements conducted by the Commission in 2011² showed that there is room for improvement in their implementation.

Adopted in 2008, the Return Directive sets out common standards for forced returns and voluntary departures, with a preference for voluntary return. In particular, article 11 of the Return Directive provides for a specific measure: **entry bans**.

This directive is based on a two-pronged approach. On the one hand, it sets out the obligation for Member States to issue removal orders for all illegally staying third-country nationals on a Member State's territory³. On the other, it underlines the importance of implementing a return policy that fully respects the fundamental rights and dignity of individuals subject to removal measures.

Whilst a wide range of measures exists within Member States as part of the return process, the European Migration Network focused study looks at **two measures in particular**: entry bans and readmission agreements, each with different aims.

The return process begins with a removal order taken against an illegally staying third-country national. This decision can be **accompanied by an entry ban**. Third-country nationals can either return to their country voluntarily, or be forced to leave the territory. Recital 10 of the Return Directive⁴ states that voluntary return should be preferred over forced return and, therefore, that a return decision should provide for a voluntary departure period. To this end, Member States have the option of withdrawing or suspending an entry ban to encourage third-country nationals to leave the territory voluntarily⁵. However, if the return obligation has not been complied with or has not been granted for one of the reasons listed in article 7(4) of the Return Directive, Member States must take all necessary measures to enforce the return decision and send illegally staying third-country nationals from their territory.

The obligation for countries to readmit their nationals is incorporated into international law⁶. The **European and bilateral readmission agreements**, signed between Member States and third countries, aim to facilitate the return process for illegally staying third-country nationals. They generally apply irrespective of the willingness of individuals to return to their country of origin.

The EMN study aims to better understand the extent to which Member States use entry bans and readmission agreements to improve national return policies and ensure the sustainable return of illegal migrants to their country of origin.

¹ [Directive 2008/115/CE](#) of the European Parliament and Council of 16 December 2008 concerning common standards and procedures applicable in Member States for the return of illegally staying third-country nationals

² [Evaluation of EU readmission agreements](#), Communication from the Commission to the European Parliament and Council, 23 February 2011

³ For example, third-country nationals who have illegally entered the EU (clandestinely or using false travel documents); people whose applications for international protection have been rejected; and people whose visas have expired.

⁴ [Directive 2008/115/CE](#) of the European Parliament and Council of 16 December 2008 concerning common standards and procedures applicable in Member States for the return of illegally staying third-country nationals

⁵ Article 11(3).

⁶ Article 13 of the [Universal Declaration on Human Rights](#) of 1948 recognises the right of all persons to return to their country of origin, with the associated obligation for the country to authorise the person to return.

The objective of the French Contact Point study is to **analyse the implementation of entry bans and readmission agreements in France**. In particular, it aims to **evaluate their effectiveness for ensuring sustainable return, by identifying the challenges and good practices**.

The aim of the study is not, however, to analyse all the measures used by Member States to prevent or fight against illegal immigration. It is also important to avoid repetitions between this study and other European Commission studies and evaluation reports on European return policies, such as the Home Affairs DG on the practical application of the Return Directive and the Commission evaluation report on readmission agreements.

The study will concentrate on the entry bans accompanying removal decisions that are issued to send back illegally staying third-country nationals and prevent their return to the EU, in accordance with article 11 of the Return Directive. In France, we talk about **entry bans to the French territory (*interdiction de retour sur le territoire français*)**. This measure, set out in III of article L.511-1 of the Code on Entry and Residence of Foreign nationals and the Right of Asylum, was created by the law no.2011-672 of 16 June 2011 concerning immigration, integration and nationality. Through an opinion on 12 March 2012, the Council of State defined the requirement to give reasons for this decision (CE, n°354165). It is important to note that this measure is always based on an **order to leave the French territory (*obligation de quitter le territoire français*)**. It is not automatic, and can be applied for different periods depending on the cases. The entry ban does not punish the illegal residence, but encourages voluntary return, and this measure can be withdrawn if the voluntary return period is complied with.

A readmission agreement is an agreement where signatory States commit to readmitting their nationals, or persons who have transited through their country, and who have been arrested for illegal stay on an EU territory. Different procedures are applied, depending on whether or not the countries have signed a European or Bilateral readmission agreement. France has signed forty readmission agreements.

The EMN French Contact Point's study comes in an important political and legal context, with two **new immigration and asylum laws** planned for the end of 2014. The draft law on immigration was presented to the Council of Ministers on 23 July. Consistent with the Government's priorities in terms of immigration, it aims, in particular, to more effectively fight against illegal immigration, whilst respecting fundamental rights.

The study will first look at **entry bans**. The first section aims to compare the legal framework for entry bans in Member States, before analysing their tangible application in each country. It will also examine the effectiveness of these measures, by identifying the main challenges and good practices.

The study will then present **readmission agreements**, by examining the practical application of EU readmission agreements, on the one hand, and bilateral readmission agreements on the other. From statistical data, the second section will study the practical challenges for their implementation and identify good practices.

Finally, the last section will deal with **links that can exist between entry bans and readmission agreements, on the one hand, and reintegration assistance** on the other. Reintegration assistance aims to guarantee sustainable returns by providing the returning people with different types of socio-economic aid, such as professional training, jobs and education. Whilst reintegration assistance is not the main aim of this study⁷, the analysis of synergies between entry bans, readmission agreements and reintegration assistance can be of particular interest here. The objective is to determine if reinforced cooperation between the different authorities can lead to effective, sustainable returns.

⁷ Work on this theme, and more broadly on the sustainability of returns, is conducted within the framework of the Return Expert's Group (REG).

The **synthesis report**, conducted at a European level based on national EMN Contact Point contributions, will allow a comparative analysis of national legal frameworks and the application of entry bans and readmission agreements within Member States.

SECTION 1. ENTRY BANS

This section aims to analyse the national legal framework on entry bans, in particular the grounds for imposing entry bans, categories of third-country nationals who can be issued with an entry ban, and the territorial application scope for entry bans. This section will also provide an overview of the authorities in charge of the entry ban decision.

The practical implementation of entry bans will then be analysed, by determining the extent to which Member States adopt a progressive approach to withdraw or suspend entry bans, depending on the specific circumstances and the category of third-country national.

This section will also consider the question of cooperation between Member States, by examining whether they enter an alert into the Schengen Information System when an entry ban has been imposed, and by looking at the exchange of information and consultation processes between Member States.

Finally, this section looks at the question of the perceived and real effectiveness of entry bans, the main challenges linked to entry bans and examples of good practice.

An entry ban to the French territory (*interdiction de retour sur le territoire français*) is a removal measure taken by the Prefect. The analysis of the legal framework allows a better understanding of the different grounds for imposing this measure, as well as the categories of third-country nationals involved.

Section 1.1. National legal framework on entry bans: grounds for imposition of entry bans and categories of third-country nationals subject to entry bans

The entry ban to the French territory (*interdiction de retour sur le territoire français*) is stipulated in article L.511-1 III of the CESEDA. It does not apply to European Union citizens, or equivalent, or to members of their families. This provision, modified by the law no.2011-672 of 16 June 2011, transposes Directive no.2008/115/CE of the European Parliament and Council concerning common procedures applicable in Member States for the return of illegally staying third-country nationals, known as the Return Directive.

Entry bans: Article L.511-1 III of the CESEDA

Article L.511-1 III of the CESEDA stipulates that:

"The administrative authorities may, by a reasoned decision, combine the order to leave the French territory (*obligation de quitter le territoire français*) with an entry ban to the French territory (*interdiction de retour sur le territoire français*). The foreign national to whom the entry ban has been imposed is informed that he or she is the subject of an alert in the Schengen Information System for the purposes of refusing admission, in accordance with article 96 of the Schengen convention of 19 June 1990. The conditions for removing the alert in the case of withdrawal or repeal of the entry ban are fixed through legislation.

If the foreign national who is not subject to an entry ban remains on the territory longer than the voluntary departure period, the administrative authorities can impose an entry ban for a maximum of two years from the date of its notification.

Where no voluntary departure period has been granted to the foreign national required to leave the French territory, the administrative authorities can impose an entry ban for a maximum of three years from the date of its notification.

Where a voluntary departure period has been granted to the foreign national required to leave the French territory, the administrative authorities can impose an entry ban - with effect after the expiry of the period - for a maximum of two years from the date of its notification.

If the foreign national who is subject to an entry ban remains on the territory longer than the voluntary departure period, or having been required to leave the French territory immediately, or having complied with the order to leave the French territory but having returned during the entry ban period, the administrative authorities can extend this measure for a maximum of two years.

The entry ban and its duration are decided by the administrative authorities taking into account the foreign national's length of stay on the French territory, the type and duration of his links with France, whether or not he or she has already be subject to a removal order and whether he or she represents a threat to public order on the French territory.

At any stage, the administrative authorities can repeal the entry ban. When the foreign national requests the repeal of the entry ban, the request can only be considered if the person can justify residence outside of France. This condition does not apply :

1° During the time that the foreign national is serving a custodial prison sentence in France;

2° When the foreign national is subject to a measure of house arrest in application of articles L.561-1 or L.561-2.

Where a foreign national subject to an order to leave the French territory with a voluntary departure period and an entry ban, justifies, in accordance with the regulatory conditions, that he or she has complied with this obligation during the required period, the entry ban is repealed no later than two months following the expiry of this voluntary departure period. However, by a reasoned decision, the administrative authorities can refuse this repeal with regard to the specific circumstances of the individual's situation and behaviour. "

Q1. In France, 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.

An entry ban can be notified **at the same time** as the order to leave the French territory (*obligation de quitter le territoire français*) with voluntary departure period, or **after** the order to leave the French territory, if the foreign national remains in France after the voluntary departure period or if he or she does not have a time period to leave France.

The duration of the entry ban is different for each case. In accordance with article L.511-1 of the CESEDA: "If the foreign national who is not the subject of an entry ban remains on the territory longer than the voluntary departure period, the administrative authorities can impose an entry ban for a maximum of two years from the date of its notification.

Where no voluntary departure period has been granted to the foreign national required to leave the French territory, the administrative authorities can impose an entry ban for a maximum of three years from the date of its notification.

Where a voluntary departure period has been granted to the foreign national required to leave the French territory, the administrative authorities can impose an entry ban - with effect after the expiry of the period - for a maximum of two years from the date of its notification. "

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

No

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

No

Q2a. What are according to national legislation in France 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 1.1 below. In the final column, please add more detailed information on the criteria/indicators used to decide whether particular grounds apply in individual cases:

In principle, the entry ban is applied when the voluntary departure period is refused or in the event of avoidance of the removal decision.

Several motives can justify an entry ban. By an opinion on 12 March 2012 (CE n°354165)⁸, the Council of State specified the extent of Prefectures' discretionary power and the requirement for reasoned entry bans, with regard to the four criteria stipulated in the seventh sub paragraph of III of article L.511-1 of the CESEDA:

- **the length of presence of the foreign national on the French territory,**
- **the type and duration of their links to France,**
- **whether or not they have already been subject to a removal order,**
- **whether they represent a threat to public order on the French territory.**

In its opinion, the Council of State specified that the Prefect cannot be limited to only considering one or more of these criteria. The reasoning for the entry ban to French territory must attest to the consideration of the four criteria, without formally explaining the weighting attributed to each one. The absence of reference to a criteria leads to the cancellation of the IRTF.

Table 1.1: 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 ⁹	Yes, as part of an order to leave the French territory (<i>obligation de quitter le territoire français</i>), in accordance with article L.511-1 II.	<i>See the criteria listed above.</i>
The third-country national concerned poses a risk to public policy, public security or national security ¹⁰	Yes. In accordance with article L.511-1 II, the entry ban and its duration are decided by the administrative authorities, taking into account, in particular, the threat to public order posed by their	<i>See above.</i>

⁸ [CE Opinion, n°354165, 12 March 2012](#)

⁹ As stipulated in the Return Directive article 11 (1) (a), in combination with article 7(4).

¹⁰ As stipulated in the Return Directive article 11 (1) (a), in combination with article 7(4).

	presence on the French territory.	
The application for legal stay was dismissed as manifestly unfounded or fraudulent ¹¹	Yes, as part of an order to leave the French territory (<i>obligation de quitter le territoire français</i>), in accordance with article L.511-1 II.	<i>See above.</i>
The obligation to return has not been complied with ¹²	Yes, in accordance with article L.511-1 III of the CESEDA.	<i>See above.</i>
Other	N/A	N/A

The draft law on immigration¹³ : new measures to fight against illegal immigration

The **draft law on immigration** was presented by Bernard Cazeneuve, Interior Minister, during the Council of Ministers on 23 July 2014. In accordance with the Government's priorities since 2012, the draft law is based on three objectives:

- improve reception and integration,
- attract foreign talents,
- fight against illegal immigration and networks.

New measures in the fight against illegal immigration were presented:

- Concerning entry bans, it is stipulated that Prefects can prevent the return to France for a duration of one to three years of **European citizens** who have committed serious public order disturbances or are in the situation of rights abuse (in particular of the social protection system).
- Whilst up to now, the Prefect did not have the obligation to prevent **distant third-country nationals** from returning to the Schengen area, the future immigration law stipulates this obligation for distant non-EU citizens **removed for the most serious reasons**, in accordance with the Return Directive.

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

¹² As stipulated in the Return Directive article 11(1)(b).

¹³ [Draft law on immigration](#), press release, Interior Ministry, July 2014

Q2b. What are the national grounds based upon which France 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 1.2 below. In the final column, please add more detailed information on the criteria/indicators used to decide whether particular grounds apply in individual cases:

Article L.511-4 of the CESEDA lists the grounds for not imposing an order to leave the French territory (*obligation de quitter le territoire français*) and by extension, an entry ban. Some categories of individuals may not be subject to an order to leave the French territory for three main reasons: **family links, age or health status, and length of stay in France.**

Table 1.2: 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, because of age and health status.	
Right to family life (Article 8 ECHR)	Yes, in three specific cases: <ul style="list-style-type: none"> - The foreign national, who is not living in a polygamous relationship, and who is father or mother of a minor child living in France, provided he or she establishes that he or she has effectively contributed to the child's maintenance and education as stipulated in article 371-2 of the French Civil Code since the child's birth or for at least two years (subparagraph 6 of article L.511-4 of the CESEDA) ; - The foreign national who has been married for at least three years to a French national, provided that conjugal life has not ceased since the marriage, and that the spouse has kept French nationality (subparagraph 7 of article L.511-4 of the CESEDA) ; - The foreign national who has been legally resident in France for more than ten years and who, whilst not living in a polygamous relationship, has been married for more than three years to a foreign national resident in France since the age of thirteen years, as long as conjugal life has not ceased since the marriage (subparagraph 8 of article L.511-4 of the CESEDA). 	
Health reasons	Yes, in two specific cases: <ul style="list-style-type: none"> - The foreign national entitled to a work-related accident or occupational disease pension paid by a French organisation and where the permanent disability rate is equal to or greater than 20 % (subparagraph 9 of article L.511-4 of the CESEDA) ; - The foreign national normally resident in France whose health status requires medical attention, the lack of which would lead to exceptionally serious consequences for him, subject to the absence of appropriate treatment in the return country, except in exceptional humanitarian circumstances assessed by the 	

	administrative authorities following an opinion from the General Director of the Regional Health Agency (<i>agence régionale de santé</i>) (subparagraph 10 of article L.511-4 of the CESEDA).	
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Due to **their age** or the **length of their stay in France**, other groups of individuals may not be subject to an order to leave the French territory, and by extension, an entry ban to French territory. In accordance with article L.511-4 of the CESEDA, these are the following categories:

- An eighteen year old foreign minor;
- A foreign national who can justify habitual residence in France since he reached a maximum of thirteen years old;
- A foreign national legally resident in France for more than ten years, unless during all this period, he held a temporary "student" residence permit;
- A foreign national legally resident in France for more than twenty years.

Q3. Please provide a short overview of the categories of third-country national that can be issued an entry ban by completing the table 1.3 below:

Different categories of third-country nationals can be issued an entry ban.

Table 1.3: Categories of third-country nationals who can be issued an entry ban

Categories of third-country nationals who can be issued an entry ban¹⁴	Who comply voluntarily with return decision (Yes/No)	Who do not cooperate with return decision (Yes/No)
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. The final subparagraph of III of article L. 511-1 of the CESEDA stipulates that the foreign national who benefits from a period for departure can obtain the right - unless in exceptional circumstances - to the repeal of the entry ban, if they can justify having complied with the return obligations notified to them.	Yes
Third-country nationals who are subject to a refusal of entry in accordance with Article 13 of the Schengen Borders Code	No (the French authorities pronounce a refusal of entry decision).	No (the French authorities pronounce a refusal of entry decision).
Third-country nationals who are apprehended or intercepted by the competent authorities in connection with the irregular crossing by land,	Yes. The final subparagraph of III of article L. 511-1 of the CESEDA	Yes

¹⁴ In accordance with Article 2 of the Return Directive

sea or air of the external border of a Member State and who have not subsequently obtained an authorisation or a right to stay in that Member State	stipulates that the foreign national who benefits from a period for departure can obtain the right - unless in exceptional circumstances - to the repeal of the entry ban, if they can justify having complied with the return obligations notified to them.	
Third-country nationals who are subject to return as a criminal law sanction or as a consequence of a criminal law sanction	Yes. The final subparagraph of III of article L. 511-1 of the CESEDA stipulates that the foreign national who benefits from a period for departure can obtain the right - unless in exceptional circumstances - to the repeal of the entry ban, if they can justify having complied with the return obligations notified to them.	Yes
Other	N/A	N/A

Q4. Specify the territorial scope of entry bans that are imposed by France, 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.

The third-country national who is issued with an entry ban is informed of an alert in the Schengen Information System. This alert prevents the person from obtaining a visa to enter and stay in the Schengen area. He or she **cannot, therefore, be admitted to enter or stay in the Schengen area.**

According to article L511-1 III of the Code on Entry and Residence of Foreign Nationals and Right of Asylum, "a foreign national to whom the entry ban has been imposed is informed that they are the subject of **an alert in the Schengen Information System for the purposes of refusing admission**, in accordance with article 96 of the Schengen convention of 19 June 1990."

Q5. Which institution(s) in France 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.

The decision of an entry ban to the French territory (*interdiction de retour sur le territoire français*) is taken by the **Prefect in the *département*** where the foreign national is located.

Section 1.2 Practical application of entry bans

This section analyses the practical implementation of entry bans, by presenting the procedure for issuing an entry ban and the case of withdrawal or suspension of this measure.

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 decision to issue an entry ban to the French territory (*interdiction de retour sur le territoire français*), taken by the *département* Prefect, must be notified in person to the third-country national, at the Prefecture counter or by the police when challenging the person, for example.

Article L.511-1 III of the CESEDA stipulates that: "The entry ban to the French territory (*interdiction de retour sur le territoire français*) issued in application of the third subparagraph of III of article L.511-1 is notified through administrative channels. This is also the case for the decision to extend an entry ban provided in the sixth subparagraph of III."

This decision must state the reasons¹⁵.

Q7. Do third-country nationals who have been imposed an entry ban have the possibility to appeal the decision? 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. In accordance with **article L.512-1 of the CESEDA**, the foreign national to whom an entry ban has been imposed can contest this decision before the **administrative court with territorial jurisdiction**, at the same time as the order to leave the French territory (*obligation de quitter le territoire français*) which has been notified to them.

However, if the entry ban is imposed after the period for voluntary departure granted to leave France, he or she has a period of thirty days from the notification to apply to the court. The appeal stays enforcement of the measure.

The person concerned can be assisted by a lawyer, or if they do not have one, request a court-appointed lawyer. Under certain conditions, the person can benefit from legal aid.

If the appeal is rejected, a further appeal can be formulated within one month from the judgement notification. This appeal must be filed with the administrative appeals court with territorial jurisdiction.

If the IRTF (entry ban) is cancelled, the alert in the Schengen Information System for the purposes of refusing admission set out in III of article L.511-1 of the CESEDA must be erased, in application of the combined provisions of article R.511-3 of the CESEDA and article 7 of the decree of 28 May 2010 concerning the wanted persons file.

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 1.4 below:

Entry bans may be repealed at any moment by the administrative authorities. Article L.511-1 III of the Code for Entry and Residence of Foreigners and Right of Asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile*) stipulates that:

"The administrative authorities may repeal the entry ban at any moment. When the foreign national requests the repeal of the entry ban, his request can only be considered if he or she can justify residence outside of France. This condition does not apply:

1° During the time that the foreign national is serving a custodial prison sentence in France;

2° Where the foreign national is subject to a measure of house arrest.

Where a foreign national subject to an order to leave the French territory with a voluntary departure period and an entry ban, justifies, in accordance with the regulatory conditions, that they have complied with this obligation in the required period, the entry ban is repealed no later than two months following the expiry

¹⁵ See 2.a

of this voluntary departure period. However, by a reasoned decision, the administrative authorities can refuse this repeal with regard to the specific circumstances of the individual's situation and behaviour. "

Table 1.4: Withdrawal and suspension of entry bans

Categories of third-country nationals who can be exempted from an entry ban	Entry ban can be withdrawn or suspended (Yes/No)	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. In accordance with article L 511-1 III of the CESEDA, "the administrative authorities may repeal the entry ban at any moment".	The persons concerned must provide proof of departure from French territory.
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. In accordance with article L 511-1 III of the CESEDA, "the administrative authorities may repeal the entry ban at any moment".	If a victim of human trafficking is issued a residence permit, the Prefect draws the necessary legal conclusions and pronounces the repeal of the entry ban in advance.
Minors	N/A Under French law, this category cannot be issued with a removal measure and entry ban.	N/A Under French law, this category cannot be issued with a removal measure and entry ban.
Unaccompanied Minors	N/A Under French law, this category cannot be issued with a removal measure and entry ban.	N/A Under French law, this category cannot be issued with a removal measure and entry ban.
Disabled people	Yes. In accordance with article L 511-1 III of the CESEDA, "the administrative authorities may repeal the entry ban at any moment".	It is not the physical (age, pregnancy, handicap) or mental situation (mental or psychological disorders), or the fact that the person has suffered violence, that are taken into consideration in the repeal decision for an entry ban, but mainly the fact for the foreign national of postponing the removal order . The Prefect has, however, discretionary power where he can take all these criteria into consideration on a case-by-case basis.
Elderly people	Yes. In accordance with article L 511-1 III of the CESEDA, "the administrative authorities	Same remark as above.

	may repeal the entry ban at any moment".	
Pregnant women	Yes	Idem
Single parents with minor children	Yes	Idem
Persons with serious illness	Yes	Idem
Persons with mental disorders	Yes	Idem
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	Idem
Other humanitarian reasons, (please indicate and add rows as appropriate)	N/A	N/A
Other individual cases or certain categories of cases for other reasons	N/A	N/A

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

Yes, the administrative authorities responsible for imposing the entry ban are the same as those who can decide to repeal it. The *département* Prefect for the foreign national imposes an entry ban to France and can repeal it at any stage, in accordance with article L511-1-III of the CESEDA.

Moreover, in the event of legal proceedings, the administrative court can decide to cancel the entry ban.

Section 1.3 Cooperation between Member States

Several elements allow measurement of the level of cooperation between Member States in the entry ban issue process, for example alerts in the Schengen Information System following the issue of an entry ban, exchange of information and the consultation process between Member States.

Q10. Does France 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)?

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

In France, it is **scenario a)** that applies: alerts are entered into the SIS as standard practice. In accordance with article L. 511-1 III of the CESEDA, *"the foreign national to whom the entry ban has been imposed is informed that he or she is the subject of an alert in the Schengen Information System for the purposes of refusing admission, in accordance with article 96 of the Schengen convention of 19 June 1990."*

Q11a. Does France share information on the use of entry bans with other Member States?

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

France exchanges information on a case-by-case basis. Exchange of information on this mechanism is, therefore, not systematic. The answer to question 12 a) provides more detailed information about this point.

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**
- b) Identity of the individuals who have been imposed an entry bans: **Yes**
- c) Reasons for imposing the entry bans: **Yes**
- d) Decision to withdraw an entry ban and reasons for this: **Yes**
- e) Decision to suspend an entry ban and reasons for this: **Yes**
- f) Any other information: **N/A**

Whilst all this information is exchanged with other Member States, it should be pointed out that it is not done systematically, but on a case-by-case basis.

The answer to question 12 a) provides more detailed information about this point.

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?)

Depending on the request, the information is exchanged **bilaterally or by email**.

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.

In France, the unique contact point for transmission of all information on action enforcement between French and foreign departments is called SIRENE (Supplementary Information requests for National Entries) (*supplément d'information requis pour l'entrée nationale*). SIRENE is an inter-ministerial department, attached to the International Relations Office of the Central Directorate of the Criminal Police (*direction centrale de la police judiciaire*) (DCPJ), grouping police officers, gendarmes and magistrates.

Access to data generated by the Schengen Information System is through national files, in one query. The SIRENE offices in each country act as an interface between the computerised data and the requesting departments of Member States. Thus, by questioning the wanted persons file (*fichier des personnes recherchées*) (FPR), Prefecture Foreign Nationals Departments obtain a response at the Schengen States level. After contact with SIRENE France, they can obtain the Schengen file for enforcement.

Q12b. Has France 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? If yes, please indicate the number of residence permits issued to third-country nationals in these circumstances.

Yes, France can issue a residence permit to a third-country national when an entry ban has been imposed by another Member State.

There are no statistics concerning the admission for residence of third-country nationals who have had an entry ban imposed by another Member State. However, this fact is checked during the permit request. As part of public order checks for all residence permit requests, prefecture officers carry out checks on the FPR/SIS (wanted persons file/Schengen Information System). Amongst the information contained in the SIS, can be expressly found "foreign nationals for whom an alert has been entered for the purposes of refusing admission following an administrative or legal decision" (Article R. 231-6 2° of the Internal Security Code). Admission refusal concerns the Schengen area. Officers have, therefore, access to entry bans imposed by other Member States.

Q12c. In case France 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 Data is not available.

Section 1.4. Effectiveness of entry bans

Several tools, such as evaluation reports and statistical data, let us objectively measure the effectiveness of entry bans. This section highlights the challenges to be met and good practices implemented on a national level.

Q13. Has France conducted any evaluations of the effectiveness of entry bans? If yes, please provide any results pertaining to the issues listed in the table 1.5 below.

No, France has not conducted an evaluation on the effectiveness of entry bans.

The only objective criteria allowing us to measure the effectiveness of the system is to note that all persons to whom entry bans have been imposed have not come back to France. There are no statistics on this subject.

Table 1.5: Entry ban's effectiveness

Aspects of the effectiveness of entry bans	Explored in national evaluations (Yes/No)	Main findings
Contribute to preventing re-entry	N/A	N/A

Contribute to ensuring compliance with voluntary return ¹⁶	N/A	N/A
Cost-effectiveness of entry bans	N/A	N/A
Other aspects of effectiveness	N/A	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 France 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.

It is not possible to provide all the data requested in the table. It must be noted that entry bans to the French territory (*interdiction de retour sur le territoire français*) were transposed in the CESEDA in 2011, by the law n°2011-672 of 16 June 2011 concerning immigration, integration and nationality. Removals enforced with entry bans were only registered from 2012. This type of removal has always been carried out in a forceable way. Consequently, there is no data concerning the penultimate line of the table below, on the proportion of persons issued an entry ban who have returned voluntarily to their country of origin. Some of the other data could not be detailed, as these statistics are not collected from Prefectures.

Table 1.6: National Statistics on Entry bans

Indicators	Yes/ No	2009	2010	2011	2012	2013
Number of entry bans imposed	Yes	(1)	(1)	4,271	5,393	1,515
Number of decisions to withdraw an entry ban	No	(1)	(1)	(2)	(2)	(2)
Number of decisions to suspend an entry ban	No	(1)	(1)	(2)	(2)	(2)
Number of persons who are the subject of an entry ban who have been re-apprehended inside the territory (not at the border)	No	(1)	(1)	(2)	(2)	(2)
Proportion of persons issued an entry ban who have returned voluntarily – out of the total number of persons that were issued an entry ban	N/A	(1)	(1)	(3)	(3)	(3)
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	Yes	(1)	(1)	10.61 %*	11.03 %**	4.45 %* **

¹⁶ For example to what extent does the graduated approach (withdrawal or suspension of the entry ban) contribute to encouraging third-country nationals to return voluntarily?

- (1) This measure, created by the law of 16 June 2011, did not exist at that date.
- (2) This data is not collected in France.
- (3) In 2011, 2012 and 2013, all returned third-country nationals issued with entry bans were done so in a forced way (not collected in 2011, 308 in 2012 and 182 in 2013).

* Data: 9,988 voluntary returns out of 94,104 measures pronounced

** Data: 10,010 voluntary returns out of 90,774 measures pronounced

*** 4,328 voluntary returns out of 97,208 measures pronounced.

Source: Detention and Removal Office, Directorate for Immigration, General Directorate for Foreign Nationals in France, Interior Ministry.

Q15. Please indicate whether France 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 1.7: Practical challenges for the implementation of entry bans

Challenges associated with entry bans	Yes/No	Reasons
It is difficult to ensure compliance with entry bans on the part of the third-country national concerned	Yes	This comes from the desire of third-country nationals concerned not to comply with the removal decision against them.
It is difficult to monitor compliance with entry bans	Yes	Third-country nationals leaving the French territory, subject to entry bans, do not systematically inform the border police or prefectures. Only forced removal with administrative detention allows for effective monitoring.
It is difficult to secure the cooperation of other MS in the implementation of entry bans ¹⁷	Cooperation with other Member States in implementing entry bans is not the main success factor for the effective application of this mechanism.	N/A
It is difficult to secure the cooperation of the country of origin in the implementation of entry bans	Cooperation with countries of origin does not enter into consideration in the entry ban mechanism.	N/A
Other challenges	N/A	N/A

Q16. Please describe any examples of good practice in France's implementation of entry bans, identifying as far as possible the reasons why the practice in question is considered successful.

N/A

Entry bans to French territory (*interdiction de retour sur le territoire français*) were transposed into French legislation in 2011. Due to the absence of evaluation and lack of statistical data, it is difficult to tangibly measure the effectiveness of this tool, although we can note that all the people who have received an entry ban have not come back to France.

Bilateral and European readmission agreements are another tool used as part of return policies. The following section studies their practical implementation, and their degree of effectiveness.

¹⁷ This could for example relate to problems in the use of the Schengen Information System, and/or the lack of a common system.

SECTION 2: READMISSION AGREEMENTS¹⁸

This section studies the practical implementation of EU readmission agreements and bilateral readmission agreements between Member States and third countries. In particular, it aims to determine the frequency of use of European and bilateral agreements, practical challenges to which Member States are confronted when carrying out returns based on readmission agreements and the extent to which these agreements are effective in ensuring removal of third-country nationals.

For a State, readmission agreements facilitate the readmission of a third-country national - who does not or no longer meets the entry or residence conditions on its territory - to his or her country of origin, under certain conditions. In principle, a readmission agreement provides for three types of procedures: the readmission of nationals, the readmission of third-country nationals and the transit for removal of third-country nationals. Readmission and implementation conditions can vary from one agreement to another. In France, the Prefectures and the Departmental Directorates of the French Border Police (*directions départementales de la police aux frontières*) (DDPAF) are responsible for identifying illegally staying third-country nationals subject to a removal decision, as well as issuing travel documents to allow their removal from French territory. These departments are responsible for directly calling on the foreign consulates with territorial responsibility in France. Requests for the issue of travel documents for readmission are thus managed in a devolved way. Different procedures are applied, depending on whether or not the countries have signed a European or Bilateral readmission agreement.

Section 2.1: Institutional setup

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

In France, readmission requests are carried out by the **département Prefectures**.

The readmission is then implemented by the appropriate local departments of the Central Directorate of the French Border Police (*direction centrale de la police aux frontières*) (DCPAF) for the Police and Customs Co-operation centres (*centres de coopération policière et douanière*) (CCPD).

The aim of this section is to study the practical application of readmission agreements, looking, in particular, at the obstacles that can be encountered, and the degree of effectiveness of these tools. We will first study EU readmission agreements followed by bilateral readmission agreements signed between France and third countries.

Section 2.2: EU Readmission Agreements

Since the Treaty of Amsterdam in 1999, the European Commission can negotiate and sign Union-level readmission agreements with third countries. The EU has signed thirteen readmission agreements with Pakistan, Georgia, Hong Kong, Macao, Sri Lanka, Albania, Russia, Ukraine, Macedonia, Bosnia-Herzegovina, Montenegro, Serbia and Moldavia.

With regard to the statistical data requested in this section, it is important to note that **only aggregate data for readmission requests is collected in France**, without making the distinction between readmission

¹⁸ It is important to note that this section only concerns readmission agreements with third countries and that all other readmission agreements with EEA countries are outside of the scope of this study.

requests submitted or not on the basis of readmission agreements. It is, therefore, **impossible to provide statistics** on the number of readmission requests made through EU readmission agreements.

It is also important to note that the section concerning voluntary returns cannot be completed as requests for consular passes concern forced removals.

Q18. Please provide any available statistics on the number of readmission applications that France has submitted on the basis of EU readmission agreements¹⁹.

Table 2.1: 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
<u>Total numbers</u>	/	/	/	/	N/A	N/A	N/A	N/A
<u>Own nationals</u>	/	/	/	/	N/A	N/A	N/A	N/A
<u>Third-country nationals (including stateless persons)</u>	/	/	/	/	N/A	N/A	N/A	N/A

The following three tables aim to analyse the three main third countries to which the most readmission requests are made by France, based on EURAs. However, these countries cannot be indicated as there are **no statistics on the number of readmission requests within the framework of this instrument**.

It is, however, possible to take into consideration the **number of consular pass requests** by French departments to consular authorities of countries with which the EU has signed readmission agreements. Obviously, this figure does not include the readmission requests for foreign nationals who have the necessary documents to return to their country of origin.

Thus, within this framework, the **three main third countries to which the most consular pass requests were made** are as follows:

- in 2010 : Moldavia, Pakistan and Turkey.
- in 2011 : Armenia, Serbia and Turkey.
- in 2012 : Georgia, Pakistan and Serbia.
- in 2013 : Albania, Armenia and Georgia.

¹⁹ In table 2.1, please provide statistics on the total number of all readmission requests made based on EURAs. In tables 2.2, 2.3 and 2.4, please provide only statistics for the three third countries to which the most readmission requests are made. These statistics are to be provided separately for each third country by filling out tables 2.1, 2.2 and 2.3 below. Please distinguish, if possible, between own nationals and third-country nationals or stateless persons.

Table 2.2: National Statistics on the number of readmission applications made under EU Readmission Agreement to third country 1

	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	/	/	/	/	N/A	N/A	N/A	N/A
Own nationals	/	/	/	/	N/A	N/A	N/A	N/A
Third-country nationals (including stateless persons)	/	/	/	/	N/A	N/A	N/A	N/A

Table 2.3: National Statistics on the number of readmission applications made under EU Readmission Agreement to third country 2

	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	/	/	/	/	N/A	N/A	N/A	N/A
Own nationals	/	/	/	/	N/A	N/A	N/A	N/A
Third-country nationals (including stateless persons)	/	/	/	/	N/A	N/A	N/A	N/A

Table 2.4: National Statistics on the number of readmission applications made under EU Readmission Agreement to third country 3

	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	/	/	/	/	N/A	N/A	N/A	N/A
Own nationals	/	/	/	/	N/A	N/A	N/A	N/A
Third-country nationals (including stateless persons)	/	/	/	/	N/A	N/A	N/A	N/A

Q19. Has France 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 2.5: 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 of more general nature. Also illustrate the obstacle with an example.
Countries of origin do not cooperate in general	No, except for certain third countries (for example: Pakistan)	Cooperation generally goes well with countries that have signed European readmission agreements. However, consular cooperation is difficult with certain countries, despite the readmission agreements, for example Pakistan. In 2010, Pakistan was considered to be one of the least cooperative with France (who had to engage an action plan in 2011).
Countries do not respect the deadlines	No, except for certain third countries (for example: Russia)	As noted above, cooperation works relatively well, but certain countries, such as Russia in particular, do not always respect response times (consular cooperation with Russia has, however, improved considerably).
Countries do not cooperate in relation to readmission applications of third-country nationals (as opposed to own nationals)	N/A	Generally, there are few readmissions of third-country nationals (evidence is too difficult to present).
Countries do not cooperate in relation to readmission applications of stateless persons (as opposed to own nationals)	N/A	In practice, readmission cases concerning stateless persons are rare.
Countries do not issue travel document to enable readmission/return	No	Generally, cooperation with consular authorities of countries that have signed EU readmission agreements goes well.
Gaps in own (Member) State's administrative capacity to implement readmission agreement	No	No major difficulties have been noted, but the French administration sometimes encounters technical problems. Sometimes, faced with the lack of cooperation from consular authorities, the Prefectures self-censor.
Other obstacles	/	N/A

Q20. Has France conducted any evaluations of the effectiveness of EU and/or its bilateral readmission agreements?

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

No, France has not conducted evaluations on the effectiveness of EU or bilateral readmission agreements.

However, it should be noted that an **action to raise awareness in Prefectures** on readmission procedures set out in the agreements and targeting certain countries, was put in place in 2013. This has enabled the evaluation of the **contribution of these different agreements** (European and bilateral readmission agreements for Albania and Kosovo, concerted management agreements for migratory flows, cooperation minutes, memorandums...) **to France's removal policy**. The criteria taken into consideration to evaluate these agreements are, in particular, **removal measures** and the **rate of issue of consular passes**.

"Country sheets" drafted by the Detention and Removal Office (*Bureau de la rétention et de l'éloignement*) of the DGEF also enables us to evaluate the agreements on a case-by-case basis²⁰. These summary sheets present an overview of the levels of cooperation between France and several countries.

Table 2.6: Findings of the evaluations of EU Readmission Agreements carried out by France

Aspects of effectiveness	Covered in national evaluations (Yes/No)	Main findings
Recognition rates of readmission applications	N/A	N/A
Other (please indicate and add rows as necessary)	N/A	N/A

In 2011, at a European level, the European Commission carried out an evaluation on the policy of readmission agreements signed by the EU²¹. This Commission communication aims to **evaluate the implementation of EU readmission agreements** already in force, to **assess on-going readmission negotiations and 'open' negotiating directives**, and finally to **provide recommendations for a future European readmission policy**, including on monitoring mechanisms.

The Commission shows a **mixed picture** of the situation. It presents, firstly, incomplete data provided by Member States and difficulties in data use, as it often covers different situations. On the use of EU readmission agreements, the Commission explains that a majority of Member States apply EU readmission agreements for all their returns, whereas others continue to use bilateral agreements which existed before the EU readmission agreement entered into force. The reasons given for non-application of EU readmission agreements are the absence of a bilateral implementing protocol and/or that EU readmission agreements are used only if they facilitate returns. The Commission underlines, however, that the inconsistent application of EU readmission agreements undermines the credibility of the EU readmission policy towards the third countries, whilst raising the issue of Human Rights and international protection guarantees set out in the EU readmission agreements.

The Commission notes that the transit and accelerated procedures are rarely used by Member States, even though these clauses are always included in the negotiation directives given to the Commission and often prove to be serious obstacles in negotiations. It recommends excluding such clauses from the EU level, and leaving them for bilateral implementing protocols.

This evaluation highlights the added value of EU readmission agreements, especially for the readmission to the countries neighbouring the EU. It underlines the use of these tools to tackle irregular migration from third countries. But this evaluation also shows the limits of negotiation directives that are rigid on certain aspects and do not offer sufficient incentives, resulting in delayed conclusion of negotiations.

²⁰ The country sheets are described in more detail in questions 25 and 28 of this study.

²¹ [Evaluation of EU readmission agreements](#), Communication from the Commission to the European Parliament and Council, 23 February 2011

In conclusion to this evaluation, the Commission recommends **better integrating the EU readmission policy in the overall external relations policies of the EU**, by seeking possible synergies with framework agreement negotiations with third countries.

Q21. The following indicators have been developed in order to provide (proxy) measures of the effectiveness of EU and bilateral readmission agreements. If France 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.

As previously noted, France cannot provide the statistical data requested for this section, as the available data does not distinguish between readmission requests that are part of readmission agreements and those which are not. It is, therefore, **impossible to measure the effectiveness of EU readmission agreements based on statistical data.**

Table 2.7: 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	/	/	/	/	/
Number of readmission agreements 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	/	/	/	/	/

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.

In general, cooperation with third countries who have signed EU readmission agreements is satisfactory and has improved over the years, although some countries such as Pakistan and Sri Lanka still cause some difficulties. France has signed implementing protocols with some third countries. For example, cooperation with Serbia had deteriorated, despite the EU readmission agreement, but the **signature of an implementing protocol** led to an improvement in the situation.

The analysis of the implementation of EU readmission agreements in France highlights several points. Despite the lack of statistical data and national evaluation reports, several sources - such as country sheets drafted by the Detention and Removal Office (*Bureau de la rétention et de l'éloignement*) of the DGEF and awareness-raising actions implemented in 2013 for Prefectures - allow us to measure the effectiveness of

this instrument, whilst identifying the remaining challenges. Several elements also allow us to evaluate the effectiveness of bilateral readmission agreements.

Section 2.3 Separate Bilateral Readmission Agreements

Different obstacles can be encountered during the removal procedure, due to difficulties in obtaining the consular passes required for removal operations for illegally staying third-country nationals subject to a return decision from some third country States. These obstacles can be due, in particular, to differences in practices and cooperation between different consular offices of a same country in France, due, for example, to political events or structural operating difficulties. Faced with the different obstacles encountered during the removal procedure, the numerous readmission agreements signed by France appear to be essential.

Q23. Does France have any separate bilateral readmission agreements in place with third countries? 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.

France has signed nearly forty bilateral readmission agreements.

List of bilateral readmission agreements signed by France

Country	Date of signature	Date of entry into force
Germany	10 February 2003	27 May 2005
Argentina	1 February 1995	8 February 2002
Austria	20 April 2007	1 November 2007
Benelux	16 April 1964	16 May 1964
Brazil	28 May 1996	24 August 2001
Bulgaria	29 May 1996	3 February 1997
Costa Rica	16 June 1998	18 February 2001
Croatia	27 January 1995	17 February 1996
Dominica	9 March 2006	1 March 2007
Ecuador	16 October 1998	26 May 2000
Spain	26 November 2002	21 December 2003
Estonia	15 December 1998	15 April 1999
Greece	15 December 1999	1 January 2004
Guatemala	11 November 1998	2 December 1999
Honduras	20 November 1998	21 September 2000
Hungary	16 December 1996	30 December 1998
Italy	3 October 1997	1 December 1999
Kosovo	2 December 2009	In the process of being ratified
Latvia	5 December 1997	14 June 1998
Lithuania	4 December 1998	7 January 2000
Macedonia	8 October 1998	17 June 1999
Mauritius	15 November 2007	Immediate
Mexico	6 October 1997	16 July 1998
Nicaragua	20 April 1999	13 September 2000
Panama	30 April 1999	30 May 1999
Paraguay	10 April 1997	13 December 1997
Poland	29 March 1991	1 March 1992
Portugal	8 March 1993	26 March 1995

Czech Republic	2 April 1997	Not in force
Romania	12 April 1994	26 July 1994
El Salvador	26 June 1998	1 May 1999
Saint Lucia	23 April 2005	1 May 2006
Serbia & Montenegro	25 April 2006	/
Slovakia	20 March 1997	2 August 1997
Slovenia	1 February 1993	14 November 1993
Sweden	14 February 1991	29 June 1991
Switzerland Liechtenstein	28 October 1998	1 March 2000
Surinam	30 November 2004	Not ratified on the Surinam side
Uruguay	5 November 1996	24 July 1997
Venezuela	25 January 1999	30 December 2001

Since 2007, France has signed agreements with several countries on the concerted management of migratory flows and co-development. These agreements, within the framework of the EU's "comprehensive approach to migration", included several sections concerning the movement of people, admission for residence, the **readmission of illegally staying people**²², police, technical and financial cooperation in the fight against illegal migration, co-development and development aid. The section on readmission is part of the shared responsibility in the fight against illegal immigration.

Concerted management of migration flow agreements:

Benin	28 November 2007	1 March 2010
Burkina Faso	10 January 2009	1 June 2011
Cameroon	21 May 2009	In the process of being ratified
Cape Verde	24 November 2008	1 April 2011
Republic of Congo	25 October 2007	1 August 2009
Gabon	5 July 2007	1 September 2008
Senegal	23 September 2006	1 August 2009
Tunisia	28 April 2008	1 July 2009

Readmission agreements with different procedures depending on the countries

Readmission conditions, and readmission agreement implementation modalities, can vary depending on the country:

- **Readmission on the basis of article L.531-1 of the CESEDA (readmission to a Schengen State)**

The non-EU foreign national who has entered or is staying illegally in France can be returned to the competent authorities of the Member State that admitted him or her to enter or stay on its territory, or from which he has directly come. The foreign national is informed of their return by a written, reasoned decision. This decision is automatically enforceable, and possible appeals are not suspensory.

The Prefect is the competent authority to take a return measure in accordance with article L.531-1. However, in *départements* with a common border with one or several EU Member States, the Prefect can delegate his signature to a border police officer of a level equal to or higher than lieutenant, in accordance with article 10 of the modified decree no. 82-440 of 26 May 1982.

²² Own or third-country nationals

This procedure has the advantage of being fast.

- **Readmission to a country with a land border with France**

Readmission agreements signed with Spain, Italy and Switzerland include a simplified readmission procedure between border authorities when the person is arrested in the border zone.

- **Immediate readmission to certain border countries**

Simplified immediate readmission, within four hours, is only set out in the readmission agreement signed on 26 November 2003 with Spain. The readmission conditions are included in the circular of 16 August 2004 through the decree 2004-226 of 9 March 2004.

Immediate readmission is not, however, included in the readmission agreements signed with Belgium, Italy and Germany. For the latter country, this is notably explained by different working hours between German and French authorities that do not allow readmission within four hours in practice.

Q24. Please provide any available statistics on the number of readmission applications that France has submitted on the basis of separate bilateral readmission agreements.

With regard to the statistical data requested in this section, it is important to note that **only aggregate data for readmission requests is collected in France**, without making the distinction between readmission requests submitted or not on the basis of readmission agreements. It is, therefore, **impossible to provide statistics** on the number of readmission requests made through bilateral readmission agreements. For the same reason, it is not possible to indicate the three main third countries to which most readmission applications are made by France on the basis of these agreements (tables 2.8 to 2.10).

It is also important to note that the section concerning voluntary returns cannot be completed as requests for consular passes concern forced removals.

As indicated in the section on EU readmission agreements, it is, however, possible to take into account the number of **consular pass applications** made by French departments to the consular authorities of third countries with which France has signed a readmission agreement. In general, **Kosovo** is the third country with which France has signed a readmission agreement that has received the most consular pass applications from France. Excluding third countries, **Romania** is the country that has received the most consular pass applications from France.

Table 2.8: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 1

	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	/	/	/	/	N/A	N/A	N/A	N/A
Own nationals	/	/	/	/	N/A	N/A	N/A	N/A
Third-country nationals (including stateless persons)	/	/	/	/	N/A	N/A	N/A	N/A

Table 2.9: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 2

	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	/	/	/	/	N/A	N/A	N/A	N/A
Own nationals	/	/	/	/	N/A	N/A	N/A	N/A
Third-country nationals (including stateless persons)	/	/	/	/	N/A	N/A	N/A	N/A

Table 2.10: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 3

	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	/	/	/	/	N/A	N/A	N/A	N/A
Own nationals	/	/	/	/	N/A	N/A	N/A	N/A
Third-country nationals (including stateless persons)	/	/	/	/	N/A	N/A	N/A	N/A

Q25. Please indicate the most common problems encountered in the implementation of separate bilateral readmission agreements by filling in the table 2.11 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).

Country sheets presenting levels of cooperation with several countries have been drafted by the Detention and Removal Office (*Bureau de la rétention et de l'éloignement*) within the Immigration Directorate of the DGEF. These are part of an approach announced by the circular INTK1307757J of 9 July 2013, aiming to:

- give an overall view of the situation with regard to third countries for the Prefecture network;
- not reduce, despite the difficulties, the number of consular pass applications to show the legitimacy of French claims to foreign countries;
- encourage the emergence and sharing of useful practices between departments (for example, the compilation of presented files, use of European passes, etc). An exchange forum will shortly be launched for willing Prefectures.

These country sheets enable the identification of **obstacles encountered within the framework of bilateral readmission agreements** and **provide recommendations** to improve the readmission procedure and cooperation between France and the third countries.

The table below details the main obstacles associated with the application of bilateral readmission agreements.

Table 2.11: 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 of more general nature. Also illustrate the obstacle with an example.
Countries of origin do not cooperate in general	No	In general, within bilateral readmission agreements, cooperation with States does not lead to significant problems.
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	Generally, there are few readmissions of third-country nationals (evidence is too difficult to present) ²³ .
Countries do not cooperate in relation to readmission applications of stateless persons (as opposed to own nationals)	/	/
Countries do not issue travel document to enable readmission/return	Yes	Whilst improvements in the issue of consular passes have been seen with some third countries since the signing of readmission agreements, this can be problematical with other countries. Relationships between competent authorities in both countries also play a major part. However, disparities can be noted on the national territory between competent local authorities. Whilst excellent relationships are maintained between some French Prefectures and consulates of signatory third countries, the situation may be different over the whole territory.
Gaps in own (Member) State's administrative capacity to implement readmission agreement	No	No major difficulties have been noted, but the French administration sometimes encounters technical problems. Sometimes, faced with the lack of cooperation from consular authorities, the Prefectures self-censor ²⁴ .
Other obstacles (please add columns as necessary)	/	/

²³ Similar situation to table 2.4 concerning European readmission agreements.

²⁴ Similar situation to table 2.4 concerning European readmission agreements.

Q26. Do any of the separate bilateral readmission agreements signed by France 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.

The bilateral readmission agreements signed by France **do not contain provisions to promote voluntary returns**. They are agreements that aim to facilitate the readmission procedure between the two countries for illegally staying foreign nationals - they do **not expressly make the distinction between forced and voluntary return**. However, in practice, readmission agreements concern **forced returns**.

Q27. Does France prefer to use separate bilateral readmission agreements instead of EU Readmission agreements with particular third countries? If yes, please indicate with which third countries and the reasons for this.

Whilst bilateral readmission agreements are the most used in France, European readmission agreements may sometimes be more practical and effective, in particular for the authorities of the country concerned. It is also important to note that on the whole, EU readmission agreements and bilateral agreements do not apply to the same countries.

Where the two agreements exist, the EU readmission agreement takes priority if there is incompatibility with the bilateral agreement.

Q28. Has France conducted any evaluations of the effectiveness of separate bi-lateral readmission agreements?

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

No, France has not conducted evaluations on the effectiveness of bilateral readmission agreements. However, the **country sheets**²⁵, that provide an overview of cooperation within readmission agreements signed with some countries and indicating possible **difficulties encountered, give recommendations** aimed at improving the readmission procedure and cooperation between France and the third country concerned. They also present **good practice** implemented on a bilateral level. For example, regular meetings are organised between the competent authorities of the DGEF and the consular authorities of the country to encourage exchanges on the question of readmission.

Cooperation with Albania can be used as an example of good practice. Albania is a country with which cooperation in readmission is very satisfactory. The issue rate of consular passes (*laissez-passer consulaire LPC*) has significantly increased since 2010. From January to September 2013, it reached 94% (for 88 applications), enabling Albania to be classed among the most cooperative countries in LPC issue.

Table 2.12: Evaluations on separate bilateral readmission agreements

Aspects of effectiveness	Covered in national evaluations (Yes/No)	Main findings
Recognition rates of readmission applications	N/A	N/A
Other (please indicate and add rows as necessary)	N/A	N/A

²⁵ Source : Immigration Directorate (*Direction de l'immigration*), DGEF, French Interior Ministry

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 2.13; third country 2 in table 2.14; and third country 3 in table 2.15). If France 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.

As previously noted, France cannot provide the statistical data requested for this section, as the available data does not distinguish between readmission requests that are part of readmission agreements and those which are not. It is, therefore, **impossible to measure the effectiveness of bilateral readmission agreements based on statistical data.**

Table 2.13: Indicators measuring the effectiveness of separate bilateral readmission agreements with third country 1

Indicators	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	/	/	/	/	/

Table 2.14: Indicators measuring the effectiveness of separate bilateral readmission agreements with third country 2

Indicators	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	/	/	/	/	/

Table 2.15: Indicators measuring the effectiveness of separate bilateral readmission agreements with third country 3

Indicators	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.

In general, we can consider that cooperation is satisfactory with most of the countries that have signed bilateral readmission agreements. Some countries are more involved in the return of migrants due to their significant level of illegal immigration to France - this is the case, for example, with Kosovo, Romania and Brazil (due to the border with French Guyana). Consular cooperation is good with these countries. Bilateral readmission agreements, therefore, enable links regarding immigration to be reinforced between the two signatory States.

Despite the absence of statistical data, several elements, in particular the country sheets, allow the evaluation of the effectiveness of bilateral and European readmission agreements. Whilst entry bans and readmission agreements are two effective tools in France's return policy, other tools may be used by Member States to guarantee sustainable returns. The third section studies the links between entry bans, readmission agreements and reintegration assistance.

SECTION 3. ENTRY BANS AND READMISSION AGREEMENTS: UNDERSTANDING THE SYNERGIES WITH REINTEGRATION ASSISTANCE

Given that reintegration assistance can play a major part in guaranteeing sustainable returns, this section aims to study the links that can exist between entry bans and readmission agreements on the one hand, and reintegration assistance on the other. It will also examine the extent to which political decision makers responsible for issuing entry bans and the readmission applications cooperate with officials responsible for granting/managing reintegration assistance. The aim is to determine if reinforced cooperation between the different competent authorities could lead to better results in terms of sustainable return.

Reintegration assistance aims to guarantee sustainable returns by providing the returning people with different types of socio-economic aid, such as professional training, jobs and education. In France, reintegration assistance is managed by the French Office for Immigration and Integration (*Office français de l'immigration et de l'intégration*), which is responsible for granting financial aid and supporting individuals with procedures throughout the implementation of their economic project.

Whilst reintegration assistance is not the main aim of this study, the analysis of synergies between entry bans, readmission agreements and reintegration assistance allows further evaluation of the effectiveness of return instruments.

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, the authorities in charge of imposing entry bans do not consult or inform the authorities in the concerned third country.

Q32. Is it possible in France for returnees who have been the subject of an entry ban to apply for re-integration assistance? If yes, please indicate in which circumstances.

In France, reintegration assistance is not possible for migrants who are subject to an order to leave the French territory (*obligation de quitter le territoire français*) and an entry ban.

Only illegally staying migrants returning on their own or with OFII return assistance can apply for reintegration assistance.

Consideration is being given to reintegration assistance, but no change is planned for third country nationals subject to removal measures²⁶.

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?

Not applicable.

In France, the authorities in charge of decisions on entry bans (Prefects) are not the same as those in charge of granting reintegration assistance (the OFII).

²⁶ Interview with a representative of the French Office for Immigration and Integration (*Office français de l'immigration et de l'intégration*)

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.). If yes, please describe.

Not applicable, as the individuals subject to a removal measure cannot apply for reintegration assistance.

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?

Not applicable

Q36. Does your (Member) State offer re-integration assistance to returnees who have been removed on the basis of a readmission agreement? If yes, please indicate in which circumstances.

With regard to readmission agreements, OFII officers do not check that the candidate for reintegration assistance is subject to a return as part of a readmission agreement. This information is not requested, and thus does not appear in the reintegration assistance application file²⁷.

Q37. (If answered yes to question 36), are the competent authorities involved in making readmission applications and granting re-integration assistance the same?

The authorities in charge of readmission applications are not the same as those in charge of granting reintegration assistance.

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.). If yes, please describe.

Not applicable.

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?

Not applicable.

Checking process for a reintegration assistance application²⁸

Reintegration assistance **is not possible for migrants subject to an order to leave the French territory (*obligation de quitter le territoire français*) and an entry ban**. This is why there is no coordination between the Prefect, in charge of the decision, and the OFII, in charge of granting reintegration assistance. The OFII is not, therefore, informed of the decisions.

²⁷ Interview with an OFII representative

²⁸ Interview with an OFII representative

When an individual makes a reintegration assistance application to one of the OFII representations abroad, the OFII officers check with the DCPAF if the individual is subject to a removal measure. If this is the case, the individual is not eligible for assistance. However, DCPAF replies may take varying lengths of time, depending on the case. If in doubt, the OFII officers do not make a decision and the file is placed on standby.

In practice, the OFII does not always receive information from the DCPAF. The procedure may be long and the circuit sometimes seems obscure.

OFII officers have access to AGDREF (*Application de gestion des dossiers des ressortissants étrangers en France*)(Management application for files of foreign nationals in France)²⁹, but in a limited way that does not allow them direct access to information on the administrative situation of applicants for reintegration assistance and thus identify those who are subject to removal measures.

There is, therefore, room for improvement in facilitating the checking process carried out by OFII officers, with the aim of dealing with files in the most effective way by determining within short time scales if the applicant for reintegration assistance is subject to a removal measure.

In France, reintegration assistance is not possible for migrants who are subject to an order to leave the French territory (*obligation de quitter le territoire français*) and an entry ban. There is no cooperation between the different authorities in charge of it. There is, therefore, room for improvement within the framework of reintegration assistance applications, when checks are carried out to ensure that the individual is not subject to a removal measure.

²⁹ The IT management application for managing the files of foreign nationals in France was implemented in 1993 (decree of 29 March 1993). This tool enables users in Prefectures and the Central Administration to manage and consult individual files in common IT databases, depending on their clearance level.

SECTION 4. : KEY FINDINGS/CONCLUSIONS

With the aim of better understanding the extent to which Member States use entry bans and readmission agreements to improve national returns policies, the EMN study allows us to note the following findings.

The **entry ban to the French territory (*interdiction de retour sur le territoire français*)** was transposed into French legislation in 2011, in accordance with article 11 of the Return Directive. The analysis of cooperation between Member States shows that whilst France systematically enters an alert into the Schengen Information System, information on entry bans is exchanged on a case by case basis with the other Member States.

The **statistics requested within the framework of the study** are not all collected at a national level. For example, France does not collect data on decisions to suspend or withdraw entry bans. Due to the absence of evaluation and lack of statistical data, it seems difficult to tangibly gauge the effectiveness of this measure. We note, however, that all the people who have been subject to entry bans have not returned to France. Several obstacles have been identified, in particular, the difficulty in **guaranteeing compliance with entry bans** by third country nationals, and also in **checking compliance with entry bans**.

With regard to **bilateral or European readmission agreements**, one of the study's objectives was to look at the way in which Member States use these tools and, more precisely, to determine the extent to which EU readmission agreements have provided added value to Member States' return policies. France has signed forty bilateral readmission agreements. In France, EU readmission agreements and bilateral agreements do not generally apply to the same countries. Where the two agreements exist, the EU readmission agreement takes priority if there is incompatibility with the bilateral agreement.

Most statistical data concerning readmission agreements could not be provided for this study as **only aggregate data for readmission requests is collected in France**, without making the distinction between readmission requests submitted or not on the basis of readmission agreements.

Whilst there are no evaluation reports on these tools, **country sheets** drafted by the Detention and Removal Office (*Bureau de la rétention et de l'éloignement*) of the DGEF show an overview of cooperation levels and describe the main obstacles encountered in practice. They also provide recommendations to improve the readmission procedure and cooperation between France and the concerned third country, whilst also identifying good practices implemented with third countries, such as regular meetings organised between the competent DGEF authorities and the consular authorities of the concerned country, to encourage exchanges on the readmission question.

The analysis of **links between entry bans, readmission agreements and reintegration assistance** lets us enrich the debate to determine if reinforced cooperation between the different competent authorities could lead to effective, sustainable returns. Given that reintegration assistance is not available for migrants subject to an order to leave the French territory (*obligation de quitter le territoire français*) and an entry ban, there is no cooperation between the different competent authorities in France. There is, however, room for improvement within the framework of reintegration assistance applications, when checks are carried out to ensure that the individual is not subject to a removal measure.

This study comes at a moment of political and legislative debate in France, as the draft project on immigration has just been presented, in particular with the aim of **reinforcing the fight against illegal immigration**.

The **synthesis report**, conducted at a European level based on national EMN Contact Point contributions, will present the main results of the study and provide a comparative analysis of national legal frameworks

and the application of entry bans and readmission agreements within Member States. It will enable the analysis of the effectiveness of these measures, by identifying the challenges still to be met and the good practices implemented in Member States. Its conclusions will thus be of interest for political decision makers at a national and European level.

ANNEXES

ANNEX 1. LIST OF INTERVIEWS CARRIED OUT OR PEOPLE WHO HAVE CONTRIBUTED TO THE STUDY

1. Interior Ministry, General Directorate for Foreign Nationals in France (*Direction générale des étrangers en France*)

- Patrick DUPRAT, Assistant to the Deputy Director for the fight against illegal immigration and Head of the Office for Foresight and Support (*bureau de la prospective et du soutien*), Directorate for Immigration, General Directorate for Foreign Nationals in France (*Direction générale des étrangers en France*), French Interior Ministry
- Jean-Paul BERLAN, Assistant Head of the Detention and Removal Office (*Bureau de la rétention et de l'éloignement*), Directorate for Immigration, General Directorate for Foreign Nationals in France, Interior Ministry
- Ruxandra DE WAUBERT, Drafter within the Secretariat for readmission agreements and international affairs, Office for Foresight and Support (*bureau de la prospective et du soutien*), Directorate for Immigration, General Directorate for Foreign Nationals in France, Interior Ministry

2. French Office for Immigration and Integration (*Office français de l'immigration et de l'intégration*)

- Fabrice BLANCHARD, Director of Immigration, Return and Reintegration of Foreign Nationals, French Office for Immigration and Integration

ANNEX 2. BIBLIOGRAPHY

1. Reports and studies

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http://www.europarl.europa.eu/meetdocs/2009_2014/documents/com/com_com%282011%290076_/com_com%282011%290076_fr.pdf

- *Draft law on immigration*, press release, Interior Ministry, July 2014

<http://www.immigration.interieur.gouv.fr/Asile/Les-projets-de-loi-relatifs-au-droit-des-etrangers>

- *Lutte contre l'immigration illégale (fight against illegal immigration)*, Legislative Editions, Dictionnaire Permanent Droit des étrangers (*Permanent Dictionary Immigration law*), update June 2014

- *Obligation de quitter le territoire (order to leave the territory)*, Legislative Editions, Dictionnaire Permanent Droit des étrangers (*Permanent Dictionary Immigration law*), update June 2014

2. Legislative texts

a) National legislation

- Laws

- Law n°2011-672 of 16 June 2011 concerning immigration, integration and nationality

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000024191380&categorieLien=id>

- Codes

- Code for Entry and Residence of Foreigners and Right of Asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile*) (*CESEDA*)

<http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070158>

- Interior Security Code

<http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000025503132&dateTexte=20120618>

- Opinions

- CE opinion, n°354165, 12 March 2012

<http://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000025528978&fastReqId=1126254073&fastPos=1/>

b) European Directives

- Directive 2008/115/CE of the European Parliament and Council of 16 December 2008 concerning common standards and procedures applicable in Member States for the return of illegally staying third-country nationals

<http://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:32008L0115&from=FR>