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NOTE

from: General Secretariat
to: Migration and Expulsion working party
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Subject : **Analysis of replies to the questionnaire concerning the practice of Member States, including Iceland and Norway, with regard to transit for the purpose of expulsion by air.**

Delegations will find herewith an analysis of replies received by Member States including Iceland and Norway to the questionnaire concerning the practice regarding transit for the purpose of expulsion by air (Telex No. 0565 of 9 February 2000).

For ease of reference, replies are presented in the form of tables with general comments, if any, at the foot of each table.

It should be noted that the statistical data contained in this document may not be completely accurate, either because statistics are not updated or because national administrations do not collect the relevant information (see comments on specific questions and replies for more details).

Question 1:

How many expulsions of third country nationals were carried out during 1999, what were their nationalities and which were their countries of destination?

	NUMBER OF EXPULSIONS	COUNTRY OF NATIONALITY	COUNTRY OF DESTINATION
B	6487	Senegal, Guinea, Cameroon, Nigeria, China, Poland, Romania, Bulgaria, Albania, Ecuador, etc.	not given
DK	9276	Slovakia, Iraq, Iran, Pakistan, Russia, Armenia, Turkey, Georgia, Croatia, Poland, India Sri Lanka, Slovenia, etc.	not given
D	32233	Turkey, Romania, Ukraine, Bulgaria, Bosnia Herzegovina, Yugoslavia, Poland, etc.	not given
GR	2880	Romania, Bulgaria, Ukraine, Moldavia, Pakistan, Georgia, Poland, etc.	all deported to country of origin
E	5020	Morocco, Colombia, Algeria, Romania, Brazil, Ecuador, Ukraine, Poland, Russia, Venezuela, etc.	not given
F	8300	Romania, Algeria, Morocco, Tunisia, Turkey, Poland, etc.	in EU countries: I, D, E, NL, P, UK, B, A, GR, DK, IRL, S. in third countries: Romania, Morocco, Algeria, Tunisia, Turkey, Poland, Mali, Senegal, etc.
IRL	6	Romania, Russia, Nigeria, Moldavia, etc.	In EU countries: F. in third countries: Romania, Nigeria, Moldavia.
I	12036	Albania, Algeria, Ghana, Morocco, Moldavia, Nigeria, Tunisia, Romania, Ukraine, etc.	not given
L	30	Bulgaria, Tunisia, Albania, Morocco, China, Ecuador, Bosnia, Brazil, Cameroon, Colombia, Mexico, Nigeria, Romania, Slovenia, Ukraine, etc.	all deported to country of origin
NL	12204	Morocco, Poland, Romania, Bosnia-Herzegovina, Czech Republic, Turkey, Ecuador, Ethiopia, Ghana, Suriname, Colombia, former-URSS, etc.	
A	20207	Romania, Yugoslavia, Poland, Slovakia, Hungary, Republic of China, Macedonia, Czech Republic, Iraq, Moldavia, etc.	all deported to country of origin
P	529	Ukraine, Moldavia, Brazil, Romania, Morocco, Nigeria, Russia, Angola, Guinea Bissau, Guinea Conakry, Pakistan, China, etc.	all deported to country of origin
FIN	5426	Estonia, Morocco, Iraq, Belgium	not given
S	6735	Poland, Bosnia, Yugoslavia, Bangladesh, Russia, etc.	not given
UK	45100	no available data exists	no available data exists

IS	No expulsions were carried out in 1999	-	-
N	440	Poland, Lithuania, Russia, etc.	not given

<u>Total expulsions from EU countries and Norway</u>	<u>166909</u>
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Expulsions

It should be noted that each national total includes all expulsions, both deportation and repatriation, irrespective of the status of the person involved ("aliens", "asylum applicants", "non asylum applicants", other cases).

Country of destination

With the exception of France, available data does not distinguish whether the expulsion is to the country of origin or to another country.

However, from the replies received it appears that, as general trend, expelled persons are sent to their country of origin.

From replies received it can be seen that the majority of nationals involved belong to the following countries:

- Eastern Europe: Poland, Romania, Bulgaria, Albania.
- Africa: Tunisia, Morocco, Algeria, Nigeria, Cameroon, Ghana.
- Asia: China, Sri Lanka, India, Pakistan, Iran, Iraq, Turkey, former-USSR.
- South America: Ecuador, Colombia, Brazil.

Question 2:

Does your country have direct flights to all the countries concerned in the previous question?

	YES	NO	COMMENTS
B	X		In most cases repatriations were carried out using direct flights. Where this option was not available, or where the number of people to be repatriated was too large, direct flights were not used.
DK		X	Direct flights are available only to Nairobi, Addis Ababa, Beijing.
D		X	not given
GR		X	There are no direct flights to the following destination: Libya, India, Algeria, Nicaragua, Tanzania, Congo, China, Lithuania, Ghana, Argentina, Uruguay, Dominican Republic, Slovenia, Cyprus, Colombia, Sudan, Iran, Nigeria, Latvia, Indonesia, Chile, Bangladesh and the Philippines.
E	X		With the exception of Ukraine, direct flights are always available.
F	-	-	Time limits, combined with the frequency of air connections and the availability of seats, often make transit via another country necessary, even when there is a direct connection
IRL		X	not given
I	X		not given
L		X	With the exception of Brazil, Morocco, Russia, Angola, Guinea Bissau, Senegal, Venezuela and Cabo Verde, direct flights are always available.
NL		X	not given
A		X	not given
P		X	not given
FIN		X	not given
S		X	not given
UK		X	not given
IS		X	not given
N		X	not given

Question 3:

If not, which European Union transit airports were most often used and how many expulsions were carried out by your country in 1999 using those airports?

	AIRPORT MOST USED	NUMBER OF EXPULSIONS
B	Amsterdam Milan Rome, Bologna and London.	not given
DK	a) Non EU transit airports are chosen only when people being expelled are travelling without escort. (see next answer) b) If the expelled person is travelling under escort, then the nearest airport where the stay will be the shortest is chosen. Therefore, main transit airports include London, Amsterdam, Brussels and Paris	not given
D	Amsterdam, Brussels and Paris	not given
GR	Rome, Paris and Brussels.	not given
E	Frankfurt, Brussels, Lisbon, Amsterdam, Paris and London.	not given
F	Germany, Netherlands, Italy, Belgium, Spain, Denmark, Portugal, Austria, United Kingdom and Sweden.	859
IRL	Amsterdam, Frankfurt and London (Heathrow)	not given
I	Amsterdam, Frankfurt, Madrid, Munich and Paris	not given
L	Frankfurt, Amsterdam, Paris and Brussels.	not given
NL	Paris, Brussels, Frankfurt and Madrid.	288
A	Paris, Amsterdam and Frankfurt	not given
P	Amsterdam, Frankfurt, London, Madrid, Munich, Paris, Brussels, Rome, Milan and Vienna.	not given
FIN	Amsterdam, Brussels, Frankfurt, Copenhagen, Lisbon, London (Gatwick), Paris (C. De Gaulle) and Stockholm.	not given
S	Frankfurt, Amsterdam and Copenhagen.	not given
UK	Brussels, Madrid, Frankfurt and Amsterdam	not given
IS	-	-
N	Frankfurt, Munich and Copenhagen.	not given

According to the information collected, the most popular transit airports seem to be Amsterdam, Brussels, Frankfurt, Paris, London, Rome and Madrid.

Question 4:

If not, which non-European Union transit airports were most often used?

	NON EU AIRPORT MOST USED	COMMENTS
B	Bucharest and Dubai	
DK	Moscow	Used only in case of third-country nationals travelling without escort.
D	Moscow	Not used at the moment due to the lack of assistance given by local security authorities.
GR	Cairo and Karachi.	not given
E	Zurich.	not given
F	Hungary, Slovenia, Cameroon, Mauritania, United States, etc.	not given
IRL	not given	not given
I	Zurich, Bucharest, Budapest and Accra.	not given
L	not given	not given
NL	Casablanca, Istanbul, Tunis and Zurich.	not given
A	Moscow and Sofia	not given
P	Zurich, Dakar, Abidjan, Moscow, Sao Paolo and Casablanca.	not given
FIN	Abidjan, Bangkok, Budapest, Harare, Tallinn, Zurich and Warsaw.	not given
S	Moscow, Istanbul and Budapest.	not given
UK	Accra.	not given
IS	-	-
N	Dubai and Moscow	not given

The replies received do not show any particular trend. It appears that the choice of transit airport depended on the final destination and/or the routing of the Flight Company involved.

Question 5:

In both cases, was the transit dependent on the prompt information of the requested State and/or its previous consent/authorisation?

	COMMENTS
B, DK, F, IRL, L, A, S and N	Co-operation with local immigration services always plays an important role in the choice of airport.
D	a) Expulsions via EU airports are always carried out with the authorisation of the Member State involved. b) In the case of expulsion via non-EU airports, authorities are informed only where necessary, depending on case by case circumstances.
GR	Formal collaboration with other authorities is established only when the expelled alien is under escort.
E	Prior authorisation of the requested State is always requested before proceeding with the expulsion procedure.
I	Strict collaboration with foreign competent authorities is always carried out.
NL	Co-operation with local authorities is not always established. In cases where it is, the information concerning the expulsion procedure is given in advance and authorisation of the State concerned is sought.
P	EU transit airports are always contacted prior to transit. Non-EU airports are never informed.
FIN	Transit does not depend on prior consent of local authorities, but advance notice is usually given.
UK	not given
IS	-----

As a general trend it could be stated that:

- Co-operation with the transit State is normally always sought, even when it is not compulsory;
- The transit State is generally informed or notified in advance of all transit operations;
- Authorisation or consent is always requested, when required by the transit State.

Question 6:

Is there a need for an escort (for expulsions)? If yes, under which capacity do the escorts act?

	NO	YES	COMMENTS
B	X		An escort is arranged when there are indications that the person to be expelled may be aggressive or may put the safety of the aeroplane in danger. A distinction is made between: a) escorts organised for the expulsion of an inadmissible person. These are carried out by the Ministry of the Interior on behalf of Sabena. The escort retained has the status of "police officer", so escorts act as officers for aviation safety. b) Escort organised for a person who has entered the country - Status of escorts derives from national and international provision. During the flight, officers must comply with the rules of the Tokyo Convention.
DK	X		In case of expulsion under escort, two policemen normally accompany every alien being expelled. In certain cases, more than two persons may escort the alien, if it is deemed necessary. While on board, policemen act under the instructions of the captain. At the airport they act under instructions of the local authorities.
D	X		not given
GR	X		An escort is necessary only when the person expelled refuses to board the aircraft and offers passive resistance.
E	X		The decision whether or not to use an escort is taken on a case by case basis, depending on the circumstances.
F		X	not given
IRL	-	-	not given
I	X		Even when there is no legal obligation, it is usually necessary to provide an escort.
L	X		Escorts are provided when considered necessary.
NL	X		When flying on a Dutch plane, escorts act as legal officers; if not, they have no legal power.
A	X		Escorts are provided only for difficult expulsions, or where the airline company requests it.
P	X		Escorts are provided: a) When the profile of the alien to be expelled suggests he/she may resist expulsion. b) When transit airports require it.
FIN	X		There are no available statistics on this subject.
S	X		Escorts are provided when considered necessary.
UK	X		Escorts are provided when considered necessary for medical or security purpose.
IS	-	-	-----
N		X	not given

Conditions governing the provision of an escort vary considerably depending on national legislation. In most cases, medical and security reasons are the main factors taken into account.

The status of escorts also depends on national provisions. There is no common trend on this subject.

Question 7:

What the criteria used for the choice of the certain transit airports?

	CRITERIA ADOPTED
B	<ul style="list-style-type: none">- Co-operation by the airline operating the flight;- co-operation by the authorities of the transit airport;- infrastructure of the transit airport;- duration of transit and frequency of connecting flights;- language knowledge of the authorities of the transit airport;- organisation of the return flight for escorts;- costs.
DK	Those indicated in answer 3 of this questionnaire.
D	The shortest way in the shortest time.
GR	not given
E	There are no particular criteria adopted.
F	Flight connections and timeframe of the expulsion measure.
IRL	not given
I	<ul style="list-style-type: none">- Authorities willingness to accept such transit operations;- whether the time of the transit required is compatible with ensuring that the individual to be expelled and the escorts, where provided, are able to catch the connecting flight to the country of final destination;- the most general security conditions in force at the transit airport.
L	Availability of flights to the country of destination.
NL	<ul style="list-style-type: none">- Existence of a connection;- co-operation with local authorities;- existence of facilities for escorts and people deported;- security reasons;- connecting time.
A	<ul style="list-style-type: none">- The shortest flight;- on the basis of the readmission agreement containing provision on transit, where existent.
P	<ul style="list-style-type: none">- The shortest and less expensive flight;- frequency of the flight to the country of destination.
FIN	Available flight.
S	<ul style="list-style-type: none">- On the basis of the readmission agreement containing provision on transit, where existent;- convenient connections.
UK	Most appropriate routing.
IS	-
N	<ul style="list-style-type: none">- Appropriate flight connections;- time and practical facilities.

Several criteria are adopted by Member States, depending on a case by case analysis.

Among them, the most common are:

- availability and duration of flights;
- security conditions;
- co-operation of airlines and transit authorities;
- costs.

Question 8:

State the main difficulties experienced and the transit airports in which they occurred.

	DIFFICULTIES EXPERIENCED	TRANSIT AIRPORTS CONCERNED
B	- Resistance or refusal to continue the journey; - authorities do not offer effective co-operation: - attempts to escape during transit; - delay or cancellation of connecting flights; - overbooking on connecting flights; - refusal by the airline operating the connecting flight to accept the escorts on board.	Amsterdam, Rome, Bologna, Milan and London.
DK	None	not given
D	- Resistance or refusal to fly; - request for an escort made by the airline authorities even in those cases where the expulsion should be unescorted.	not given
GR	- Lack of requested documents; - attitude of the alien expelled; - lack of co-operation with authorities of the transit State.	Paris.
E	None	not given
F	- Attitude of the returnees; - cancellation or delay of flights; - communication problems.	not given
IR L	None	not given
I	Various difficulties encountered.	Zurich.
L	Availability of flights	not given
NL	- The captain of the aircraft refuse to board the escort and the deported person because of His/her heavy resistance to leave; - priority to leave given to local deported people.	not given
A	None	not given
P	Attitude of airport staff.	Frankfurt, Munich, London, Brussels and Rome.
FIN	None	not given
S	None	not given
UK	- Request for escorts; - request of prior notification	Paris and Brussels.
IS	-	-
N	None	not given

There is no general trend on this subject, as the stated difficulties are all of a different nature.

Nonetheless, it seems quite obvious that all these problems, experienced in almost all the transit airports, could easily be eliminated through increased co-operation between the authorities of the countries involved.

Question 9:

If it was not possible to carry out an expulsion because of the difficulties experienced, state the reasons and the transit airport where the difficulties occurred.

	REASONS	AIRPORTS
B	not given	not given
DK	not given	not given
D	not given	not given
GR	French authorities refused transit to some Moroccan nationals, notwithstanding the fact that they had temporary travel documents issued by the Moroccan Consulate in Greece.	Paris
E	Sabena refused to board an alien subjected to an expulsion order	Brussels
F	- Interruption in the expulsion of an Ukrainian national with a forged Croatian passport to Croatia. During the transit in Frankfurt the returnee refused to continue his journey claiming that his passport was forged. The individual was returned to France; - a Romanian national escaped while transiting through Frankfurt airport; - interruption in a expulsion to Sudan with transit in Frankfurt, following an asylum request made by the Sudanese national while in transit; - refusal to embark by a Sri-Lanka national in transit at Frankfurt.	Frankfurt
IRL	not given	not given
I	not given	not given
L	not given	not given
NL	Available information given under the previous question.	
A	not given	not given
P	Despite the fact that a prior request to facilitate transit had been made to the competent authorities, and that an affirmative reply had been given, the expulsion could not go ahead. Reasons were not fully explained.	Frankfurt
FIN	not given	not given
S	not given	not given
UK	Failure to issue prior notification to the Belgian authorities	Brussels
IS	not given	not given
N	not given	not given

In the few specific cases indicated by Member States, difficulties seem to depend mainly on a lack of prior co-operation between competent authorities, as referred to on the previous page.

Question 10:

If this was not your first choice of airport, what would have been your preferred option?

OPTION PREFERRED	
B	The choice would always depend on the respect of criteria listed in the answer to question 7
DK	not given
D	The choice would always depend on the criteria listed in the answer to question 7
GR	not given
E	not given
F	The airport which allows the most direct transit to the country of destination
IRL	not given
I	not given
L	The airport which allows the most direct transit to the country of destination
NL	Organising a direct charter flight is the real option preferred, but as a rule countries of destination do not allow this procedure.
A	not given
P	Amsterdam, Madrid, Paris and Vienna.
FIN	not given
S	The choice would always depend on the criteria listed under answer to question 7
UK	The available transit airport is determined by flight schedules and routings
IS	not given
N	not given

See also replies to Question No. 7.