

RECOMMENDATION regarding transit for the purposes of expulsion and
CONCLUSION on Greater flexibility in the application of the
provisions on transit for the purposes of expulsion

Introduction

Recommendation regarding transit for the purposes of expulsion
(adopted London, 30 November and 1 December 1992 by the meeting
of immigration ministers. SN 4687/92 WGI 1275. Plus Addendum, dated
6 April 1993. SN 5230/3/92 WGI 1310). Recommends direct removal
of deportees as far as possible, and where not, sets out procedures
for taking deportee through another member state. Unusually this
Recommendation was amended in 1993 to make transit easier.

RECOMMENDATION regarding transit for the purposes of expulsion

Reference:

Adopted at the Immigration Ministers meeting in London on 30 November
- 1 December 1992
SN 4687/92
WGI 1275

RECOMMENDATION regarding transit for the purposes of expulsion

The Ministers of the Member States of the European Communities
meeting in London on 30 November and 1 December 1992 responsible
for Immigration,

CONSIDERING Member States' practices with regard to transit for
the purposes of expulsion;

WHEREAS those practices should be more closely aligned with a view
to their harmonization;

WHEREAS the measures to be applied must meet the requirements of
speed, efficiency and economy,

RECOMMEND application of the following guidelines:

I

For the purposes of this Recommendation, "transit" means the passage
of a person who is not a national of a Member State through the
territory or through the transit zone of a port or an airport of
a Member State.

II

A Member State which has decided to expel a third-country national:

- to a third country, should as a rule do so without the alien passing
through the territory of another Member State;

- to another Member State, should as a rule do so without the alien
passing through the territory of a third Member State.

III

1. Where particular reasons so warrant, in particular reasons of efficiency, speed and economy, a Member State may request another Member State to authorize the entry into its territory and transit through that territory of a third-country national who is subject to expulsion.
2. Before submitting such a request, the State which has taken the expulsion measure will ascertain that in normal circumstances the continuation of the journey of the person expelled and his admission into the country of destination are assured.
3. The State to which such a request is addressed will comply with it subject to the cases detailed at VI.

IV

The State taking the expulsion measure will notify the transit State whether the person being expelled needs to be escorted.

The transit State may:

- authorize the State which has taken the expulsion measure to provide the escort itself;
- or decide to provide the escort itself;
- or decide to provide the escort in collaboration with the State which has taken the expulsion measure.

V

1. The request for transit for the purposes of expulsion should contain information relating to:
 - the identity of the alien being expelled;
 - the State of final destination;
 - the nature and date of the expulsion decision; the authority which took the decision;
 - the evidence for believing that the alien is admissible into the country of final destination or into the second transit country;
 - the travel documents or other personal documents in the possession of the person concerned;
 - the identity of the body making the request;
 - the conditions relating to passage through the requested State (schedule, route, means of transport, etc);
 - the need for an escort and the escort arrangements.
2. The request for transit for the purposes of expulsion should

be addressed as soon as possible to the authorities responsible for expulsion in accordance with the relevant internal law of the requested State, and they should reply promptly.

3. The transit State may request information, in particular regarding the necessity of transit.

VI

Cases in which transit for the purposes of expulsion may be refused:

- where, in the case of transit overland, the alien constitutes a threat to the public order, national security and international relations of the transit State;
- where, the information referred to at V.3 is considered unsatisfactory.

VII

If, for whatever reason, the expulsion measure cannot be enforced, the State through which the transit is being carried out may return the person expelled, without formality, to the territory of the requesting State.

VIII

Responsibility for costs

Where the costs of expulsion cannot be borne by the alien or by a third person, the requesting State will take responsibility for:

- the travel costs and other expenses, including escort costs, incurred until the alien whose transit has been authorized leaves the Member State of transit;
- where applicable, the costs of return.

IX

These recommendations do not preclude closer co-operation between two or more Member States.

X

A Member State intending to conduct negotiations with another Member State or with a third country on transit for the purposes of expulsion will inform the other Member States thereof in good time.

XI

This Recommendation does not affect the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 or those of the Convention relating to the Status of Refugees.

It does not affect the provisions of international Conventions currently in force on extradition and extradition in transit.

It may not have the effect of substituting transit for the purposes of expulsion for extradition and transit extradition procedures.

This Recommendation was, unusually, amended:

The following was adopted as: "Conclusion concerning greater flexibility in application of the provisions on transit for the purposes of expulsion" at the meeting of Immigration Ministers, Copenhagen, 1-2 June 1993.

Greater flexibility in the application of the provisions on transit for the purposes of expulsion

Reference:

Ad Hoc Group Immigration
6 April 1993
SN 5230/3/92 (WGI 1310)
REV 3
CONFIDENTIAL

Subject: Greater flexibility in the application of the provisions on transit for the purposes of expulsion (WGI 1275)

The Ad Hoc Group on Immigration would suggest that Ministers agree to this addendum to the Recommendation regarding transit for the purposes of expulsion, adopted at their meeting in London (WGI 1275)

ADDENDUM

to the Recommendation regarding transit
for the purposes of expulsion
(WGI 1275)

1. With a view to meeting the requirements of efficiency, speed and economy in connection with necessary transit, a distinction may be drawn between the different measures taken by the Member States to effect expulsion by way of air, water and overland transport.

2. Expulsion by air and passage through the transit zone of an airport in connection therewith should be excluded from the scope of the provisions on requesting authorisation for entry and transit (see WGI 1275, III), so that in such cases the country of transit is merely informed.

3. Notification of transit for the purposes of expulsion by air should contain information as described in WGI 1275, V, concerning requests for transit.

4. In the case of expulsion overland or by water, requests and notifications for entry into or transit through the territory of a State are to be addressed to a central contact body indicated by the country of transit, in accordance with the recommendations contained in WGI 1275.

In the case of expulsion by air, were transit to be refused by the

transit country, this information should be transmitted to the requesting State within a period of 24 hours of the transit being notified.

5. A common list of contact bodies should be drawn up by the Member States.

In case of expulsion by air, direct contacts should be made with the appropriate officials at the transit airport in question or, depending on national procedures, with any other appropriate official, provided the 24-hour rule (see point 4 above) is respected.