

Brussels, 20 April 1998

7757/98

LIMITE

ASIM 104

NOTE

from : the General Secretariat of the Council

to : Migration Working Party

Subject : Compilation of information on the EU standard laissez-passer (see Telex No. 1065 dated 9 March 1998 and paragraph 7 of document 6297/98)

Delegations will find herewith a compilation of information received from Germany, Greece, Spain, France, the Netherlands, Portugal, Finland, Sweden and the United Kingdom on the EU standard laissez-passer.

The information from Denmark is in the process of being translated.

Belgium, Ireland, Italy, Luxembourg and Austria have not as yet submitted any information.

QUESTIONNAIRE

- i. On how many occasions has the EU standard laissez-passer been used in the Member State to effect returns to a third country:

- (i) In 1995?
- (ii) In 1996?
- (iii) In 1997?

- ii. To which third countries have persons been returned using the standard laissez-passer? Insert figures for 1995, 1996 and 1997.

<u>Country</u>	<u>No. returned</u>
(1)	
(2)	
(3)	
(4)	
(5)	

- iii. Which countries, if any, have refused to accept back their nationals with an EU standard laissez-passer?

<u>Country</u>	<u>No.refused re-admission</u>
(1)	
(2)	
(3)	
(4)	
(5)	

- iv. What reasons have been given by third countries for refusing to accept back a national holding an EU standard laissez-passer? Are there common factors? Does the use of escorts aid or hinder re-admission?

- v. Reasons given, if any, by third countries for accepting the EU standard laissez-passer. Have third countries demanded additional information in order to take back holders of the document?

In summer 1996 the diplomatic and consular representations of the principal return States were asked about acceptance of the standard travel document. The responses were negative. The EU standard laissez-passer is not accepted, and so the Federal Border Guard Directorate does not use it in the context of returns. There are therefore no statistics on its use.

In the light of the discussions held and the decisions taken at the meeting of the Migration Working Party on 3 and 4 March 1998 and in response to the request from the Presidency concerning the use of the EU standard laissez-passer approved by the Council, the Greek delegation would inform the Presidency that Greece has not been able to use this document on any occasion.

1. On how many occasions has the EU standard laissez-passer been used to effect expulsions to a third country?

- (a) 1995: 32 times;
- (b) 1996: 69 times;
- (c) 1997: 138 times.

2. To which third countries have persons been expelled using the EU standard laissez-passer? Give figures for the five most numerous countries.

1995	1996	1997
Morocco: 8	Romania: 23	Morocco: 39
Ghana: 4	Morocco: 11	Romania: 19
Guinea-Bissau: 2	Poland: 5	Somalia: 12
Albania: 2	Senegal: 3	Poland: 10
Senegal: 2	Equatorial Guinea: 2	Liberia: 6

3. Which countries have refused to accept back their nationals with an EU standard laissez-passer?

1995	1996	1997
Ghana: 3	Ghana: 1	Morocco: 1
Ethiopia: 1	Nigeria: 1	
Kenya: 1	China: 1	
Algeria: 1		
Guinea-Bissau: 1		

4. What reasons have been given by third countries for refusing to accept back a national holding an EU standard laissez-passer? Are there common factors? Does the use of escorts aid or hinder readmission?

The reason given is a lack of documentation establishing nationality. The use of escorts has no effect on acceptance.

5. Reasons given by third countries for accepting the EU standard laissez-passer. Have third countries demanded additional information in order to take back holders of the document?

They generally ask for some kind of document establishing nationality, or a copy of one.

1. On how many occasions has the EU standard laissez-passer been used in the Member State to effect returns to a third country:

<i>In 1995</i>	<i>Not recorded</i>
<i>In 1996</i>	04
<i>In 1997</i>	14
<i>In 1998</i>	4 as at 11.3.1998

2. To which third countries have persons been returned using the standard laissez-passer?

<i>In 1995</i>	<i>Country</i>	<i>Number returned</i>
	<i>Not recorded</i>	<i>Not recorded</i>
<i>In 1996</i>	<i>Country</i>	<i>Number returned</i>
	BENIN	1
	SPAIN	1
	LAOS	1
	THAILAND	1
	TOTAL	4
<i>In 1997</i>	<i>Country</i>	<i>Number returned</i>
	GERMANY	2
	CAMBODIA	2
	SPAIN	1
	GUINEA-BISSAU	1
	GUYANA	1
	IRELAND	1
	POLAND	2
	SENEGAL	1
	SRI LANKA	2
	SURINAM	1
	TOTAL	14
<i>In 1998</i>	<i>Country</i>	<i>Number returned</i>
	GERMANY	1
	SRI LANKA	3
	TOTAL	4

3. Which countries, if any, have refused to accept back their nationals with an EU standard laissez-passer?

To date, only LAOS has refused (in 1996) to readmit one of its nationals with an EU standard laissez-passer.

4. *What reasons have been given by third countries for refusing to accept back a national holding an EU standard laissez-passer?*

The local authorities in Laos did not recognize the validity of the standard laissez-passer.

Are there common factors?

Not applicable.

Does the use of escorts aid or hinder re-admission?

Since 1 January 1996, of a total of 22 individuals actually put on board holding a European laissez-passer, 8 required an escort. The decision to use an escort can be taken either on the basis of such criteria as the danger posed by the expelled person or the possibility that he/she might refuse to board, or at the express request of the carrier or even to meet the requirements of foreign authorities, notably because of transit through a third country. Generally speaking, use of an escort facilitates expulsion.

Questions 1,2,3 On how many occasions has the EU standard laissez passer been used in 1995, 1996 and 1997 ? To which countries have the persons been returned and which countries have refused to take back their nationals with the EU laissez passer ?

In 1995 the EU standard laissez passer has been used two times, without succes: both India and Nigeria refused to accept it.

In 1996 it has been used 26 times:

- 3 times Libanon (not accepted)
- 1 time Bangladesh (accepted)
- 1 time Bangladesh (not accepted)
- 5 times Somalia (accepted)
- 7 times Mauretania (accepted, except for 1 time)
- 10 times Nigeria (accepted)
- 2 times Nigeria (not accepted)

In 1997 it has been used 10 times:

- 1 time Pakistan (not accepted)
- 1 time Moldavia (not accepted)
- 7 times Nigeria (accepted)
- 1 time Nigeria (not accepted)
- 1 time Mauretania (not accepted)

Question 4. What reasons have been given by third countries for refusing to accept back a national holding an EU standard laissez passer ?

The main reasons for third countries not to accept back a person, holding an EU standard laissez passer are:

- non recognition of the EU standard laissez passer as such
- (serious) doubts about the persons identity or nationality

There are no indications that the use of escorts is of any influence as regards the acceptance of the EU standard laissez passer.

Question 5. Reasons given for accepting the EU standard laissez passer ? Additional information asked by third countries ?

The Netherlands are not aware of any specific reasons for third countries to accept the EU standard laissez passer. Neither have we experienced that third countries have asked for any additional information in order to take back the holders of the document.

- i. (a) The EU standard laissez-passer only started to be used for deporting nationals of third countries as of the second half of 1997.
- (b) It should be noted that this document (approved by Ministerial Decree No 1086/95 of 5 September) is only used when foreign nationals without valid travel documents cannot obtain new documents from their authorities either because:
 - their country has no diplomatic or consular representation in Portugal; or
 - their country's embassy or consulate refuses to issue a travel document.
- (c) In the aforementioned period the standard laissez-passer was used **31 times**.
- ii. Angola, Cape Verde, Cuba, Guinea-Bissau, Ghana, Senegal, Togo, China, Russia, the Democratic Republic of the Congo and Ukraine.
- iii. Generally speaking, countries to which aliens were returned did not create any difficulties about re-admitting them.
- iv.
- v. The EU standard laissez-passer is issued on the basis of the holder's nationality documents, the originals or copies of which accompany it; this fact presumably contributes to its being accepted.

1. The laissez-passer was used:

in 1995	not at all
in 1996	10 times
in 1997	15 times

2. With the laissez-passer, individuals have been returned

- to the Democratic Republic of Congo (former Zaire)
- to Senegal
- to Bangladesh
- to Nigeria

Both figures and countries are for guidance only; no statistics have been kept on the use of the laissez-passer.

3. All countries have accepted this laissez-passer to date; in order to establish identity other documentation has also been used in many cases.

4. See previous point. We have had no negative experiences with the use of the laissez-passer. The use of escorts has aided acceptance of persons being returned.

5. No particular reasons have been given by the receiving countries for accepting individuals with the EU laissez-passer.

Success has been aided by careful preparatory work and the presence of police escorts, whereby the authorities of the country of departure are able, in the country of destination itself, to give the reasons for the return and explain on what basis identity has been established.

I. On how many occasions has the EU standard laissez-passer been used in the Member State to effect returns to a third country?

(i) in 1995: no information

(ii) in 1996: no information

(iii) in 1997: on 37 occasions

II. To which countries have persons been returned using the standard laissez-passer?

(1997)		(1998)	
Armenia	9	Turkey	2
Peru	4	Ghana	1
Turkey	4	Israel	1
Iran	3		
Ghana	2		
Israel (Gaza)	2		
Romania	2		
Russia	2		
Somalia	2		
Afghanistan	1		
Albania	1		
Algeria	1		
Guinea	1		
Mali	1		
Tanzania	1		
Uganda	1		

III. Which countries, if any, have refused to accept back their nationals with an EU standard laissez-passer?

In 1998 an attempt was made to send back to the Federal Republic of Yugoslavia a person from the Province of Kosovo who had a criminal conviction in Sweden. The person's identity was established but the Yugoslav authorities paid no attention to the EU laissez-passer.

IV. What reasons have been given by third countries for refusing to accept back a national holding an EU standard laissez-passer? Are there common factors? Does the use of escorts aid or hinder readmission?

There has been only one recorded case (see the answer to question III) of refusal to accept the document. On that occasion, no reason was given for the authorities' refusal. An escort is used only in cases where it is regarded as necessary for expulsion to be carried out.

- V. Reasons given, if any, by third countries for accepting the EU standard laissez-passer. Have third countries demanded additional information in order to take back holders of the document?

No real reasons have been given for accepting the document. It is, however, generally the case that the experience of the implementing authorities, i.e. the police authorities, in the various provinces of Sweden in using the EU laissez-passer has been positive.

Comments on the information in the answer to question I:

Armenia

There were three cases of persons being sent back between August and November 1997.

In the first case, the refusal concerned a family of two adults and two children. The following documents were found: marriage certificate, invalid Russian passport and two Russian birth certificates. The initial reaction was that the documents produced could not be accepted. When the EU laissez-passer was submitted, however, the family was taken back.

The other refusal involved one adult with an invalid Russian passport. On arrival, an EU laissez-passer was demanded. When it was produced, the person concerned was taken back.

In the third case, the refusal involved three adults and one child with one Russian passport and three Russian identity documents. These documents were checked and returned to the persons refused while the EU laissez-passer was kept.

Peru

In one case, the implementing authority knew the passport number of the person refused. In another case, there was an out-of-date passport.

Turkey

In one case, the refusal involved two adults. They were successfully returned after a failed attempt in December 1996 when the EU laissez-passer was not used. In two other cases, the implementing authority expressed surprise at the Turkish authorities' immediately positive reaction to the EU laissez-passer. In one of these cases the person refused had a poor-quality birth certificate. The Turkish authorities did not pay much attention to this document but showed a correspondingly greater interest in the EU laissez-passer. In a third case (1998), an old identity card was used.

Iran

In two of the cases which occurred, the issue of an EU laissez-passer was based on Iranian birth certificates and in the other case, it was issued on the basis of declarations by the person refused.

Ghana

In all three cases (including that which occurred in 1998), refusals could be implemented without any great difficulties. In one case, however, some aspersions were initially cast on the EU laissez-passer. But this was probably just a chance occurrence. Some form of identity document (type unknown) was the basis for issuing the EU laissez-passer.

Israel

In one case, two stateless Palestinians were refused. They were escorted to Tel Aviv and continued their journey independently to Gaza. The identity of the persons refused had been established. In the other case (1998), the refusal involved an Israeli citizen. The implementing authority was informed that Israeli citizens are taken back without passports.

Romania

In one case, there were neither identity nor travel documents. The EU laissez-passer was issued on the basis of the persons' own declarations. In the other case, the person refused had a valid passport.

Russia

The person refused had a valid passport.

Somalia

The persons refused were returned via Kenya. They did not have any identity or travel documents and travelled without escort to Somalia.

Afghanistan

The person refused, who was returned via Dubai, was an Afghan citizen who had committed a crime in Sweden. He had neither identity nor travel documents.

The EU laissez-passer was not questioned when he boarded at Dubai. He travelled without escort from Dubai to Kabul.

Albania

The person refused was returned with an escort and there were no problems. Some form of identity document (type unknown) was the basis for issue of the EU laissez-passer.

Algeria

An identity card was the basis for issue of an EU laissez-passer.

Guinea

The only basis for issue of an EU laissez-passer was the person concerned's correspondence.

Mali

There were no identity or travel documents. The EU laissez-passer was issued on the basis of the person's own declarations.

Tanzania

The person refused was returned via Kenya without any problems. Some form of identity document (type unknown) was the basis for issue of an EU laissez-passer.

Uganda

The person refused had an old identity document. The EU laissez-passer may have helped in the person's return.

Paragraph 7

1. With regard to paragraph 7(i) and (ii) (*how many occasions has the EU letter been used & the number returned to individual countries*), data of this type is not collated. We can readily identify overall numbers removed and destinations but not the crucial issue of whether or not removal was effected using the EU laissez-passers.

2. Point (iii) can only be partially answered: we can identify the countries that do not accept the EU document but cannot, for the reasons outlined above, quantify the number of occasions on which countries have not accepted the EU laissez-passers. The main countries posing problems are:

- (1) India
- (2) China
- (3) Ethiopia
- (4) Jamaica
- (5) Algeria
- (6) Sri Lanka
- (7) Nigeria*

* There is no formal refusal but refusal to accept the EU laissez-passers is becoming more common.

3. Point (iv). There are a range of reasons for non acceptance including national security interests and doubts about the claimed nationality. A further issue, that of economic interests is a complicating factor - this is most notable in the case of Ethiopia where non acceptance may, in part, be explained by their reliance on the remittance of funds from those of their nationals illegally present in the EU. Escorts are generally seen as beneficial in that they do on occasion effectively negotiate with the receiving nation. In the UK case, however, our escorts are generally reluctant to go beyond their basic remit: to escort as far as the receiving country and not to engage in detailed discussion with the authorities on arrival. There are some notable exceptions though; Nigeria in particular appears to take a negative view of escorts and this has led to a refusal to accept the laissez passer in many such removals.

4. On point (v) (*additional factors that lead to compliance ...*) the most significant appears to be the provision of full biographical details such as parents' names and home address in the receiving country. In addition copies of any supporting documents can add weight to an application: official documents such as an ID card or a driving licence are ideal but unofficial documents such as correspondence from family can also be helpful.

Brussels, 22 April 1998

7757/98
ADD 1

LIMITE

ASIM 104

ADDENDUM TO THE NOTE

from : the General Secretariat of the Council

to : Migration Working Party

Subject : **Compilation of information on the EU standard laissez-passer (see Telex No. 1065 dated 9 March 1998 and paragraph 7 of document 6297/98)**

Delegations will find herewith the information received from Denmark on the EU standard laissez-passer.

Belgium, Ireland, Italy, Luxembourg and Austria have not as yet submitted any information.

By way of introduction it should be pointed out that no statistical record is kept of the issue and use of EU laissez-passer.

Question (i)

1995: 12

1996: 51

1997: 32

Question (ii)

Aliens issued with EU laissez-passer are registered according to nationality. However, no record is kept of which countries they are sent to. The documents are issued to nationals of many countries, but most often to stateless Palestinians and Pakistanis.

Questions (iii) to (v)

The EU laissez-passer is used in the following cases:

- where the alien has no travel document

and

- where there is no possibility of obtaining a travel document from the authorities of the home country, or where the authorities of the home country allow their own nationals to enter the country on the basis of some other documentary evidence of their identity.

The EU laissez-passer is used as a travel document for the authorities of third countries of transit in cases where the alien is in possession of documents which prove his or her identity and nationality. EU laissez-passer are also issued on the basis of more slender evidence of identity for journeys made under escort, with the agreement of the authorities in the country of destination.

EU laissez-passer are not issued as documentary evidence of identity and nationality for the purposes of the authorities in the home country or country of readmission. The question of whether the home country or the country of readmission admits the person concerned therefore depends on what additional information exists on the person's identity.