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In view of the Working Party on Integration, Migration and Expulsion on 6 October 2017, delegations will find attached a revised version of the above-mentioned draft good practices.

**Good practices for the efficient operation of the return procedure**

The Gambia and the European Union (EU) have jointly identified good practices for the efficient operation of the return procedure and have agreed to communicate these to the competent authorities. These good practices do not intend to create legal rights or obligations under international law. They come in support of the EU Member States bilateral relations with the Gambia and cannot be interpreted as superseding the existing or preventing the conclusion of future bilateral agreements between the EU Member States and the Gambia.

- 1) The Gambian authorities will be informed in advance of each return operation. The EU will ensure coordination of return operations from Member States to **avoid exceeding Gambia's reception capacity within a given period**. To this end, for the first 12 months in the implementation of these good practices, EU Member States do not intend to return forcefully more than 50 persons per month.
- 2) When **the person subject to the return decision has a valid passport**, no formalities are necessary prior to the return.
- 3) When **the person subject to the return decision has an expired passport, a valid or expired identity card**, or an expired consular laissez-passer, or when the person's data are retrieved **in the Visa Information System (VIS)**, the diplomatic/consular representation of the Gambia will issue a consular laissez-passer as soon as possible upon presentation of the documentary evidence concerned, and in any event within 5 calendar days thereof.

If the consular laissez-passer is not issued within the said time frame, the return will take place on the basis of the evidence which served to substantiate the request for the consular laissez-passer.

- 4) **When the person subject to the return decision has none of the documents referred to above,**
- a. On request, the diplomatic/consular representation of the Gambia will arrange an **interview** to verify the person's nationality within 7 calendar days and, if their nationality is confirmed, will issue a travel document within 3 calendar days of the date of the interview. Videoconference can be used, if needed.
  - b. Alternatively, nationality can be verified by the diplomatic/consular representation of the Gambia on presentation of one or more of the following: **copies of birth certificates, photocopies of passports or identity cards, photocopies of other official documents that specify nationality**. If nationality can be established, the diplomatic mission/consular office will issue an emergency travel documents within 3 calendar days. If nationality cannot be established on the basis of these documents, the diplomatic/consular representation will provide a written explanation and, if necessary, arrange an interview, as in point 4 (a).
  - c. Alternatively, nationality can also be checked by consulting **biometric databases**. Upon request of an EU Member State, and on the basis of the fingerprints of the person to be identified, the responsible authority of the Gambia will verify the fingerprints in its databases, and will inform of the result of its investigations within 5 calendar days from the date of the request. If nationality is confirmed, the diplomatic mission/consular office issues an emergency travel document within 3 calendar days form identification. If nationality cannot be established, the diplomatic/consular representation will provide a written explanation and, if necessary, arrange an interview, as in point 4 (a).

- 5) Interviews can also be undertaken in the form of **identification missions** to Member State(s), in case the implementation of the processes identified in paragraph 4 fail to meet the expected results or in case of significant migratory pressure or due to lack of diplomatic representation of the Gambia in the MS concerned. Those missions can take the form of short-term visit to one or more Member States or the long-term deployment of Gambian identification experts in one of the Member States depending on migratory pressure. The results of the interviews are recorded in a report signed by the members of the identification mission. In case of positive identification, the relevant Gambian Delegation or Diplomatic Representation will issue an emergency travel document within 14 calendar days after the interviews. The costs are to be borne either by the EU or its Member States. If the emergency travel document is not issued within the said time frame, the return will take place on the basis of the identification mission report.
- 6) **The emergency travel document** will be issued by the diplomatic/consular representations of the Gambia, irrespective of the will of the person to be readmitted, and will be valid for six months and will be renewed within three working days if necessary.
- 7) **Transport**, the costs of which are to be borne by the EU Member State, will consist of scheduled or non-scheduled flights. The organisational aspects of non-scheduled flights operated by the European Border and Coast Guard Agency (Frontex) are to be agreed in advance between the Gambia and the European Union.
- 8) If, within 5 calendar days after repatriation, it is established that **the person who is the subject of the return is not a Gambian national**, the Member State of the European Union will organise and bear the costs of transferring that person to their country of origin or, failing that, to their point of departure.
- 9) The European Union will provide support to the Gambian authorities for **reception and reintegration of returnees**, and developing communities of origin through the EUTF project implemented by IOM "Strengthening the management and governance of migration and the sustainable reintegration of returning migrants in the Gambia" launched early June 2017.

- 10) The European Union and The Gambia intend to **meet regularly (every six months)** to assess their cooperation on migration issues and to discuss possible improvements. To facilitate further this cooperation, contact points will be established within two weeks after agreement has been reached on the good practices.
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