



## **EMN Ad-Hoc Query on Ad-Hoc Query on the cost of a forcible removal of the irregular TCN's**

Requested by Nera KOMARIC on 20th January 2017

### **Return**

Responses from Austria, Belgium, Bulgaria, Croatia, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, United Kingdom, Norway (23 in total)

#### Disclaimer:

*The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

### **Background information:**

Directive 2008/115/EC (the Return Directive), proposes a governing principles for a broad range of issues concerning return of the irregular third country nationals, in particular an obligation to return irregular migrants. However it does not offer any guiding principles about the cost recovery at the national level by implementing returns. Addressing the issue of the cost encountered by the forced return of the irregular third country nationals has been left to the national laws.



Although the cost encountered by the forced return of the irregular third country nationals, member states could partially recover from the Asylum, Migration and Integration Fund (AMIF).

The issue of payment of deportation costs is directly associated with the issue of return, and can have an important impact on the eventual future residence status of an alien, for example, the ban on re-entry at default costs.



### **Questions**


1. 1. In your national regulations do you have any specific provisions on the costs of a forcible removal of the irregular TCNs? Yes/No
2. 2. If yes, please answer the following questions: a) List the regulations containing specific provisions on the costs of deportation? b) What expenses are considered costs of forcible removal in accordance with the regulations? c) Is alien obliged to bear the cost of his/her forcible removal and in which volume? d) Does costs of a forcible removal shall be borne by the natural or legal person? If so, under what conditions (e.g. if the alien does not have the financial resources) e) If the costs of forcible removal were not covered, does your legislation prescribes any restrictions to TCNs?
3. 3. If yes, what kind of restrictions and for how long?


### **Responses**

	<b>Country</b>	<b>Wider Dissemination</b>	<b>Response</b>
	Austria	No	
	Belgium	Yes	<b>1. Yes</b>



			<p>2. a) The claim of the removal costs is regulated as follows: - For the employer (in case of moonlighting): article 1 and 2 of the Royal Decree of 15/12/2013 determining the agreed compensation as mentioned in article 13 of the law of 30/04/1999 concerning the employment of foreign employees, and of the reimbursement of the removal costs of the moonlighting of the irregular staying foreigner. Article 2 Royal Decree: "When a return procedure is initiated, the return costs of the illegally employed foreign worker is claimed to his employer". Article 13 law of 30/04/1999: " ... The King shall fix this indemnity annually on the basis of the average cost as established two years previously, adjusted according to the Consumer Price Index". - Reimbursement by the foreigner him/herself according to article 27§3 of the law of 15/12/1980 concerning the entry to the territory, the residence, the establishment and the removal of foreigners which mentions: Article 27§3: "The costs caused by the removal of the foreigner shall be at the expense of him/herself". This reimbursement is demanded at the moment the concerned foreigner applies for a visa (if applicable). - Reimbursement by the guarantor of the foreigner according to article 3bis of the law of 15/12/1980 concerning the entry to the territory, the residence, the establishment and the removal of foreigners, which mentions: Article 3bis: "The person who signed the declaration of liability is, together with the foreigner, liable for the costs of health care, residence and repatriation of the latter." The Royal Decree of 15/12/2006 changing the Royal Decree of 08/10/1981 implements its article 17 and lays down the principle of the possible claim of the residence and health costs paid by the public centers for social welfare. Article 17: "... § 2. For the purposes of § 1, the amount of the costs of stay and health care resulting from the detention of the foreigner in accordance with Articles 7, 27, 29 and 51/5, § 3 of the Law, with the exception of additional costs incurred individually, is fixed at a flat rate of EUR 180 per full day per person. The day of entry is also counted, but not the day of exit. ... The amount fixed in the first paragraph is linked to the consumer price index, 119.01 (base 2004 = 100). Each year on the 1st of January it is adapted according to the index. The result is rounded up to the top euro. § 3. For the purposes of § 1, the repatriation costs are the actual costs resulting from the escort and transport of the foreigner to the country of which he is a national or who has issued him a residence permit for More than three months. ... " b) According to these regulations the costs of the flight ticket, the costs of an escort (if applicable), and the costs for detention can be claimed. c) It is possible that after return the foreigner will be obliged to pay the removal costs. But that only happens when the foreigner applies for a visa.. d) Both natural and legal person. e) Yes</p>
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			<p><b>3.</b> The costs are claimed to third-country nationals (TCNs) who apply (later on) for a short stay visa (if applicable). If they don't pay, they do not receive a visa. Concerning the long term visa relating to a right of residence (for instance in case of family reunification), the TCN is demanded to reimburse the costs, but this claim cannot be enforced before the visa is delivered. However the removal costs can be claimed after arrival in Belgium. Concerning the applications for a long term visa without a right to reside – so in cases of authorizations to reside- on the territory (for instance, students, labour migrants), the reimbursement will always be claimed and required prior to the delivery of the visa. A right to reside means that if certain conditions are met, the authorities are obliged by law to deliver a right to residence. An authorization to reside is a discretionary power. Remark: it should be noted that the Belgian authorities are currently writing a draft Royal Decree. If the draft Royal decree is passed, it will harmonise and simplify the rules concerning the recovery of the costs of a return. Sources: • Belgian House of Representatives, General Policy Note on Asylum and Migration, 27 October 2016, DOC 54 2111/017, p. 32. • Belgian Immigration Office (research unit, visa unit and repatriation unit) • Belgian Immigration Act of 15.12.1980 • Royal Decree of 08.10.1981 regarding the entry, residence, settlement and removal of foreigners. • Law of 30.04.1999 concerning the employment of foreign employees • Belgian answer to the ad-hoc query on the costs of the issue and the execution of the decision on return, requested by PL EMN NCP on 23th March 2015</p>
	Bulgaria	Yes	<p><b>1.</b> Migration Directorate is a national authority of the Republic of Bulgaria bears the responsible for the compulsory administrative measures, imposed to irregular migrants. The implementation of these measures is funded only by AMIF. There are no foreseen financing from the governmental budget for the imposed by Migration Directorate compulsory measures.</p> <p><b>2.</b> No.</p> <p><b>3.</b> No.</p>
	Croatia	Yes	<p><b>1.</b> Yes</p>


			<p><b>2. 2. a)</b> Aliens Act (Official Gazette 130/11, 74/13) The Minister of the Interior decision on the method of calculating the costs of forcible removal (NN 66/13) based on the Aliens Act. <b>b)</b> • costs of transporting the irregular TCN to the border crossing of the country in which the TCN is going to be removed • fuel costs • escort costs • the cost of the ticket • cost of the travel documents, visas, etc., • cost of the detention Centre • cost of transit • other costs (cost of the health care treatment, damage to inventory, etc.) <b>c)</b> Yes, entire cost <b>d)</b> Yes, if the alien does not have funds for the costs of forcible removal costs are required to be borne by: i. a physical person or legal entity that has illegally smuggled the alien or tried to smuggle across the border, and the person that helped the alien or tried to help the alien to illegally cross the state border, to transit or reside ii. a physical person or legal person who has committed to bear the costs of the alien during his/her stay, iii. carrier which has not transported alien from the border crossing, iv. an employer who hired illegal alien, v. the organizer of tourist or business travel. <b>e)</b> yes</p> <p><b>3.</b> A visa issue might be refused to an alien, a refusal of entry at the border or if in the Republic of Croatia to cancel a short-term stay. The statute of limitations claims costs of forcible removal that has occurred lapses after five years.</p>
	Czech Republic	Yes	<p><b>1. YES.</b></p> <p><b>2. a)</b> Provision of the Section 123 and Section 182 of the Act No. 326/1999, on Residence of Foreign Nationals in the Territory of the Czech Republic. <b>b)</b> Costs associated with administrative expulsion consist of expenses on accommodation and meals, transportation costs and other necessary financial expenses. <b>c)</b> Yes, a foreign national is obliged to bear the costs associated with expulsion in full amount. If a foreign national does not pay the costs associated with administrative expulsion and if the costs have not been covered from the financial guarantee, these costs or their remaining part are covered by persons who committed themselves to that in the invitation, or by research organizations who committed to that in a writing form, or by the person who brokered a job position without a work permit, or the person who employed the foreign national who did not leave the Territory of the Czech Republic for certain reasons after the expiration of the residence permit (residence permit for the purposes of employment), and also the carrier who has not met its obligation according to the Act No. 326/1999 Coll. <b>d)</b>The costs associated with expulsion shall be</p>



			<p>borne both by natural person (for example an inviting person) and by legal person (employer) in compliance with the Act No. 326/1999 Coll. e) If the costs associated with expulsion have not been covered, then the person in question is regarded as “persona non grata”. Once the costs have been covered, then the person is removed from the evidence of personae non grata. If the costs are not covered, the person is removed from the evidence of undesirable persons after six years since his/her inclusion in this evidence.</p> <p><b>3.</b> See the answer above.</p>
	Estonia	Yes	<p><b>1.</b> Yes.</p> <p><b>2.</b> a) Article 2613 (4) of the Obligation to Leave and Prohibition on Entry Act stipulates that a person to be expelled is required to bear the costs of expulsion including transportation costs borne in connection with the expulsion. Article 281 (2) of the Aliens Act stipulates that a foreigner is required to bear the costs related to his or her departure from Estonia, including the costs of the compulsory enforcement of the duty to leave, of the stay in the detention centre and police detention house which are borne in connection with the expulsion of the foreigner. Article 2861 (2) of the Aliens Act stipulates that if a illegally staying third-country national does not bear the procedural costs or the expenses of the compulsory execution of the obligation to leave, including the keeping of a person to be expelled in the detention centre or police house of detention, the employer who enabled the employment in Estonia to the TCN, is required to compensate for the specified costs but not more than in the amount of 32,000 euros. Subsection 3 specifies that the costs related to the forcible removal of the TCN are not claimed if the employer has fulfilled the requirements of notifying the Police and Border Guard Board, verifying the legal basis of stay of the TCN and has kept the documentation proving the legal basis of stay of the TCN and the employer was not aware that the document proving the right of employment or the right of stay of the TCN was falsified. Article 290 (2) of the Aliens Act stipulates that a transporter who transported or whose representative transported to the Estonian border a TCN who, upon arrival at the Estonian border, lacked a legal basis for temporary stay or residence in Estonia or a document necessary for crossing the border, is required to transport the TCN who is to be returned from the Estonian border, back to the same place where an alien boarded the means of transport of the</p>

			<p>transporter, or back to the country of location of an alien. Article 290 (3) elaborates that upon a failure of an alien to compensate for the costs of the compulsory enforcement of an obligation to leave and of the stay in the detention centre and police detention house relating to a TCN, a transporter is required to compensate for the specified costs but not more than 32,000 euros. Article 291 (3) stipulates that if a TCN does not bear the proceeding costs or the costs of the forcible removal or of the stay in detention centre or police detention houses, the sponsor is obliged to compensate for the specified costs, but not more than 32, 000 euros. b) According to the 11.09.2010 regulation No 19 from the Minister of the Interior the following expenses may be enforced in connection with the forcible removal of the third-country national: 1) cost for keeping of the person to be expelled in the detention centre or police house of detention; 2) cost for transportation and conveying; 3) cost for the tickets to the country of reception; 4) cost of escorting to the country of reception and the tickets of the escorts; 5) cost for the medical care and treatment; 6) the administrative costs related to organising the return; 7) organisational costs for the care for the third-country national's relative in need; 8) costs for organising the surveillance for the minor child of the third-country national; 9) other expenses. In case the third-country national does not fulfil the obligation to co-operate or acts in bad faith in any other manner, causing additional costs of proceeding to an administrative authority, the cost of proceedings and the costs related to the lodging of evidence may be recovered from the third-country national, but in the amount not exceeding 6400 euros. c) As a general rule the third-country national is obliged to bear the cost of his/her forcible removal. d) Please see question 2 a. e) Yes, please see question 3.</p> <p><b>3.</b> According to the Aliens Act Article 124 (1) 9 the issue of a temporary residence permit may be refused if the third-country national has failed to pay for the costs of his or her stay in Estonia or the departure from Estonia.</p>
+	Finland	Yes	<p><b>1.</b> No.</p> <p><b>2.</b> N/A</p> <p><b>3.</b> N/A</p>

	France	No	
	Germany	Yes	<p><b>1.</b> Yes. The sponsorship for the deportation is regulated in the German Residence Act. According to § 66 Paragraph 1 of the Residence Act (AufenthG) the foreigner generally has to defray the costs of the enforcement of a geographic restriction, refusal of entry, removal or deportation him-/herself. Additionally, according to § 66 Paragraph 2 AufenthG, those persons who obligated themselves to the aliens authority or diplomatic representation can be made responsible for paying the costs of the departure of the foreigner. In practice however it is the exception that the costs for a deportation are defrayed by the affected person. This because mostly the persons do not have sufficient financial means. In this cases the authorities of the state's responsible for the deportation undertake an advance payment or defray the costs.</p> <p><b>2.</b> a) There is no legal regulation on the precise costs of a deportation. Generally these result from the matters of expense listed in part b). b) The extent of the costs for a deportation are based on § 67 AufenthG. Including the following: - transportation and other travel costs for the foreigner within the federal territory and to the destination outside the federal territory - administrative costs resulting from the preparation and execution of the procedure including the costs for pre-deportation detention, costs for translation and interpretation as well as the accommodation, catering and other supplies for the foreigner -full costs resulting from necessary escort for the foreigner including personnel expenses. These include expenses for staff of the state- and federal police who support the state authorities within official assistance. The average of the costs for Germany for a forced return add up to about 1,500 Euros. In individual cases, depending on the country of origin and the state of health of the person to be deported, the costs can come up to 5,300 Euros. c) Yes, see answer above (1.) d) As mentioned above generally the affected person him/herself has to defray the costs of a deportation by law. In case he/she is not able to do so, the costs are defrayed by the responsible authority of the states. The exact regulations on this procedure differ from state to state. However it is to be assumed that due to the financial situation of the persons to be deported only in very few cases the costs for a deportation are actually born by the affected person him-/herself e) In case of a re-entry of third-country nationals after a deportation generally this person can be charged for the costs of the deportation executed in the past. In case they cannot fulfil this payment obligation, the responsible authorities of the federal</p>





			<p>states can declare sanctions according to the state legislation (reductions of benefits according to the Act on Benefits for Asylum Seekers, levy, etc.). This practice however is handled differently in each federal state, some state authorities directly request the deported person to pay the generated costs more frequent than it is the case in other states. Since not all states elevate statistics on the precise level of costs of deportations, it is not possible to make a general statement on this matter.</p> <p><b>3.</b> There is no nationwide legislation concerning this subject. As mentioned above this differs from state to state.</p>
	Hungary	Yes	<p><b>1.</b> Yes.</p> <p><b>2.</b> subquestion a) Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals and Government Decree 114/2007 (V. 24.) on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals. subquestions b) c) d) answered together On the base of Act on II of 2007 Section 50 (1) The costs associated with expulsion shall be borne by the person expelled or - if lacking the financial means necessary - by his/her host. (2) In order to secure the costs of transportation out of the country and to ensure that the obligation conferred upon the person expelled is satisfied, the immigration authority may seize the travel ticket if the third-country national in question has one, or - if sufficient financial means cannot be ensured otherwise - may confiscate his money in the amount as is required to purchase the ticket and to obtain a travel document; these actions may not be contested. In order to secure the costs specified in Paragraph e) of Subsection (4) of Section 61 and Subsection (4) of Section 62, which are to be covered by the third-country national affected, and to ensure that the obligation therein provided for is satisfied, if sufficient financial means cannot be ensured otherwise, the acting immigration authority shall have powers to seize funds in the third-country national's possession up to the amounts specified in Paragraph e) of Subsection (4) of Section 61 and Subsection (4) of Section 62; these actions may not be contested. (3) Where the expulsion measure cannot be carried out because neither the person being expelled nor his/her host has the financial means necessary, the competent authority shall advance the costs of departure. (4) The costs advanced according to Subsection (3) shall be repaid: a) by the person expelled; b) by the host if the person affected was invited; c) by the employer, if expulsion was ordered under Paragraph c) of Subsection (2) of</p>



			<p>Section 43; d)by the research organization if the person affected was admitted for the purposes of carrying out a research project and if expulsion was ordered under Paragraph b) of Subsection (2) of Section 43. (5) The liability of the research organization mentioned in Paragraph d) of Subsection (4) shall remain in effect for six months following termination of the hosting agreement. subquestion e) On the base of Act on II of 2007 Section 43 (1) The immigration authority shall independently order the exclusion of a third-country national whose whereabouts are unknown or who resides outside the territory of Hungary, and: d) who has failed to repay any refundable financial aid received from the State of Hungary. (2) An exclusion ordered independently may not be appealed.</p> <p><b>3.</b> We answer question 2. subquestion e) together with question 3. On the base of Act on II of 2007 Section 44 (1) The duration of exclusion that was ordered independently under Paragraphs d) of Subsection (1) of Section 43 shall be determined by the competent immigration authority, for a period of up to three years, and it may be extended by maximum three additional years at a time. An exclusion order shall be cancelled forthwith when the grounds therefor no longer exist. (2) An exclusion ordered independently may not be appealed.</p>
	Ireland	Yes	<p><b>1.</b> Ireland does not participate in the Return Directive 2008/115/EC. There are no provisions in Irish legislation regarding the costs of forced return. The cost of forced return is not borne by the Third Country National.</p> <p><b>2.</b> .</p> <p><b>3.</b> .</p>
	Latvia	Yes	<p><b>1.</b> Yes</p> <p><b>2.</b> a) Regulation of the Cabinet of Ministers adopted on 22 November 2011 No.894 on Procedures for Determining and Recovering of Expenses which have arisen due to the Forced Return, Detention and Holding under Temporary Custody of a Foreigner or Returning of a Foreigner to the Country, which Takes the Person back (hereinafter – Regulation). The Regulation defines that the</p>


costs related with: 1) the forced return, detention and holding under temporary custody of a foreigner or the sending of a foreigner to the country, which takes the person back (expenses) shall be recovered from: the foreigner, his or her inviter or employer, if he or she has employed the foreigner residing illegally in the Republic of Latvia; 2) the forced return, detention and holding under temporary custody of a foreigner shall be recovered from the carrier. The State Border Guard of the Republic of Latvia issue a decision on recovery of expenses. When taking a decision on recovery of expenses, the Chief of the State Border Guard or his or her authorised official evaluate the possibility to recover the expenses from one of the mentioned persons or proportionally from the foreigner, his or her inviter or employer. In accordance with the above-mentioned Regulation expenses shall be composed of the following costs: 1. residence of the foreigner in specially equipped premises or an accommodation centre; 2. services of an interpreter in order to ensure communication with the foreigner and acquaint him or her with the materials of the matter; 3. health care services for the foreigner; 4. transfer of the foreigner under the supervision of security guards; 5. identification of the foreigner and his or her citizenship or country of origin, specifying expert-examinations and inspections of documents, objects, language and medical and other expert-examinations and inspections; 6. transportation of the foreigner; 7. the drawing up of a travel document or an exit document for the foreigner; 8. insurance of the foreigner; and 9. the State fee for drawing up a visa for the foreigner. The State Border Guard of the Republic of Latvia issue a decision on recovery of expenses. When taking a decision on recovery of expenses, the Chief of the State Border Guard or his or her authorised official evaluate the possibility to recover the expenses from one of the persons or proportionally from the foreigner, his or her inviter or employer. If it is determined that it will not be possible to recover the expenses from any of the mentioned persons or the recovery of such expenses is significantly hindered by the fact that the relevant person is residing in a foreign country or such legal person no longer exists, the expenses shall be recovered proportionally from the rest of the persons. If the foreigner, his or her inviter, employer, who employed illegally residing foreigner, or the carrier does not voluntarily execute the decision, the relevant amount shall be recovered by submitting an executive order to the bailiff for executing the administrative act on a compulsory basis. c) Yes, see the answer provided in 2 b) d) Yes, see the answer provided in 2 b) e) See the answer to question No 3



**3.** In accordance with the Immigration Law Article 61(5) (5) the Chief of the State Border Guard or his or her authorised official shall take a decision on including a foreigner in the list of those

			foreigners for whom entry in the Republic of Latvia is prohibited, if the foreigner was forcefully removed from the Republic of Latvia and expenses related to the removal, detention and keeping under guard have not been reimbursed into the State budget.
	Lithuania	Yes	<p><b>1. Yes</b></p> <p><b>2.</b> Article 131 of the Law on The Legal Status of Aliens provisions the Costs of Expulsion or Return: 1. An alien shall be expelled from the Republic of Lithuania or returned to the country of origin or a foreign state to which he has the right to depart: 1) at his own expense; 2) at the expense of the natural or legal persons who invited the alien to the Republic of Lithuania; 3) at the expense of carriers in the cases established by laws of the Republic of Lithuania; 4) at the expense of the employer who illegally employed the alien to be expelled. 2. In the absence of resources specified in paragraph 1 of this Article, an alien shall be expelled from the Republic of Lithuania or returned at the expense of the State. The costs of expulsion or return incurred by the State shall be recovered in accordance with the procedure prescribed by legal acts from the natural or legal persons who invited the alien to be expelled to the Republic of Lithuania or from the employer who illegally employed the alien to be expelled or from the carriers who brought the alien to be expelled to the Republic of Lithuania or a request for reimbursement of the funds shall be addressed to another country which took a decision to expel the alien, to which Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals applies according to Council Decision 2004/191/EC of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals. Only in a few cases costs have been covered by TCNs themselves. The vast majority costs of forcible removals have been covered by AMIF. e) Yes. Despite the fact who has covered the costs of forcible removals, irregular TCNs are included in the National List of Aliens Refused Entry by the decision of Migration Department.</p> <p><b>3.</b> An alien who has been refused a visa or it has been cancelled or who has been refused a residence permit or it has been withdrawn, an alien who has been refused admission to the Republic of Lithuania, has been imposed an obligation to leave the Republic of Lithuania, has been</p>



			<p>returned to a foreign state or attempted to leave the Republic of Lithuania, or left it, unlawfully or an alien who does not have the right to reside in the Republic of Lithuania and fails to comply with obligations to the customs or has failed to pay a fine/fines imposed in accordance with the procedure laid down by laws of the Republic of Lithuania may be subject to an entry ban prohibiting entry into the Republic of Lithuania for a period not exceeding five years. An alien who has been expelled from the Republic of Lithuania shall be the subject of an entry ban prohibiting entry into the Republic of Lithuania for a period not exceeding five years. An alien may be the subject of an entry ban prohibiting entry into the Republic of Lithuania for a period exceeding five years where he may represent a threat to national security or public policy.</p>
	Luxembourg	Yes	<p><b>1. Yes.</b></p> <p><b>2. a) List the regulations containing specific provisions on the costs of deportation? According to the provisions of article 126 of the amended Law of 29 August 2008 on Free Movement of Persons and Immigration, the repatriation costs have to be borne by the foreigner that is being expelled. The bill n° 5802 on Free Movement of Persons and Immigration when dealing with article 126 states that the foreigner must bear the repatriation costs without prejudice to provisions of the law which allow the State to recover the expenses of the repatriation or the removal from the guarantor if s/he is still bound. However, the law does not contemplate taking a decision in that sense and neither the Minister of Foreign and European Affairs nor the Directorate of Immigration do deliver a specific decision in relation with this topic. Article L. 572-8 paragraph 1 of the Labour Code as amended by the Law of 21 December 2012 states that the employer who has employed a third-country national in an irregular migration situation is responsible to cover the repatriation costs of the TCNs illegally employed in the case that a procedure of return is engaged. b) What expenses are considered costs of forcible removal in accordance with the regulations? Normally it is the costs of the airplane tickets for the returnee and the escorts, and of the daily subsistence allowance and the lodging of the escorts during the travel. c) Is an alien obliged to bear the cost of his/her forcible removal and in which volume? See answer to question 2.a. The foreigner has to cover the totality of the costs. d) Does costs of a forcible removal shall be borne by the natural or legal person? Normally the costs of forcible removal under article 126 of the amended law of 29 August 2008 have to be borne by the foreigner that is being expelled. However, under the disposition of</b></p>


			<p>article 572-8 of the Labour Code the employer (physical or moral person) who employed a third-country national in an irregular migration situation is responsible to cover the expenses to repatriate the TCN illegally employed. If so, under what conditions (e.g. if the alien does not have the financial resources) See answer above. The costs of repatriation are normally covered by the Government. As in practice most TCNs who are going to be removed do not have financial resources, issuing an invoice will not be effective. e) If the costs of forcible removal were not covered, does your legislation prescribes any restrictions to TCNs? No. In Luxembourg a return decision is issued with an order to leave the territory voluntarily in a deadline of 30 days (article 111 (1) and (2)). This return decision can be accompanied with an entry ban of a maximum duration of 5 years taking into consideration the merits of the case (article 112 (1)), so in principle the fact that the costs of forcible removal were not covered are independent to the restrictions to enter the country.</p> <p><b>3. N/A.</b></p>
	Malta	Yes	<p><b>1. No.</b></p> <p><b>2. N/A</b></p> <p><b>3. N/A</b></p>
	Netherlands	Yes	<p><b>1.</b> If the entry to the Netherlands is denied then the cost of forced return can be recovered on airlines. In some cases these cost can be recovered on persons who were referent in the visa-application.</p> <p><b>2.</b> a) Article 65 and 66 of the Dutch Aliens Act b) In case of recovering costs on airlines the following expenses are considered costs of forcible removal: cost of detention, cost for applying a travel document, cost of transport to the airport, cost of ticket and cost of escorts. In case of recovering costs on referent the following expenses are considered costs of forcible removal: cost for applying a travel document, cost of transport to the airport, cost of ticket. c) No, but article 66 of the Dutch Aliens Act makes it possible to recover the costs for forced return on the third country</p>

			<p>national. d) The cost of forced return can be recovered on airlines (in case of a refusal) or persons who were referent in the visa-application. It has to be clear that airlines or referents are responsible.</p> <p>e) No</p> <p><b>3. n/a</b></p>
	Slovak Republic	Yes	<p><b>1. Yes</b></p> <p><b>2. a)</b> Act no. 404/2011 on Residence of Aliens Coll. and on Changes and Amendments of Some Acts <b>b)</b> According to the Slovak legislation, the costs associated with the return of a foreigner include costs of accommodation, food and transportation, costs associated with his/her detention and all other costs. In practice, the third country national who is detained for the purpose of his/her forced return is disposed of his/her personal items (including his/her financial resources) by the Police. His/her personal items are listed in his/her personal record. His/her financial resources, which he/she had while being apprehended, are then used to cover the costs. The amount and the purpose are also stated in the personal record. If the third-country national is not able to cover the costs from his/her financial resources, they are covered by the person who is bound to do so according to the invitation letter (in case of granted visa) or by the carrier (if the carrier did not fulfil the obligations). If the foreigner was illegally employed, the costs are born by the responsible person (an employer, intermediary etc.). If it is not possible to cover the costs as mentioned above, the state covers them through the Ministry of Interior of the Slovak Republic. <b>c)</b> See b) <b>d)</b> See b) <b>e)</b> No.</p> <p><b>3. N/A</b></p>
	Slovenia	Yes	<p><b>1. yes</b></p> <p><b>2. Provisions of the Aliens Act are the following: Article 84 (Costs of deportation) (1) The alien referred to in the first paragraph of Article 76 of this Act who has his own funds shall be obliged to bear the costs of his sustenance and accommodation and the costs of deportation to the extent of his own funds. (2) The alien shall be obliged to deposit his funds when accommodated at the Centre.</b></p>

			<p>In view of satisfying essential personal needs the alien may request a part of his deposited funds to be reimbursed. (3) If the alien has no funds, the costs referred to in the first paragraph shall be covered from the budget of the Republic of Slovenia. (4) The person who transferred the alien across the national border in an illegal manner or who provided the alien with illegal employment or other work or with illegal stay in the Republic of Slovenia and the natural or legal person having enabled the alien to acquire a visa or a residence permit on the basis of documentation which did not display the real purpose of the alien's entry into the country shall also be obliged to bear the costs referred to in the first paragraph of this Article. (5) The minister responsible for the interior shall issue the rules setting out the conditions and the procedure of depositing and reimbursing alien's funds. Aliens Act translated to English is available at:  <a href="http://www.policija.si/eng/images/stories/Legislation/pdf/AliensAct_2012.pdf">http://www.policija.si/eng/images/stories/Legislation/pdf/AliensAct_2012.pdf</a></p> <p><b>3.</b> see above</p>
	Spain	Yes	<p><b>1.</b> Yes.</p> <p><b>2.</b> a) Art. 64.3 of Organic Law 4/2000 (Alien Law) b) Not specified. Normally only the plane ticket is taken into account. Eventually, also the plane tickets and the allowances of the escorts could be charged. c) Yes, the total costs. In cases of illegal employment, it is the employer's responsibility. d) By the natural person, in case it is the returnee, and the natural or legal person, in case it is the employer. Normally it is not possible to prove if the alien has economic means available, so this provision is almost never applied. e) No.</p> <p><b>3.</b> -</p>
	Sweden	Yes	<p><b>1.</b> No. The cost of forced return is not borne by the Third Country National.</p> <p><b>2.</b> NA</p> <p><b>3.</b> NA</p>



	Switzerland	Yes	<p><b>1. Yes</b></p> <p><b>2. a) and b)</b> Federal Asylum Act, SR 142.31 - Article 92: entry and departure costs (Confederation bear the costs for the departure of the persons concerned if they are destitute) Federal Act on Foreign Nationals, SR 142.20 - Article 82: full or partially funding of cantonal detention centres - Article 87 (2): assumption of departure costs Ordinance of 11 August 1999 on the Enforcement of the Refusal of Admission to and Deportation of Foreign Nationals, SR 142.281 - Article 11 (3): lump sum for reception and handling at the airport - Article 15: lump sum for costs for imprisonment Asylum Ordinance No. 2 of 11 August 1999 on Financial Matters, SR142.312 - Article 57: reimbursement of the costs for procuring travel documents - Article 58: lump sum for police and social escort - Article 58a: assumption of costs for clarifying identity - Article 59: assumption of specific travel costs, lump sum for baggage - Article 59a: lump sum during travel to meet the basic needs (paid to returnee) - Article 59abis: departure fee (paid to returnee, only for special cases) - Article 59b: intercantonal transfers of detained persons c) No d) No answer possible e) In general, it cannot be said that the restriction is due to the fact that the costs were not covered. All asylum seekers with a legal binding negative decision only get access to emergency assistance, which is composed of accommodation, healthcare and food.</p> <p><b>3. In general, it cannot be said that the restriction is due to the fact that the costs were not covered. All asylum seekers with a legal binding negative decision only get access to emergency assistance, which is composed of accommodation, healthcare and food.</b></p>
	United Kingdom	Yes	<p><b>1. No, the UK currently has no specific regulations governing the cost of enforced removal. Costs are determined based on operational costs incurred. The costs are not borne by the individual being removed. The UK is not part of the Return Directive.</b></p> <p><b>2. N/A</b></p> <p><b>3. N/A</b></p>

	<p>Norway</p>	<p>Yes</p>	<p><b>1.</b> Yes.</p> <p><b>2.</b> a) List the regulations containing specific provisions on the costs of deportation? According to Immigration Act, Section 91, all foreign nationals that are forcibly removed from the realm are obliged to cover their own travel expenses, except for those who are removed in accordance with the Dublin III Regulation. Furthermore, exceptions apply in cases of carrier's liability, cf. Immigration Act, Section 91 and Immigration Regulations, Section 17-16. b) What expenses are considered costs of forcible removal in accordance with the regulations? Flight tickets and expenses relating to guards where such are necessary because there is reason to fear that the foreign national will resist deportation or will behave in a threatening or dangerous manner in connection with the deportation. c) Is alien obliged to bear the cost of his/her forcible removal and in which volume? Yes, cf. above. d) Does costs of a forcible removal shall be borne by the natural or legal person? If so, under what conditions (e.g. if the alien does not have the financial resources): The foreign national is personally responsible for any travel costs in connection with the deportation. Where a guarantor have been used when gaining entry, the execution and enforcement authorities may require the guarantor to cover the expenses. If a foreign national is unable to meet his/hers expenses, the state meets the costs. Non-payment will be registered as debt to the Norwegian state. If the foreign national is able to partly meet his/hers expenses, the remaining amount is regarded as personal debt. According to the Immigration Act, Section 91, cf. Enforcement Act, Section 7-2, non-payment is sufficient basis for enforcement of debt. e) If the costs of forcible removal were not covered, does your legislation prescribes any restrictions to TCNs? Yes</p> <p><b>3.</b> Refusal of admittance is in force until travel expenses are met, cf. Immigration Act, Section 17, litra k.</p>
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