

China¹²

EU engagement to date

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

Cooperation on readmission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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