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NOTE

From:	Presidency
To:	Working Party on Integration, Migration and Expulsion (IMEX Expulsion)
Subject:	Implementation of Readmission Provisions for Third-Country Nationals in Transit, including persons holding a visa or residence permit of the partner country at the time of entry

I. INTRODUCTION

Further to the exchange of views held at the Integration, Migration and Expulsion (IMEX Expulsion) Working Party meeting on 16 April 2026 and following requests for deeper examination of this issue, the Presidency proposes to revisit the implementation of transit-related readmission provisions in EU readmission agreements.

These clauses, which oblige partner countries to readmit third country nationals (TCNs) and stateless persons who transited through their territory, merit renewed assessment considering ongoing efforts to strengthen the effectiveness of the EU return system.

II. CONTEXT

All EU readmission agreements concluded so far include obligations to readmit third country nationals who can be shown to have transited through the partner country. These provisions set evidentiary standards, procedural timelines, and responsibilities for both sides.

While they constitute an additional operational tool for Member States, their practical use depends on cooperation from partner countries and a shared understanding of the clauses' scope.

III. STATE OF PLAY

Available information indicates that the use of these provisions remains limited and uneven. Although some Member States have submitted requests for readmission of third country nationals, successful outcomes are few. Delegations report that requests are often rejected even if the requesting authorities consider that the conditions set out in the relevant agreements are fulfilled. A clearer understanding of the reasons for this limited effectiveness is therefore needed.

IV. KEY CHALLENGES

Among others, divergences in the interpretation of evidentiary requirements, including differing views on what constitutes sufficient proof of transit and the weight accorded to statements by the person concerned, continue to hinder the effective use of these provisions.

In parallel, the reliance of certain partner countries on national registration systems as the primary basis for assessing requests, often results in refusals where no corresponding record exists.

The uneven level of awareness and familiarity with the relevant clauses among competent authorities, combined with broader operational and administrative constraints, further impacts the consistency and timeliness of responses.

V. POLICY CONSIDERATIONS

Improving return effectiveness remains an EU priority. Transit countries play a key role in migration dynamics, and the return of certain categories of third country nationals pose particular challenges. More systematic use of transit-related provisions could complement existing tools.

VI. OBJECTIVE OF THE DISCUSSION

The IMEX Expulsion Working Party constitutes an appropriate forum for taking stock of Member States' practices in the application of transit-based readmission provisions, identifying the operational and legal challenges encountered in their implementation, assessing the potential added value of a more systematic and coherent use of these clauses and examining possible avenues to enhance their practical application, including strengthened cooperation with partner countries and, where appropriate, support and coordination at Union level.

VII. QUESTIONS FOR DELEGATIONS

At the forthcoming IMEX Expulsion Working Party meeting to be held on 9 June 2026, delegations are invited to share their views on the following questions:

1. To what extent does your Member State make use of transit-based readmission provisions in practice? Where possible, please provide indicative figures on requests submitted and their outcomes.
2. What obstacles has your Member State encountered in applying these provisions, in particular, regarding evidentiary requirements, or other procedural aspects in the cooperation with partner countries?
3. What measures could be taken to enhance implementation of transit-based readmission provisions in practice?

The Presidency hopes that this exchange will shed some light on the state of play regarding the extent of use of transit-based readmission provisions in practice and the main obstacles that Member States come across. We also hope that this will give an indication on what existing tools within the EU return framework could be better used and what new tools could be envisaged.
