



OPEN SUMMARY

Ad-Hoc Query (2 of 2) related to study on exchange of information regarding persons excluded from international protection

Requested by NO EMN NCP on 26.06.15

Summary produced on 26. August 2015 and updated 29.09.15

Responses from [Austria](#), [Belgium](#), [Czech Republic](#), [Estonia](#), [Finland](#), [France](#), [Germany](#), [Greece](#), [Hungary](#), [Ireland](#), [Italy](#), [Latvia](#), [Lithuania](#), [Luxembourg](#), [Netherlands](#), [Slovak Republic](#), [Slovenia](#), [Spain](#), [Sweden](#), [United Kingdom](#) plus [Croatia](#), [Norway](#) (22 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.

1. Background Information

The Norwegian Directorate of Immigration has funded a research and development project which is being carried out by the Faculty of Law, VU University of Amsterdam with Dr. Joris van Wijk. This project is entitled “ A Study on the Exchange of Information Between European Countries Regarding Persons Excluded from Refugee Status.” Norway is sending out two related AHQs and will use the information collected from these queries in this research project. When the project is completed, Norway NCP will notify the EMN network and send a link to the project report.

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2. Questions, Conclusions and highlights:

1. Do you impose an entry ban on applicants who are excluded from international protection on the basis of Article 1F Refugee Convention in your country, as a matter of standard practice?

Few of the MS who responded actually use entry bans as a matter of standard practice in these cases (AT, BE, IT, LU, & NL) and only when the person poses a threat to national security. In addition, 4 MS do so in some cases, but not automatically. The majority of responding MS, including NO, SE and FI do not impose entry bans as a matter of standard practice. The UK also does not, but indicates that on the other hand, a visa would also not be issued for entry.

2. Do you alert the Schengen Information System (SIS) about applicants who are excluded from international protection on the basis of Article 1F Refugee Convention in your country, as a matter of standard practice?

The great majority of responding MS, including NO, SE and FI do not, as a matter of standard practice, alert SIS in these cases. NL, AT and LU do however and five reporting MS indicate that deportations and entry bans in general are entered into SIS.

3. Can you think of any concrete cases/examples/applicant profiles, where it would be useful if information were available to you about an individual who has been excluded in another European country?

Five reporting MS (DE, GR, SK, SI, ES) indicated that this was not of interest, and the UK maintains that no special measures are needed, since information about asylum claims made elsewhere in Europe would come to light as a result of Eurodac checks. However, the great majority of respondents provided positive feedback about this suggestion, and a number stated that in general, such information would be useful in cases where a person who is excluded in another EU country (and not alerted in SIS) tries to obtain legal residency in an MS, be it through family unification, EU free movement regulations or otherwise. *The following specific examples were provided:*

- It would be useful to obtain information on profiles as mentioned under Q1, notably court sentences for crimes beyond 5 years, substantial hints at terrorist or organized crime activities or related network memberships.
- It would be useful in order to avoid situations where a person withholds information concerning a committed crime and tries to obtain legal status in the EU by any possible means.

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- If the person is considered a danger to public order and security in another European country because of the crime s/he has committed and for that reason has been excluded from international protection.
- In individual cases if the person claims a right to international protection and is not covered by Dublin III for some reason.
- People often change their place of residence. Since the borders between Member States are open it is fairly easy to move from one Member State to another Member State. Individuals who are excluded in one Member State can easily try to move to another Member State in order to avoid the results of an exclusion. In such cases it would be appreciated if information regarding the exclusion could be easily found.
- It will be a great advantage to know whether a person who applies for any kind of permit is excluded in another country. This will provide (i) more information about the applicant and (ii) the chance to obtain information from the country where the person has been excluded (about why they are excluded).