



EMN Ad-Hoc Query on Cancelling residence permits and issuing entry bans for third country nationals who are residing abroad and cannot be heard

Requested by Rafael BÄRLUND on 29th June 2018

Residence

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Slovak Republic, Sweden, United Kingdom, Norway (20 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:

According to the Charter of Fundamental Rights of the European Union article 41 every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time. This right includes the right of every person to be heard, before any individual measure which would affect him/her adversely is taken. This principle of the right to be heard means that national authorities are also under obligation to hear every person before any individual measure which would affect him adversely is taken. Everyone has a right to good administration.

Under our current Aliens Act, an entry ban may only be issued to a third country national in connection with removal from the country when the person concerned is residing in Finland. We are currently examining the possibility of issuing an entry ban to a third country national in certain specific cases, where it might not be possible to hear the person in question at all, because he either has already left Finland (for Syria for example) and there is no information available about his current place of residence or he has not yet entered Finland (for example a person applying for residence permit and providing falsified travel documents in order to obtain it).

Under the current Aliens Act the possibilities for cancelling a permanent residence permit are limited. We are examining the possibility of cancelling a permanent residence permit in certain cases, where a person is considered to constitute a threat to public order or national security. Before cancelling a permanent residence permit it might also be necessary to withdraw the possible refugee status if the person concerned has been granted international protection in Finland. In these cases it might not be possible to hear the person concerned either, because he might have already left Finland (for Syria for example) or because there is no information available about his current place of residence.

Finland has consulted the following AHQ:s before launching this one:

2015.662 - COM AHQ on Entry bans entered into the SIS and consultation procedures in Member States

2016.1046 - BE AHQ on Motivation of return decisions and entry bans

2017.1206 - FI AHQ on Violation of entry bans and the applicability of sanctions/punishments

2017.1212 - LT AHQ on Legal status of aliens who are subject to the principle of non-refoulement and have been recognized as representing a threat to national security

2018.1260 - BE AHQ on the entering of alerts in SIS for reasons of public order (article 24, §§ 1 and 2 of SIS II Regulation)

Questions

1.

Is it possible in your Member State to issue an entry ban to a third country national (TCN) residing abroad and thus in cases not related to a return decision taken in accordance with the provisions of the Return Directive? If so, in what kind of situations?

2.

Is it possible in your Member State to cancel a permanent residence permit granted earlier to a TCN in cases where the TCN concerned is considered to constitute a threat to public order or national security? If so, in what kind of situations?



3.


If the answer to questions 1 and/or 2 is affirmative, how do you handle the situation where the TCN concerned cannot be heard at all, because he has already left your Member State and cannot be reached by the Member State's authorities because he is residing in a remote area (like Syria) or because there is no information available about his current place of residence? Which are the exceptions to the right to be heard (if any) that may be relied upon in this concrete case by Member State's administrative authorities?


4.


If your administrative authorities make a decision to cancel a permanent residence permit granted to a TCN and/or issue an entry ban to a TCN in circumstances where the TCN concerned has left your Member State and cannot be heard, **how is this decision notified** to the TCN concerned? Is it acceptable that the notification is given to the TCN concerned through the official newspaper (memorial, gazette officielle)? Are there other options that are used in practice in these situations?


Responses


	Country	Wider Dissemination	Response
	Austria	No	
	Belgium	Yes	<ol style="list-style-type: none"> 1. No. An entry ban must always refer to a return decision. 2. Yes. Two laws have been adopted, namely the law of 24.02.2017 modifying the Immigration Act on the entry, residence, settlement and removal of foreign nationals in order to reinforce the protection of public order and national security; and the law of 15.03.2017 modifying article 39/79 of the Immigration Act. Both laws were published in the Belgian Official Gazette on 19.04.2017 and entered


			<p>into force on 29.04.2017. The main aim of these laws is to facilitate the procedure when ending a foreign national's residence right (of more than 3 months) and organizing his removal for reasons of public order or national security. It is now even possible to remove foreign nationals who were born in Belgium or who moved to Belgium before the age of 12 (with certain limits). Only beneficiaries of international protection are totally protected against a removal. For them removal is only possible if the protection status is withdrawn first. The new laws foresee in procedural guarantees, like the right to be heard and the principle of proportionality.</p> <p>3. Article 62, § 1 of the Immigration Act states that when it is considered to end or withdraw a residence right, the person concerned is informed about this in writing and is given the chance to bring forward relevant elements that can influence the decision. The person concerned has 15 days to bring forward these elements. However, this obligation shall not apply if (1) this is contrary to the interest of State Security, (2) if the special circumstances of the case prevent this by reason of nature or seriousness, (3) if the person concerned is unreachable. When the person concerned is a beneficiary of international protection, his residence right can be only be ended after his protection status is withdrawn. In principle the beneficiary of international protection must be heard. A registered letter will be send to his elected domicile. This letter will inform him when a personal interview will take place, or how he can give reasons for not withdrawing his protection status in writing. If he doesn't respond to the letter, a decision regarding his protection status can be made based on elements in his file (article 57/6/7 of the Immigration Act). So it's possible to withdraw the international protection status without hearing the person concerned.</p> <p>4. A registered letter will be send to the concerned person his last known elected domicile in Belgium. Even if there are indications or it is certain that he lives abroad. The date of notification is the third working day after the postal date. Then the time-limit for lodging an appeal starts. The official newspaper is not used for notification.</p>
	Bulgaria	Yes	<p>1. According to the Bulgarian national legislation (The Foreigners in the Republic of Bulgaria Act), the administrative authorities can issue an entry ban to a third country national (TCN) residing abroad, when he/she is considered as a threat to the national security.</p> <p>2. According to the Bulgarian national legislation (The Foreigners in the Republic of Bulgaria Act),</p>


			<p>the administrative authorities can cancel a permanent permit granted earlier residence to TCN residing abroad, when he/she is considered as a threat to the national security.</p> <p>3. When the TCN is residing abroad, the travel ban decision or cancelling a permanent residence permit decision can be announced and notified by the official webpage of the Migration Directorate within the Ministry of Interior of Bulgaria.</p> <p>4. If the TCN approach the Bulgarian border, the border police officer will inform him/her about the restrictions and will not let him/her in the country. The border police officer will detain the cancelled permanent residence permit.</p>
	Croatia	Yes	<p>1. 1. YES. An entry ban following an expulsion order can be issued to a TCN that resides in the country or to a TCN abroad. In each case TCN has a right to be heard. During the hearing TCN will be warned that he has to report the change of his address of residence. Otherwise, the rules on announcing the letter of notice on the bulletin board will be applied.. Reasons for issuing an entry ban (prohibition of entry and residence) due to reasons of social danger are noted in Article 108. (Expulsion in view of increased social danger) and due to illegal residence in the Article 109. (Expulsion because of illegal residence) of the Croatian Foreigners Act. According to the Article 108. (1): A decision on expulsion of a TCN may be adopted if he presents a danger to the public order or public health if he: 1. provided assistance in illegal entry, transit or residence, 2. concluded a marriage of convenience 3. violated regulations on employment and work of foreigners, prevention of chaos at sport competitions, public order and peace, weapons, abuse of narcotics or tax levies 4. committed a criminal offense that is to be prosecuted in the line of duty or a violation with elements of violence, 5. repeatedly commits the offense. (2) A decision on expulsion shall be adopted if: 1. a TCN was, pursuant to legally effective judgment, sentenced to unconditional imprisonment in the duration longer than one year, because of a criminal offence committed with intention, 2. a TCN was repeatedly sentenced over the period of 5 years, pursuant to a legally effective judgment, to imprisonment in the duration of 3 years, because of a criminal offence committed with intention, 3. a TCN was sentenced to unconditional imprisonment, because of committing a criminal offence against the values protected by international law, 4. a TCN poses danger to national security. According to Article 109. (1) TCN will be issued an expulsion order if he: 1. did not leave the EGP or the Republic</p>


			<p>of Croatia within the time limit set by the decision, 2. entered EGP or the Republic of Croatia before the expiry of the entry ban, 3. the decision on return (according to Article 104, paragraph 1 of the Foreigners Act) is not issued. (2) TCN may be issued an expulsion order because of illegal residence and illegal transit or attempt to transit the state border, other than the reasons referred to in paragraph 1 of Article 109.</p> <p>2. 2. YES. Under the Croatian Foreigners Act a permanent residence permit is cancelled if 1. TCN has an entry ban to Croatia, 2. if the TCN has moved out of the country permanently or has continuously resided outside Croatia longer than 1 year, 3. if it is established that the TCN has deliberately provided inaccurate information or has deliberately concealed the purpose and circumstances that were of importance for the approval of a permanent residence, 4. if asylum or subsidiary protection has been annulled, 5. at own request, 6. if required by reasons of public order, national security or public health.</p> <p>3. 3. The competent authority which issues the expulsion order shall hear the TCN. A call for a hearing shall be sent to the last registered address in the Republic of Croatia. If a TCN has moved from that address without previously informing the police department in charge about the new address (in the Republic of Croatia or abroad), the call will be handed over by the means of announcing on the bulletin board of the police station. This way, the obligation regarding the hearing of the TCN by the competent body is fulfilled, as prescribed by the Law on General Administrative Procedure (Official Gazette, No. 47/09).</p> <p>4. 4. TCN is obligated to report on his address of residence where he can receive the letter of notice about the entry ban, or he is obligated to appoint a proxy for receiving letters in Croatia. In case TCN is abroad he is obligated to report that he is leaving Croatia and provide his address abroad. In contrary, the notice will be announced on the bulletin board.</p>
	Cyprus	Yes	<p>1. Each entry ban is accompanied by a return decision. Entry ban for persons residing outside our country is placed upon persons against whom the EU has decided on restrictive measures.</p> <p>2. Yes, this is possible in cases of criminal convictions</p> <p>3. Please see answer 1 above. Concerning those persons to which an answer has been provided in</p>



			<p>question 1, upon their request on re-examination of the entry ban, the competent authority provides them with an opportunity to be heard in writing and provide any reasons for rejection of their demand.</p> <p>4. Again, entry ban is stated in the return decision.</p>
	<p>Czech Republic</p>	<p>Yes</p>	<p>1. In the Act No. 326/1999 Coll. on the Residence of Foreign Nationals in the Territory of the Czech Republic is established institute of “persona non grata” and specific procedure (mentioned below) which allow national authorities to take necessary steps to prevent an entrance and stay of the person in the Czech Republic. According to above mentioned Act is “persona non grata” described as someone who can not be allowed to enter the territory and stay in the Czech Republic because he/she could represent a threat for the State security, he/she could violate public order, threaten public health etc. There have to be followed principle of adequacy in marking someone as “persona non grata”.</p> <p>2. The reasons for cancellation of a permanent residence permit granted earlier to a TCN laid down by the Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Czech Republic are following: the TCN repeatedly seriously disrupts public order or the rights and freedoms of others or there is reasonable risk that they could threaten state security. It could be in situations, when the TCN was legitimately sentenced to imprisonment by a court of the Czech Republic for committing a deliberate criminal act or the TCN repeatedly violates rules and laws in the Czech Republic.</p> <p>3. If the TCN is not represented in the proceedings and cannot be reached because there is no information available about his current place of residence etc., in this case the State authority will appoint a guardian (e.g. International Organization for Migration or NGOs/organisations focused on migrants rights protection) to defend his interests and rights. National authorities can issue entry ban decision or cancel a permanent residence permit to a TCN who has not been heard if he/she represents a threat for the State security, he/she could violate public order, threaten public health etc. In mentioned cases is not necessary to hear the TCN. If the TCN is not represented in the proceedings and cannot be reached because there is no information available about his current place of residence etc., in this case the State authority will appoint a guardian (e.g. International Organization for Migration or NGOs/organisations focused on migrants rights protection) to defend his interests and rights. National authorities can issue entry ban decision or cancel a permanent residence permit to a TCN who has not been heard if he/she represents a threat for the State security, he/she could violate</p>

			<p>public order, threaten public health etc. In mentioned cases is not necessary to hear the TCN.</p> <p>4. The decision of the appointment of the guardian is notified by a public announcement. It will be displayed on the official board of the State authority office and will be also displayed electronically on the official website. However, national authorities do not announce to TCN his insertion on the “persona non grata” list and it is not announced through official media either.</p>
	Estonia	Yes	<p>1. A third-country national who is not staying on the territory of Estonia can be applied a refusal of entry by Ministry of the Interior on the proposal of a government agency or agency administered by a government agency (Estonian Internal Security Service, Ministry of Justice) due to security considerations (threatening public order or national security). The Police and Border Guard Board confirms the ban in the national register for refusal of entry, and this prohibition moves to the homepage of the Ministry of the Interior (search for refusal of entry), and thus is deemed to have been made known to the citizen.</p> <p>2. Yes, it is possible to revoke a residence permit when a person constitutes a threat to public order or national security. There is a separate general ground for this. Aliens Act § 135 section 2 subsection 3 sets that a temporary residence permit shall be cancelled if the activity of an alien constitutes a threat to public order or national security. There are also other more specific grounds to revoke the permit, that also relate to threat to public order or national security. Some examples of more specific grounds:</p> <ul style="list-style-type: none"> <input type="checkbox"/> an alien has submitted falsified documents or false information regarding the relevant matters in the proceeding; <input type="checkbox"/> has committed an offence; <input type="checkbox"/> there is good reason to believe that such activity has been or is being directed against the Estonian state and the security thereof; <input type="checkbox"/> there is information about an alien or a good reason to believe that he or she belongs to a criminal organisation; <input type="checkbox"/> there is a good reason to believe that he or she may commit an act of terrorism, or he or she is involved in financing or supporting terrorism or money laundering. <p>3. According Estonian Aliens Act § 39 section 2, if the persons current contact information is not known than an administrative authority may publish the personal details of a party to the proceeding and the content of the procedural document on the web page of the administrative authority. A procedural document is deemed to be served to a person when the procedural document, including the content of the summons, has been published on the web page of the administrative authority. Estonian</p>


			<p>Police and Border Guard uses this right when there is no other means to contact a person, to notify about starting the proceeding to revoke the residence permit and also later on about the decision. Information can be accessed here: https://www2.politsei.ee/en/teenused/haldusaktide-avaldamine/</p> <p>4. See the previous answer.</p>
	Finland	Yes	<p>1. Under the Finnish Aliens Act, a prohibition of entry may only be ordered on a foreign national in connection with removal from the country when the foreign national is residing in Finland. It is not possible to issue an entry ban on third country national who has already left the country or who is residing abroad.</p> <p>2. Under the Finnish Aliens Act a fixed-term or permanent residence permit is cancelled if the alien has moved out of the country permanently or has continuously resided outside Finland for two years for permanent purposes. A fixed-term or permanent residence permit or a long-term resident's EC residence permit may be cancelled if a Schengen State asks Finland to cancel a residence permit issued to an alien by Finland on the grounds that the alien has been prohibited from entering another Schengen State and ordered to be removed from the Schengen area on the grounds referred to in section 149(1)(2) and (1)(3).</p> <p>3. The situation is somewhat unclear for the moment.</p> <p>4. According to the Finnish Administrative Procedure Act section 54-55 and 59-63 an authority shall serve its decision without delay on the party concerned and on other known persons who have the right to request an administrative or judicial review of the decision. Service is effected as either standard service (by letter to the addressee) or verifiable service (by post against an acknowledgement of receipt) or, if it cannot be so effected, as service by publication. If the addressee of verifiable service or his or her representative cannot be found, the document may be handed over in a sealed envelope to the following, with their consent: 1) a person aged fifteen years or more and living in the same household as the addressee; 2) the employer of the addressee or a representative of the employer - -. Service by publication is effected - in case party concerned cannot be otherwise reached - by keeping the document available for the addressee on the premises of the authority for a specified period. A notice of the availability of the document shall be published in the Official Gazette and shall</p>

			<p>also be published on the official bulletin board of the authority or in a particular newspaper where it can be assumed the addressee will best receive the information. The notice shall indicate what the matter is about and where and until which date the document will be kept available.</p>
	<p>Germany</p>	<p>Yes</p>	<p>1. No.</p> <p>2. Yes. Any TCN who poses a threat to public order or national security can be expelled if, after weighing up all the circumstances of the individual case, the public interest in the TCN leaving Germany outweighs the TCN's personal interest in remaining in Germany. Under certain conditions, the public interest in expulsion as well as the personal interest in remaining can be assessed as particularly serious. Expulsion results in the expiry of the residence permit by act of law (i.e. automatically, without any need for an official decision) (Section 51 subsection 1 (5) and Sections 53 to 55 of the Residence Act (Aufenthaltsgesetz - AufenthG-)). The residence title shall expire upon announcement of a deportation order pursuant to Section 58a in order to avert a special danger to the security of the Federal Republic of Germany or a terrorist threat (Section 51 subsection 1 (5a), Section 58a of the Residence Act). The English translation of the Residence Act can be downloaded at: http://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.pdf .</p> <p>3. The residence title shall expire, by act of law, if the TCN leaves the federal territory for a reason which is not of a temporary nature or if the foreigner leaves the federal territory and fails to re-enter it within six months or within a longer period set by the foreigners authority (Section 51 subsection 1 (6) and (7) of the Residence Act, Section 51 also regulates the exceptions to this). Since in this case the expiry of the residence permit does not require an official decision but only the departure of the foreigner, the latter does not need to be heard in person beforehand. The person concerned could present his or her arguments in a visa procedure which he or she would have to conduct in the event of an intended re-entry. If, on the other hand, an expulsion order is intended, this measure requires the person concerned to be heard in person beforehand. If the postal address of the person concerned is not known abroad or postal delivery is not possible there and no authorised representative has been appointed by him/her, the invitation to comment may also be sent by public notice. To this end, an appropriate notice shall be posted in the general office of the competent authority. After two weeks, the request for comments shall be deemed to have been sent. (The deportation order mentioned in the</p>

			<p>answer to question 1 presupposes that the TCN's residence of the foreigner in Germany.)</p> <p>4. If the postal address of the person concerned is not known abroad or postal delivery is not possible there and no authorised representative has been appointed by him/her, the decision on expulsion may be notified by public announcement. To this end, an appropriate notice shall be posted in the general office of the competent authority. After two weeks, the decision on expulsion is deemed to have been served.</p>
	Hungary	Yes	<p>1. According to the legislation the immigration authority shall impose an entry ban ordered independently on a third-country national under immigration laws, whose whereabouts are unknown or who resides outside the territory of the Republic of Hungary, and who: - must not be allowed to enter the territory of the Republic of Hungary under international commitment; or - is to be excluded by decision of the Council of the European Union. - whose entry and residence represents a threat to national security, public security or public policy; - who has failed to repay the refundable costs of his/her previous return advanced by the State of Hungary; - who has failed to pay any custom administration fine imposed in conclusion of the implementing legislation of the Custom Law of the European Union.</p> <p>2. Unless otherwise prescribed in immigration act, new residence permits or the extension of existing ones shall be refused, or if already issued shall be withdrawn from, third-country nationals: if – among reasons - they are subject to expulsion or an entry ban, they are considered to be a threat to public policy, public security or public health, or to the national security of Hungary. The threat to public policy, public security or public health, or to the national security of Hungary is concluded by the relevant authorities, the immigration authority cannot diverge from the recommendation of the relevant authority (police authorities appointed in a government decree).</p> <p>3. The decision shall be served by way of posted notice if the client's whereabouts are unknown. The decision on an entry ban ordered independently, decision on expulsion and entry ban based on threat to public policy, public security and national security shall be considered as delivered on the day of the posting of the posted notice. The decision shall be posted on website of the Immigration and Asylum Office.</p>

			<p>4. The decision shall be served by way of posted notice if the client's whereabouts are unknown. The decision shall be posted on website of the Immigration and Asylum Office.</p>
	Italy	Yes	<p>1. no</p> <p>2. Yes. As provided for by art. 9, para. 7 of D.lgs 286/1998 the permanent residence permit shall be cancelled if an expulsion order is issued. Among the cases of expulsion, listed in para. 10 of the abovementioned article, is foreseen that the TCN is considered to constitute a threat to public order or national security. In the TCN dangerousness assessment the existence of convictions for many offences is taken into account (even if the sentence is not final). For instance, some of the relevant offences are: arrest in flagrante for unpremeditated crimes punished with the imprisonment from a minimum of 5 years to 20 years (art. 380 c.p.p), duress or pressure towards a representative of public authority, personal injury or trespassing (art. 381 c.p.p). Moreover, an expulsion order is issued if there are reasonable grounds to believe that the presence of the TCN within the Italian territory may facilitate terrorist organisations or activities (let. b) of aforementioned article).</p> <p>3. The revocation order shall be communicated to the TCN through the delivery by hand or the notification of the measure written and duly motivated (art. 3, para. 3 of DPR 394/1999). The notice of the initiation of the procedure is necessary to set up the adversarial process and hear the TCN (Cons. Stato, sez. VI, 8 July 2009, n. 4382). In exceptional circumstances, if the TCN cannot be reached, the cancellation order may be issued under the unavailability procedure. However, the withdrawal measure is ineffective and unenforceable until the notification.</p> <p>4. See Q. 3. Other options are not applicable.</p>
	Latvia	Yes	<p>1. In accordance with Immigration Law it is possible to issue entry bans in cases not related with return decisions taken in accordance with Return Directive. These cases are: (1) The Minister for the Interior shall take a decision to include a foreigner in the list, if any of the following circumstances exists: 1) competent State institutions have a reason to believe that a foreigner participates in anti-state or criminal organisations or is a member thereof; 2) competent State institutions have a reason to believe that a foreigner causes a threat to national security or public order and safety or, by entering</p>

			<p>Latvia, may hinder pre-trial investigations or the work of law enforcement institutions in discovering a criminal offence; 3) competent State institutions have a reason to believe that a foreigner has committed or is planning to commit a serious or extremely serious crime; 4) a foreigner has committed a crime against humanity, an international or war crime or has participated in mass repression if such has been determined by a court judgement; 5) competent foreign authorities have provided information which prohibits a foreigner from entering and residing in the Republic of Latvia; 6) the entry and residence of a foreigner into the Republic of Latvia is not desirable for other reasons on the basis of an opinion delivered by competent State institutions; 7) the foreigner has been convicted of a criminal offence committed in the Republic of Latvia, for which deprivation of liberty for at least one year has been provided. (2) If a foreigner is an undesirable person for the Republic of Latvia (persona non grata), a decision on his or her inclusion in the list shall be taken by the Minister for Foreign Affairs. (3) If a decision has been taken either to refuse the issue of a visa, to annul or revoke a visa, or the foreigner has assisted another foreigner to submit documents for requesting a visa in order to unlawfully receive a visa, the Consular Department or a diplomatic official of the representation shall take a decision to include the foreigner in the list. (4) The Office of Citizenship and Migration Affairs shall take a decision to include a foreigner in the entry ban list, if any of the following circumstances exists: 1) a decision to annul or revoke a visa has been taken in relation to the foreigner; 2) if a decision has been taken to refuse the issue or registration of a residence permit (in special cases), 3) if the person has violated national customs regulations, 4) the foreigner has served a punishment for a criminal offence committed in the Republic of Latvia. (5) The State Border Guard shall take a decision on including a foreigner in the entry ban list, if any of the following circumstances exists: 1) a decision to annul or revoke a visa has been taken in relation to the foreigner. 2) in accordance with the provisions of Regulation No 2016/399 of the European Parliament and of the Council of 9 March 2016 a decision on refusal to enter the territory of the Member States of the European Union has been taken on the grounds that the foreigner presents a forged travel document, visa or residence permit; 3) the foreigner has helped another foreigner to illegally enter or illegally reside in the Republic of Latvia and it has been determined by a court judgment or by an injunction of the public prosecutor regarding punishment, or a decision to terminate criminal proceedings by conditionally releasing from criminal liability; 4) the foreigner has served a punishment for a criminal offence committed in the Republic of Latvia, which is related to illegal crossing of the State border or illegal stay in the State.</p>
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			<p>2. Yes. The decision to cancel a permanent residence permit is taken by the Office of Citizenship and Migration Affairs based on the notice to include the person in the entry ban list by the competent authority.</p> <p>3. Any person is entitled to submit an application in accordance with Administrative Procedure Law Article 62 on Hearing of Participants in Administrative Proceedings: (1) In deciding in regard to the issuing of such administrative act as might be unfavourable to the addressee or a third party, an institution shall clarify and assess the opinions and arguments of the addressee or the third party in such matter. (2) Clarification of the opinion and arguments of a person is not required if: 1) the issue of the administrative act is urgent and any delay may directly endanger the security of the State, public order, or the life, health or property of persons; 2) the case is objectively insignificant; or 3) it flows from the substance of the case that the clarification of the opinion of the person is impossible or inadequate. (3) If an administrative act is issued in writing and the opinion and arguments of a person have not been clarified the reason shall be stated in the reasons for the administrative act. If the decision is taken in situation described in Q2 person`s opinion is not needed.</p> <p>4. The decision in a written form is sent as a letter to the last known address in Latvia or abroad. If the person has given an e-mail address in his visa or residence application and has agreed that decisions could be sent electronically, the person will receive the decision of the competent authority by e-mail as well.</p>
	Lithuania	Yes	<p>1. Yes. In accordance with the Republic of Lithuania Law on the Legal Status of Aliens Article 133, an alien may be subject to an entry ban prohibiting entry into the Republic of Lithuania if he/she: - has been refused a visa or it has been annulled or who has been refused a residence permit or it has been withdrawn; - has been refused admission to the Republic of Lithuania; - has been imposed an obligation to leave the Republic of Lithuania, has been returned to a foreign state; - has attempted to leave the Republic of Lithuania, or left it, unlawfully; - 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 represent a threat to national security or public policy. An alien shall be the subject of an entry ban prohibiting entry into the Republic of Lithuania if: - he/she has been expelled from the Republic</p>


of Lithuania; - there are serious grounds for believing that the alien has committed a serious or grave crime against a person in a foreign state thus violating the universal human rights and freedoms, or has committed a criminal act of a corruptive nature or a criminal act with indications of money laundering as defined in laws or international treaties of the Republic of Lithuania, or has instigated or otherwise participated in committing such criminal acts and/or for these reasons the alien is placed on the national no-entry list of another EU Member State, member country of the European Free Trade Association or country of the North Atlantic Treaty Organisation. Data from the National list of aliens prohibited to enter the Republic of Lithuania shall be forwarded to the central second generation Schengen Information System if the decision to prohibit the alien to enter the Republic of Lithuania, based on which data has been recorded to the National list, complies with the grounds established in Articles 24 or 25 of the Regulation (EC) No 1987/2006 (SIS II Regulation).

2. Yes. According to paragraph 1 of Article 54 of the Law on the Legal Status of Aliens an alien's permanent residence permit (permit of a long-term resident of the Republic of Lithuania to reside in the European Union) shall be withdrawn if: 1) the permit has been obtained by fraud; 2) the alien's residence in the Republic of Lithuania may constitute a threat to national security or public policy; 3) the alien has been residing in non-European Union Member State uninterruptedly for more than 12 months; 4) the alien has been residing in another European Union Member State for a period exceeding six years or acquires a long-term resident status in another European Union Member State.

3. There is no obligation to question TCN prior to the decision, however, according to Article 138 of the Law on the Legal Status of Aliens an alien may file an appeal against a decision taken under this Law to a relevant regional administrative court within 14 days from the service of the decision.


4. A copy of the document regarding the official decision to cancel a permanent residence permit is sent via email that the TCN himself/herself has provided the authorities with. Should there be no provided email address, a copy of the document is sent to the person's latest known residence address in the Republic of Lithuania. In accordance with the Republic of Lithuania Law on the Legal Status of Aliens Article 133, an alien shall be informed in writing about a decision to ban his entry into the Republic of Lithuania, provided that the alien's place of residence or other contact details are known and that there are no reasons specified in paragraph 10 of this Article for which the information is not furnished to the alien. Information about a decision to ban an alien's entry into the Republic of

			<p>Lithuania shall not be furnished to the alien if the furnishing of such information would be detrimental to state security, defense, public security, the prevention, investigation, detection and prosecution of criminal acts. A citizen of a EU Member State and/or his family member or any other person who enjoys the right of free movement under legal acts of the European Union shall not be furnished with information about the actual circumstances of a decision to ban his entry into the Republic of Lithuanian if the furnishing of such information would be detrimental to the interests of state security (Art 133(10)).</p>
	<p>Luxembourg</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. No. In accordance with article 112 (1) of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law), entry bans are issued jointly with a return decision or after the return decision but always in regard to a return decision. 2. No. In accordance with article 112 (1) of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law), entry bans are issued jointly with a return decision or after the return decision but always in regard to a return decision. 3. Yes. Article. 101 (1) 2 of the Immigration Law expressly establishes that an authorisation of stay can be refused, revoked or withdrawn if the individual is considered a threat to public order, public safety or public health. 4. Yes. Article. 101 (1) 2 of the Immigration Law expressly establishes that an authorisation of stay can be refused, revoked or withdrawn if the individual is considered a threat to public order, public safety or public health. 5. In Luxembourg, the TCN is obliged to notify his/her arrival at the new commune of residence at any change of address inside Luxembourg (Article 25 of the grand ducal regulation of 5 September 2008 on the execution of certain dispositions regarding administrative formalities foreseen in the Immigration Law, coordinated text) and to inform the Directorate of Immigration. In accordance with article 161 of the New Civil Procedure Code a notification to the domicile is a notification to the address of the TCN registered in the National Registrar for Private Persons. Normally the Directorate of Immigration will send a letter to the individual to its last registered domicile in Luxembourg. In case there is no reaction it can send a new letter using certified mail (courrier recommandé) or request

			<p>that the Grand Ducal Police verify if the TCN still leaves at the address on record. If not, the police report will prove the absence of the TCN. In any case, if there is an extended absence of more than six months of the TCN the residence permit issued to him or her is no longer valid (Article 26 of the Grand-ducal regulation in accordance with article 40 (4) of the Immigration Law).</p> <p>6. In Luxembourg, the TCN is obliged to notify his/her arrival at the new commune of residence at any change of address inside Luxembourg (Article 25 of the grand ducal regulation of 5 September 2008 on the execution of certain dispositions regarding administrative formalities foreseen in the Immigration Law, coordinated text) and to inform the Directorate of Immigration. In accordance with article 161 of the New Civil Procedure Code a notification to the domicile is a notification to the address of the TCN registered in the National Registrar for Private Persons. Normally the Directorate of Immigration will send a letter to the individual to its last registered domicile in Luxembourg. In case there is no reaction it can send a new letter using certified mail (courier recommandé) or request that the Grand Ducal Police verify if the TCN still leaves at the address on record. If not, the police report will prove the absence of the TCN. In any case, if there is an extended absence of more than six months of the TCN the residence permit issued to him or her is no longer valid (Article 26 of the Grand-ducal regulation in accordance with article 40 (4) of the Immigration Law).</p> <p>7. See answer to Q.3.</p> <p>8. See answer to Q.3.</p>
	Netherlands	Yes	<p>1. An entry ban is only issued in combination with a return decision. It is considered possible to issue an entry ban after a third country national has left the Netherlands, on the condition that a return decision has already been issued AND the intention to order an entry ban has been made known before the third country national has left the Netherlands. Moreover, in the Netherlands the possibility in national law exists to pronounce an individual, who is residing outside of the Netherlands, undesirable. This concerns a national measure with national effect, not based on the Return Directive. The effect of this measure is however comparable to the effect of an entry ban, in the sense that the individual is not allowed to enter the Netherlands.</p> <p>2. Yes, this is possible according to the Netherlands Alien Act 2000, articles 19, 22, 32, 35. There is</p>

no distinction in the Netherlands between the cancellation of a permanent residence permit or the withdrawal of a permanent residence permit. To determine whether a (temporary or permanent) residence permit can be cancelled on the grounds of public order the Netherlands uses a sliding scale (the Dutch Alien Decree, article 3.86). The following factors will be taken into account: the maximum penalty for the offence, the actual sentence and the duration of legal stay of the third-country national. To determine this, a norm has been set to which all individual cases are assessed. The Immigration Service must always weigh the interests of the foreign national on the one hand and the interests of the state on the other. Recently, however, the Council of State (Supreme Administrative Court in the Netherlands), has ruled that when a residence permit (on grounds of asylum for an indefinite period) is withdrawn on the grounds of public order, it is of importance whether this permit coincides with a refugee status or subsidiary protection. If this is the case, according to the Council of State, Article 14, paragraph 4, preamble and under b of the Qualification Directive applies, which means that it can only be withdrawn if the justification is in accordance with the justification as formulated by the Court of Justice of the Netherlands. EU in Z. Zh and IO, C-554/13. In the case of cancellation of a residence permit on the basis of a threat to national security, there are no specific policy rules as to what this threat entails. However, there should be concrete indications that the third-country national forms a threat to national security, where in the first place one should think of an official message from the General Intelligence and Security Service (AIVD). A criminal conviction is however not necessary in that case. Other indications are a conviction of a terrorist crime, as referred to in articles 83, 134a and 205 of the Dutch Penal Code; a conviction of a terrorist crime abroad, or the TCN has carried out particularly serious acts with a terrorist objective.

3. In case of withdrawal of a residence permit, the TCN is in accordance with the Dutch Alien Act 2000, article 41, second paragraph, given the opportunity to be heard. The hearing can only be waived if the TCN did not respond to the intention to withdraw, if the TCN explicitly indicates not wanting to take advantage of the opportunity to be heard or if the TCN does not show up at the indicated date and time of the hearing. When - after sending it to the (last known) BRP address (registered address) - a TCN does not respond to the intention to withdraw, it must first be investigated if it was sent to the right address. A TCN has the legal obligation to notify the government of changes in his address. If the current address is unknown, the possibility to be heard is sent to the last known address. In case the TCN has informed the Dutch authorities about his current place of residence in a remote area, it will be tried to hear the TCN at the closest Dutch embassy. Another option is to give the TCN the

			<p>opportunity to submit a written statement, if it is not possible at all to hear the TCN. Revocation of Dutch nationality: The acquisition or grant of Dutch nationality can be revoked due to membership in a terrorist organization (Article 14, paragraph 4, Netherlands Nationality Act). This is always in combination with pronouncement of undesirability (see reply to question 1) and only occurs when the involved person is residing outside of the Netherlands. The decision is not preceded by an intention for which the person is given the opportunity to be heard. The concerned person forms a threat to national security and therefore it is important to issue the decision as soon as possible after the facts are known. The decision of revoking Dutch nationality/pronouncement of undesirability is published in the Government Gazette. It is possible to appeal directly against the decision. When the involved person does not appeal against the decision himself, the court is informed on the decision by the IND within 28 days, which will be qualified as the appeal of the involved person.</p> <p>4. In the Netherlands it should in any event be published in the Government Gazette.</p>
	Poland	Yes	<p>1. - Yes: Polish Law of 12 Dec. 2013 on foreigners provides a possibility to enter the personal data of foreigner (TCN) to national register running for the purpose of entry ban not only as a result of a decision on return, but as well in the following circumstances listed by art. 435 para 1 of the Act: • Pt. 2- The foreigner was sentenced with a legally binding sentence in: a) the Republic of Poland – for a wilful offence or a treasury crime with a fine or custodial sentence or b) another country of the Schengen area – for the offence constituting a crime as defined by the Polish law, or c) the Republic of Poland or another country of the Schengen area – for the offence with the custodial sentence of more than one year; • Pt. 3- entry or stay of the foreigner on the territory of the Republic of Poland is undesirable due to obligations arising from the provisions of ratified international agreements binding the Republic of Poland • Pt. 4 - it is required by the reasons of state defence or security or the protection of public safety and order or the interest of the Republic of Poland; • Pt. 5 - after prior stopping of the foreigner in connection with their crossing the border contrary to legal provisions, they were transferred to a third country under an international agreement on the transfer and reception of people. • Pt. 6- the foreigner has been transferred to another Member State of the European Union, a member state of the European Free Trade Association (EFTA) – parties to the agreement on the European Economic Area or the Swiss Confederation under an international agreement on the transfer and admission of persons. Regarding specifically the case of possibility to impose an entry ban on</p>

TCN considered to constitute a threat to public order or national security, so in the context of the questionnaire, it should be also mentioned that:


- Under general rules a possibility to enter the personal data of foreigner (TCN) to national register, co-called “Wykaz”, is limited and not having effect to spouse of Polish citizen or spouse of foreigner residing in Poland on a ground of national permanent residence permit or long-term EU residence permit (under condition that marriage in those cases is recognized by Polish law and factual/real) or minor (person under 18). The above mentioned limitation has no effect where entry ban is required by the reasons of state defence or security or the protection of public safety and order or the interest of the Republic of Poland.
- However the path of entering a personal data to the above described national register cannot be used against TCN residing in Poland on the ground of permanent residence permit (national or EU) or beneficiary of international protection or national forms of protection.
- Data is entered to the register for the reasons of protection of public order or national security for a period of 5 years with a possibility of extension for the periods of 5-years each.
- Inclusion of the data into the list or their update are made by the register administrator (which is the Head of the Office for Foreigners) ex officio or upon request of the agencies and bodies determined in art. 440 of the Act on Foreigners, including inter alia: the minister of National Defence, MFA, the commander-in-chief of the Police, the commander-in-chief of the Polish Border Guard, the Head of Internal Security Agency, the Head of Foreign Intelligence Agency.


2. We may confirm such a possibility. The art. 199 para 1 of the Act on Foreigners provides a general provision on revoking a permanent residence permit where it is justified by national security or defence, the protection of public safety and order, or by the interest of the Republic of Poland (pt. 1-2), in any case, except where the permanent residence permit was granted to a beneficiary of constitutional asylum, unless that person was deprived from asylum. In addition it could be noticed that the possibility to revoke a permanent residence permit exists also inter alia in case where TCN was convicted in the Republic of Poland by a final judgment for an intentional offence and sentenced to minimum 3 years of imprisonment (pt. 4) or where TCN has left the territory of the Republic of Poland for a period longer than 6 years, but the both of the rules has no effect to beneficiary of constitutional asylum in Poland. If the permanent residence permit was issued to a person of Polish origins, the permit cannot be revoked accordingly to pkt 4. A long-term resident's EU residence permit is being revoked inter alia where TCN poses a real and serious threat to national security or defence or the protection of public security and order (art. 215 para 1 p. 2 of the Act on Foreigners). Among other circumstances leading to revoking the long-term resident's EU residence permit we may

underline the abandonment of the Polish territory or territory of EU member states for determined period of time (PL- more than 6 years, EU- 12 month or 24 month – in case of hqw/ family member of hqw) or deprivation of international protection, if the permit was granted in connection to the refugee status or subsidiary protection. In the proceeding of revocation the authority dealing with the case is obliged to take into account the following circumstances: the duration of the foreigner's stay in the territory of the Republic of Poland; the foreigner's age; the foreigner's ties with the Republic of Poland or absence of ties with the country of origin, as well as the consequences of the revocation for the foreigner and members of his/her family.

3. • To inclusion the data of TCN to national register running for the purpose of entry ban doesn't require the approval of that TCN (Art. 435 para 2: "The inclusion of data of foreigner in the list may be made without his/her knowledge or consent."). • Referring to the situation of revocation of permanent residence permit (national or EU type) it should be explained that in the given circumstances (TCN has already left the country/ is residing in the remote area or no information on his/her actual place of residence is available) the authority dealing with a case is forced to refer to the court with demand to establish a formal representative (custodian) for the absentee. - Art. 34 of the Code of Administrative Procedure: "§ 1. A public administration body shall apply to court for a representative to be appointed on behalf of any person who is absent or legally incapable, if no representative has been previously appointed. § 2. If matters require urgent attention, the public administration body can appoint a representative on behalf of an absentee to appear in proceedings for the duration of the period of appointment set by the court." - Art. 184 of the Family and Guardianship Code: " § 1. A custodian can be appointed to protect the rights of a person who, due to their absence, cannot conduct their own affairs and have no representative. The same applies to cases where the absentee cannot perform their activities or when they exercise it incorrectly. - § 2. A custodian should first try to determine the whereabouts of the absent person, and inform them about the state of his/her affairs." • The above-described way of acting is in use where TCN's place of actual residence is unknown at the moment of initiation of the proceeding leading to withdrawal of his/her permanent residence permit. We should consider here as well the situation where TCN aware of the initiation of the proceeding is changing his/her place of residence in the course of proceeding. The Code of Administrative Procedure impose on the parties of administrative proceedings and their representatives and attorneys-in-fact the obligation to inform in the course of proceedings about any change of address, including email address. In case of failure to satisfy this obligation, service of

			<p>documents to the original address is considered as legally effective. The Code impose as well the obligation to appoint the attorney-in-fact in circumstances specified in art. 40 § 4 that states: “a party who does not have his/her place of stay or residence or registered office in the Republic of Poland or another Member State of the European Union and who has not appointed an attorney-in-fact domiciled in the Republic of Poland and who does not act through the consul of the Republic of Poland, shall appoint an attorney-in-fact for service in the Republic of Poland, unless service is effected by means of electronic communication. In case an attorney-in-fact for service has not been designated, documents for this party shall be entered in the records and deemed duly served. The party shall be instructed thereon upon first service. The party shall be also instructed on his right to submit an answer to the document initiating the proceedings and an explanation in writing, as well as on who can be appointed as attorney-in-fact.(§ 5).</p> <p>4. Decision revoking permanent residence permit is delivered to the formal representative of TCN appointed by the court for the purpose of conducting the proceeding or appointed by TCN himself (custodian/ attorney). - Is it acceptable that the notification is given to the TCN concerned through the official newspaper (memorial, gazette officielle)? No - Are there other options that are used in practice in these situations? No</p>
	Slovak Republic	Yes	<p>1. to a return decision taken in accordance with the provisions of the Return Directive? If so, in what kind of situations? Issuing entry ban has a facultative character according to the Slovak legislation in almost all cases and a police officer can impose it in the decision on administrative expulsion. There are three exceptions to this: first is connected with the Return Directive (when no period for voluntary departure has been granted in the decision on the administrative expulsion by a police officer – in this case the entry ban is always issued), second is also related to the Return Directive (if it is found out that the apprehended TCN who has already been previously administratively expelled without having been issued an entry ban but s/he has not complied with the obligation to return within the time limit set in the decision on AE – in such cases police officer decides on the entry ban to the territory of the SR or the whole of EU MS). The third exception stems from the Slovak legislation – if there are more reasons for the AE, police officer issues entry ban as a part of the AE decision. Entry ban can be issued within the AE procedure or separately within a specific entry ban procedure. The latter is carried out when a TCN provides falsified or altered documents or documents of another person</p>

			<p>during the border control. In this case it is not necessary to expel the TCN as s/he is technically not in the territory of the SR but at the same time a need to issue an entry ban arises, as the legal grounds for its issuance have been met. When safety of persons or property or other public interest so requires, court can, in line with the Criminal Code, ban the entry of a TCN into the territory of the SR for 1 to 15 years by imposing a sanction of judicial expulsion. A sanction of judicial expulsion can be imposed in relation to the criminal activity of a TCN conducted in the territory of the SR.</p> <p>2. Yes, according the Act on Residence of Aliens, it is possible to cancel a both a temporary and permanent residence granted earlier, if police unit finds out facts that constitute ground for rejection of an application for temporary residence. One of such is a situation when a reasonable suspicion exists that a TCN endangers the state safety or public security or public health.</p> <p>3. If a police unit finds out that a TCN violated an obligation set by the law to dwell during his granted temporary residence in the territory of the SR for the most of that calendar year, his/her residence shall be cancelled. Law also state an exception to this reason for cancelling temporary residence (this is when there are less than 90 days between the time when residence was granted and the end of the calendar year or if the TCN has a certification of a “Slovak living abroad” as regulated by a specific act or if a TCN has a status of a person with long-term residence in another MS). In the above mentioned case, it is not possible to hear the person due to the fact, that s/he is not present in the territory of the SR and his current residence is not known.</p> <p>4. N/A</p>
	Sweden	Yes	<p>1. In Sweden, as in Finland, an entry-ban can only be issued in connection with an expulsion order.</p> <p>2. According to the Act concerning Special Controls in Respect of Aliens, a foreigner may be expelled if he constitutes a threat to national security. However, at present, the foreigner’s residence permit cannot be revoked on that ground. In February 2018, the Ministry of Justice requested that the Act concerning Special Controls in Respect of Aliens will be reviewed.</p> <p>3. Not applicable.</p>


			4. Not applicable.
	United Kingdom	Yes	<p>1. Foreign nationals/TCNs who are outside the UK can be excluded from the UK. If the person is neither an EEA national, nor the family member of an EEA national, the Secretary of State can personally decide that the person should be excluded from the UK. In these cases the decision is taken on the basis that the person's exclusion from the UK is conducive to the public good, which can include where the person is considered to be a threat to national security or public order. If the person is an EEA national or the family member of an EEA national, a decision can be taken to make an exclusion order under the Immigration (European Economic Area) Regulations 2016 ('EEA Regulations') on grounds of public policy or public security. An exclusion decision or exclusion order prohibits the person from entering the UK. Further information on excluding foreign nationals from the UK, including reasons to exclude, is available at – https://www.gov.uk/government/publications/exclusion-decisions-and-exclusion-orders</p> <p>2. Foreign nationals/TCNs who are outside the UK can be excluded from the UK. If the person is neither an EEA national, nor the family member of an EEA national, the Secretary of State can personally decide that the person should be excluded from the UK. In these cases the decision is taken on the basis that the person's exclusion from the UK is conducive to the public good, which can include where the person is considered to be a threat to national security or public order. If the person is an EEA national or the family member of an EEA national, a decision can be taken to make an exclusion order under the Immigration (European Economic Area) Regulations 2016 ('EEA Regulations') on grounds of public policy or public security. An exclusion decision or exclusion order prohibits the person from entering the UK. Further information on excluding foreign nationals from the UK, including reasons to exclude, is available at – https://www.gov.uk/government/publications/exclusion-decisions-and-exclusion-orders</p> <p>3. Non-EEA cases In non-EEA cases a person can be granted indefinite leave to enter or remain in the UK, sometimes referred to as settlement. It is possible to cancel a person's indefinite leave to enter or remain in the UK while that person is outside the UK through powers in the Immigration (Leave to Enter and Remain) Order 2000 (2000 Order). A reason to cancel indefinite leave can include where the person has been excluded from the UK, and the reason for exclusion may have been because the</p>

			<p>person is considered to be a risk to public order or national security. EEA cases A permanent residence card issued to a TCN under the EEA Regulations, can be revoked where it is considered the person's conduct represents a genuine, present, and sufficiently serious threat to one of the fundamental interests of society on serious grounds of public policy or public security, and the decision is proportionate. It is a fundamental interest of society to maintain public order and to counter terrorism and extremism. Further examples of fundamental interests of society and the types of behaviour that present a risk to those interests are provided in our published guidance, EEA decisions on grounds of public policy and public security, available here - https://www.gov.uk/government/publications/eea-decisions-taken-on-grounds-of-public-policy</p> <p>4. Non-EEA cases In non-EEA cases a person can be granted indefinite leave to enter or remain in the UK, sometimes referred to as settlement. It is possible to cancel a person's indefinite leave to enter or remain in the UK while that person is outside the UK through powers in the Immigration (Leave to Enter and Remain) Order 2000 (2000 Order). A reason to cancel indefinite leave can include where the person has been excluded from the UK, and the reason for exclusion may have been because the person is considered to be a risk to public order or national security. EEA cases A permanent residence card issued to a TCN under the EEA Regulations, can be revoked where it is considered the person's conduct represents a genuine, present, and sufficiently serious threat to one of the fundamental interests of society on serious grounds of public policy or public security, and the decision is proportionate. It is a fundamental interest of society to maintain public order and to counter terrorism and extremism. Further examples of fundamental interests of society and the types of behaviour that present a risk to those interests are provided in our published guidance, EEA decisions on grounds of public policy and public security, available here - https://www.gov.uk/government/publications/eea-decisions-taken-on-grounds-of-public-policy</p> <p>5. This should be read in conjunction with the answer to question 4 to understand what happens if a person cannot be reached for the purpose of notifying them of a decision. In non-EEA cases there is no right of appeal against an exclusion decision or against the cancellation of indefinite leave. If the TCN cannot be reached when the decision to exclude or to cancel leave is taken, the decision will be placed on file until the person is located. A TCN who is later located and notified of the decision may be able to claim that it is a breach of their human rights to refuse them entry to the UK. If the person makes a human rights claim while outside the UK, they may be entitled to appeal from outside the UK</p>
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if the human rights claim is refused. Under the EEA Regulations, the TCN has a right of appeal against a decision to make an exclusion order and against the revocation of a permanent residence card. If the TCN was outside the UK when the decision was taken, the right of appeal can only be brought from outside of the UK. If the TCN cannot be reached, the decision will be “served to file” – see 4 below. There are deadlines for lodging an appeal. If a person misses the deadline given but still wishes to appeal, they will have to ask the Tribunal for an extension of time, explaining why the appeal is late. The Tribunal will decide whether to accept the late appeal. Further information on bringing an appeal from outside the UK is available at <https://www.gov.uk/immigration-asylum-tribunal/appeal-from-outside-the-uk>

6. This should be read in conjunction with the answer to question 4 to understand what happens if a person cannot be reached for the purpose of notifying them of a decision. In non-EEA cases there is no right of appeal against an exclusion decision or against the cancellation of indefinite leave. If the TCN cannot be reached when the decision to exclude or to cancel leave is taken, the decision will be placed on file until the person is located. A TCN who is later located and notified of the decision may be able to claim that it is a breach of their human rights to refuse them entry to the UK. If the person makes a human rights claim while outside the UK, they may be entitled to appeal from outside the UK if the human rights claim is refused. Under the EEA Regulations, the TCN has a right of appeal against a decision to make an exclusion order and against the revocation of a permanent residence card. If the TCN was outside the UK when the decision was taken, the right of appeal can only be brought from outside of the UK. If the TCN cannot be reached, the decision will be “served to file” – see 4 below. There are deadlines for lodging an appeal. If a person misses the deadline given but still wishes to appeal, they will have to ask the Tribunal for an extension of time, explaining why the appeal is late. The Tribunal will decide whether to accept the late appeal. Further information on bringing an appeal from outside the UK is available at <https://www.gov.uk/immigration-asylum-tribunal/appeal-from-outside-the-uk>

7. Where it has not been possible to contact a person, and those attempts have been documented, the relevant decision revoking indefinite leave or a permanent residence card, can be placed on the case file. We often refer to this as ‘service to file’. If the person is later located, he/she must be notified of the decision. Article 8ZA of the 2000 Order, for example, sets out the various ways a person can be notified of the decision to cancel leave. It would not be acceptable to notify a person of a decision

			<p>through public media. As a public body the Home Office also has a duty under the Data Protection Act 2018 to protect people’s personal information. Information on notification of exclusion decisions or exclusion orders is available in published guidance at https://www.gov.uk/government/publications/exclusion-decisions-and-exclusion-orders</p> <p>8. Where it has not been possible to contact a person, and those attempts have been documented, the relevant decision revoking indefinite leave or a permanent residence card, can be placed on the case file. We often refer to this as ‘service to file’. If the person is later located, he/she must be notified of the decision. Article 8ZA of the 2000 Order, for example, sets out the various ways a person can be notified of the decision to cancel leave. It would not be acceptable to notify a person of a decision through public media. As a public body the Home Office also has a duty under the Data Protection Act 2018 to protect people’s personal information. Information on notification of exclusion decisions or exclusion orders is available in published guidance at https://www.gov.uk/government/publications/exclusion-decisions-and-exclusion-orders</p>
	Norway	Yes	<p>1. Yes, Norway can issue an entry ban to a TCN residing abroad if he/she for example applies for a visa or residence permit and presents false information relevant to the application. We can also issue an entry ban if someone had been convicted of a crime and/ or served time in prison abroad within the previous 5 year period and we discover this during processing of the application. We can also issue an entry ban for persons who are considered a threat to fundamental national security or interests.</p> <p>2. Yes, Norway can issue an entry ban to persons who are considered a threat to fundamental national interests: such a ban would repeal any other existing valid permit.</p> <p>3. In accordance with the Public Administration Act, if we are going to issue an entry ban, the applicant should be contacted prior to issuing the ban. The main rule of thumb is to advise the applicant in advance that an entry ban will be issued and provide a deadline which allows him/her to respond. There is an exception to this rule however if it is unreasonably difficult or cumbersome to provide an advance warning. In such cases, we can make a decision without giving the person a chance to respond. Should the applicant protest the decision at a later date, we would be able to repeal the decision if there were exceptionally good reasons to do so.</p>

			<p>4. If we need to notify someone who is outside the realm and can not be given the opportunity to respond in advance of an entry ban, we send the decision to a Norwegian foreign mission or embassy in the country where the person concerned is a citizen or in a country nearby where that person has citizenship (we do not have missions in every country in the world). That foreign mission will then attempt to contact the person if their address is known, or if they are not able to do so, the mission can notify the person if that person should at a later point in time apply for a visa or residence permit at the foreign mission.</p>
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