

Brussels, 18 December 2017
(OR. en)

15762/17

LIMITE

MIGR 233
COAFR 332

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
Subject:	Admission procedures for the return of Ethiopians from European Union Member States

1. As part of the recent reinforcement of the relations between the EU and Ethiopia in the area of migration and migration-related issues, the two sides committed to develop cooperation in the area of return and readmission, by jointly defining admission procedures for the return procedures of Ethiopians nationals illegally present in the territory of the EU Member States (thereafter "admission procedures"). The draft admission procedures are attached to this Note.
2. The draft admission procedures - submitted by the Commission following the successful conclusion of negotiations with the Ethiopian authorities - were considered by the Working Party on Integration, Migration and Expulsion at its meeting on 6 December 2017 and agreed by delegations in the framework of a silence procedure.
3. The Permanent Representatives Committee and the Council are invited to confirm the agreement reached and to approve the EU position on the attached draft admission procedures, with a view to allowing their signature on the EU side.

**DRAFT ADMISSION PROCEDURES FOR THE RETURN OF ETHIOPIANS
FROM EUROPEAN UNION MEMBER STATES**

The Government of the Federal Democratic Republic of Ethiopia and the European Union (EU) agreed on the Admission Procedure applicable only for Ethiopian nationals who are illegally present in the EU Member States (EUMS).¹

This Procedure will be applied to voluntary and non-voluntary returns in full compliance with the human rights of Ethiopian nationals provided under relevant international instruments.

SECTION 1: GENERAL PROVISION

1. This Admission Procedure is not an international agreement and is not intended to create legal rights or obligations under domestic or international law.
2. This Admission Procedure shall apply only to Ethiopians who are determined by the competent authority of an EUMS not to fulfil or no longer fulfil the conditions for entry, stay or residence in that EUMS.

SECTION 2: REQUIRED TRAVEL DOCUMENTS

The following shall constitute valid travel document within this framework

1. Valid Ethiopian passport, or
2. Laissez-passer issued by the Government of Ethiopia

¹ Taking account of the close relationship between the European Union and Iceland, Liechtenstein, Norway and Switzerland (Schengen Associated Countries), Ethiopia may seek the consent of the relevant Schengen Associated Country to apply this Procedure also to for Ethiopian nationals who are illegally present in that Country.

SECTION 3: ISSUANCE OF LAISSEZ-PASSER

1. Upon application by the authorities of an EUMS, the Ethiopian Consulate will issue a laissez-passer for an individual who possesses an expired machine readable Ethiopian Passport within three (3) working days from the date of application by a EUMS when the recipient is in the EUMS where the Consulate is located. When it is applicable, laissez-passer will be issued within eight (8) working days when time is needed for a consular officer to travel to another EUMS.
2. The application referred under Paragraph 1 of this Section will include a declaration ensuring that a return order/decision has been issued in accordance with the domestic law of the EUMS.
3. Where the individual possesses no valid or expired machine readable passport, the following paragraphs will apply:
 - a. The EUMS will provide information and evidence on the nationality of the individual to the Ministry of Foreign Affairs of the Federal Democratic republic of Ethiopia (MFA).
 - b. The information and evidence referred under 'paragraph 3(a)' are data retrieved from the EU Visa Information System (VIS) including passport number, name and other information; or ID Card, birth certificate or a drivers' license the individual possesses.
 - c. MFA (the headquarters) will transmit the information and evidence to the Ethiopian National Intelligence and Security Services (NISS).

- d. NISS will examine the documents for veracity and communicate its decision to the MFA.
 - e. The outcome of the verification process will be communicated to the EUMS and the Ethiopian Consulate responsible for the EUMS concerned within fifteen (15) working days from receiving the communication under ‘paragraph 3(a)’.
 - f. The Ethiopian Consulate in or responsible for the concerned EUMS will issue the Laissez-passer within three (3) working days from receiving the communication under ‘paragraph 3(e)’ and other required documents. When it is applicable, the laissez-passer will be issued within eight (8) working days when time is needed for a consular officer to travel to another EUMS.
4. Where the individual possesses no valid or expired machine readable passport and there is no information provided under Section 2, paragraph 3(b) of this Procedure, the following paragraphs will apply:
- a. Ethiopian nationality will be determined by NISS.
 - b. The EUMS that has a reason to believe an individual is of Ethiopian nationality may file a request for nationality determination interview by the Ethiopian Consulate in its territory or the Consulate accredited to it.
 - c. The interview will be conducted within fifteen (15) working days from receiving the request under ‘paragraph 4(b)’.

- d. Upon the request of an EUMS, interviews may be conducted by a dedicated mission from Ethiopia, the costs of which would be fully covered by that EUMS, in charge of identifying Ethiopian nationals.
- e. If the outcome of the interview is not conclusive and some additional verification of nationality in Ethiopia is needed, NISS carries out the necessary checks and informs the EUMS on the outcome within thirty (30) calendar days.
- f. Individuals identified as Ethiopian nationals in the process of identification will be issued Laissez-passer within three (3) working days. When it is applicable, laissez-passer will be issued within eight (8) working days when time is needed for a consular officer to travel to another EUMS.
- g. In the case where an individual is determined not to be an Ethiopian national the outcome of the process of identification will be communicated to the EUMS in writing.

SECTION 4: TRAVEL DOCUMENTS

1. Laissez-passer will be of single use and valid for up to six (6) months.
2. Replacement of an expired Laissez-passer will be issued within three (3) working days upon return of the expired Laissez-passer.
3. Ethiopia will receive individuals returned within this Procedure upon the receipt of communication from the EUMS on the details of scheduled or dedicated flights for transfer, with all costs of such transfers borne by the EUMS.

SECTION 5: POST ADMISSION

1. The EU has expressed its commitment to support the Ethiopian authorities in the reintegration of Ethiopians returned within this Procedure through appropriate dedicated projects.
2. A working group involving representatives from both sides, meeting regularly and at least every six months will monitor and discuss implementation of the process established by this document, including with regards to travel documents.

SECTION 6: FINAL PROVISIONS

1. This Procedure will start to apply upon exchange of a note verbale between the EU Delegation and the MFA indicating their agreement on the content.
2. The date of receipt of the later note verbale will be the date of first application.
3. The EU or the Government of Ethiopia may at any time request to modify this Procedure.
4. Any change will be subject to the written mutual consent of the EU and the Government of Ethiopia accepting the change.
