



### AD HOC QUERY ON 2020.72 Imposing an entry ban on minors

Requested by EMN NCP Netherlands on 27 November 2020

Responses from Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden (22 in Total)

#### Disclaimer:

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#### 1. Background information

The EMN has conducted a study on return in 2014 (*'Good practices in the return and reintegration of irregular migrants: Members States' entry bans policy and use of readmission agreements between Member States and third countries'*). In this study information is given on the imposition of entry bans and the exclusion of categories of third-country nationals to be subject to such a ban. Two categories that are mentioned are minors and unaccompanied minors. In the Netherlands minors and unaccompanied minors (vulnerable group) are generally excluded from the imposition of an entry ban, unless the minor represents a threat to public policy, public security of national security.

The Netherlands is currently preparing a general revision of its regulations on entry bans. In this respect, the Netherlands are interested to know in how other (Member) States have implemented policy with regard to entry bans and these two specific categories (minors and unaccompanied minors).

*For this AHQ the national reports on the 2014 study 'Good practices in the return and reintegration of irregular migrants: Members States' entry bans policy and use of readmission agreements between Member States and third countries' can be consulted as reference.*

#### 2. Questions

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1. In case the parents of an accompanied minor get an entry ban, can the accompanied minor get an entry ban as well and on what kind of grounds?
2. On what kind of grounds can an unaccompanied minor be subject to an entry ban?
3. What is the rationale from the national government behind the policies on entry bans and minors? Please elaborate and distinguish between minors and unaccompanied minors.
4. If the answer on question 1 is 'yes' what is the number of entry bans imposed on minors in 2017, 2018 and 2019 in your Member State? Please distinguish, where possible, between minors and unaccompanied minors.
5. If entry bans have been imposed on (unaccompanied) minors in your Member State, has this given rise to legal challenges? If so, what aspects have risen discussion?
6. If entry bans have been imposed on (unaccompanied) minors in your Member State, has this given rise to practical challenges? If so, what practical challenges have appeared?

We would very much appreciate your responses by **7 January 2021**.

**3. Responses**

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		Wider Dissemination <sup>2</sup>	
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<sup>1</sup> If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

<sup>2</sup> A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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	<p>EMN NCP Austria</p>	<p>Yes</p>	<p>1. The issuance of an entry ban against a parent of a minor does not constitute a reason to issue an entry ban against the minor as well. According to the Austrian legal system, a case-by-case examination has to be carried out and the previous behavior of the third-country national has to be evaluated, in particular with regard to whether the third-country national endangers public order or security by his or her stay or whether this stay is contrary to other public interests mentioned in Art. 8 para 2 ECHR.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>2.</p> <p>In Austria, the Federal Office for Immigration and Asylum can issue an entry ban with a return decision. Depending on the specific circumstances - e.g. because of administrative violations or a final conviction for an intentional crime committed within three months of entry - the maximum duration of the entry ban is five or ten years (Art. 53 Aliens Police Act). In the case of particularly serious violations of public order and security (e.g. crimes related to terrorism), an unlimited entry ban may also be issued.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>3. The Austrian legal system does not differentiate between adults and minors or between minors and unaccompanied minors when issuing an entry ban. It is always necessary to conduct a case-by-case examination and to evaluate the third-country national's previous behavior, in particular with regard to whether the third-country national endangers public order or security by his or her stay or whether this stay is contrary to other public interests mentioned in Art. 8 para 2 ECHR.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>4.</p>
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			<p>Note: The question can only be answered by providing figures on return decisions and entry bans.</p> <p>In 2017, 31 and in 2018, 88 return decisions and entry bans were issued against persons who were unaccompanied minor refugees at the time of application, approximately 97% of whom were adults at the time of the decision. Data on the total number of minors is not available.</p> <p>In 2019, 115 return decisions and entry bans were issued against 115 minors (at the time of the decision). Of these, only 3 were unaccompanied minors at the time of application. The majority of return decisions and entry bans issued against minors therefore took place within the family.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>5. There are no known discussions in this context.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>6. There are no known practical problems in the context of entry bans against minors.</p> <p>---</p> <p>Source: Ministry of the Interior</p>
	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<p>1. No</p> <p>2. Compulsory administrative measures "return" and "entery ban", provided for in the Law on Foreigners in the Republic of Bulgaria, are imposed in compliance with the norm of the Administrative Procedure Code. Compulsory administrative measures are not imposed on minors.</p>

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			<p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p>
	EMN NCP Croatia	Yes	<p>1. As a rule, minors do not get entry ban, only return decision with deadline for voluntary departure. An exception when accompanied minor get entry ban is when he/she must be accommodated in detention center with parents. Entry ban is regulated in Law on foreigners (OJ 133/2020).</p> <p>2. Unaccompanied minors always get return decision with 90 days deadline for voluntary departure.</p> <p>3. Unaccompanied minors always get return decision with 90 days deadline for voluntary departure, without entry ban. To preserve family unity when parents need to be accommodated in a detention center until forced return, children are accommodated with parents. In the Republic of Croatia, a person cannot be accommodated in a detention center if he/she do not have decision on expulsion (ENTRY BAN), including minors.</p> <p>4. N/A</p> <p>5. N/A</p> <p>6.</p>

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			N/A
	EMN NCP Cyprus	Yes	<ol style="list-style-type: none"> <li>1. No, an entry ban is not imposed on a minor, even if his/her parents get an entry ban.</li> <li>2. There is no way an unaccompanied minor be subject to an entry ban. In Cyprus, no minors are returned in any case.</li> <li>3. In Cyprus, no minors are returned, so no entry ban is put on minors.</li> <li>4. N/A</li> <li>5. N/A</li> <li>6. N/A</li> </ol>
	EMN NCP Czech Republic	Yes	<ol style="list-style-type: none"> <li>1. No. The entry ban can be imposed only on an adult person.</li> <li>2. In case of UAM older than 15 years it is possible to impose the entry ban according to the Czech legal system. However, the Czech Republic does not use this measure. In every case of UAMs we take in consideration the best interest of the UAM.</li> <li>3. To act in the best interest of the minor.</li> <li>4. N/A</li> <li>5. N/A</li> </ol>

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			6. N/A
	EMN NCP Estonia	Yes	<p>1. No, there is no direct link that if a parent receives an entry ban, so will the child. Although that the return decision will be issued to each person individually (incl child). An entry ban shall not be applied with regard to a minor less than 13 years of age (according to the Obligation to Leave and Prohibition on Entry Act § 30 p 1). The same Act provides an option that entry ban may be left unapplied for humanitarian reasons (this is used in case of minors up to 18 years of age).</p> <p>2. N/A, unless a minor poses a threat to public order or national security.</p> <p>3. N/A</p> <p>4. In 2017-2019 no entry bans were issued to minors.</p> <p>5. Since 2013 there hasnt been unaccompanied minors.</p> <p>6. N/A</p>
	EMN NCP France	Yes	<p>1. France guarantees absolute protection for foreign minors, whether or not they are accompanied, against expulsion decisions taken in application of the Code of Entry and Residence of Foreigners and the Right of Asylum (CESEDA). This protection therefore precludes the issuance of an obligation to leave French territory on a foreign minor (Article L. 511-4, 1°). The ban on re-entry is an individual decision which has its legal basis in the obligation to leave the territory it accompanies. As a result, this decision is not applicable to the foreign minor.</p>

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			<p>While this protection regime does not prevent accompanied minors from following their parents or legal representatives when the latter are subject to an obligation to leave the territory accompanied by a ban on re-entry, the minor is not personally concerned by these decisions, even though his or her presence must be taken into account both with regard to the pronouncement of these measures and their implementation.</p> <p>2. n/a</p> <p>3. As answered under Q1, France provides absolute protection for minors, whether or not they are accompanied, against expulsion decisions targeting them personally. This protection regime, which covers the obligation to leave the French territory and consequently the ban on re-entry (Article L. 511-4.1° CESEDA), is extended to expulsion decisions for serious reasons of public order (Article L. 524-1 CESEDA). It finds its source in a French constitutional requirement to protect minors present on French territory, regardless of their nationality and administrative situation. The consequence of this specific regime is the principle of legal incapacity of minors from which the law on foreigners has derived the rule that a foreign minor is not required to hold a residence permit before the age of 18 and the regime of protection against removal decisions. This regime only concerns minors present in France: at the border, foreign minors are subject, like any other person, to entry controls and entry refusal procedures, in accordance with the European regulation on the Schengen Borders Code. They may be placed and kept in a waiting zone whether or not they are accompanied, subject to appropriate treatment, in accordance with the interests of the child in accordance with the requirements of the Convention.</p> <p>4. n/a</p> <p>5. n/a</p> <p>6. n/a</p>
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	EMN NCP Germany	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	EMN NCP Hungary	Yes	<ol style="list-style-type: none"> <li>1. YES</li> <li>As minors in Hungary do not have full legal capacity under age 18, they are also subject to an entry ban.</li> <li>2. The law does not exclude it in theory, however, it was never imposed in practice on an unaccompanied minor.</li> <li>3. In Hungary, the legislation does not distinguish between minors and unaccompanied minors. They are considered as "persons eligible for preferential treatment" and they must have an individual evaluation of their situation and decision must take their special needs into account.</li> <li>4. Data on minors not available. There were no entry bans imposed on unaccompanied minors, however.</li> <li>5. N/A</li> <li>6. N/A</li> </ol>
	EMN NCP Ireland	Yes	<ol style="list-style-type: none"> <li>1. Ireland does not participate in the Return Directive 2008/115/EC and does not issue separate entry bans. Under the Irish system, deportation orders which are issued under the provisions of the Immigration Act 1999 (as amended) and the International Protection Act 2015 "require any non-national specified in the order to leave the State within such period as may be specified in the order and to remain thereafter out of the State." The entry ban is therefore integral to the deportation order.</li> </ol>

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			<p>If parents are subject to a deportation order they must remain outside the State. If the accompanied minor is also subject to a deportation order, this also applies.</p> <p>2. Unaccompanied minors are never subject to forced return from Ireland.</p> <p>3. See answer to Q 2 above.</p> <p>4. Not applicable.</p> <p>5. Not applicable to unaccompanied minors.</p> <p>6. Not applicable.</p>
	<p>EMN NCP Italy</p>	<p>Yes</p>	<p>1. <u>Yes</u>.</p> <p>Firs at all, it may be useful to highlight that Italy's national legal frameworks for the use of entry bans, primarily reflect provisions included in the Return Directive, the Charter for Fundamental Rights and obligations flowing from international law.</p> <p>So, in general, an entry ban is issued for the following grounds:</p> <ul style="list-style-type: none"> <li>- a risk of absconding;</li> <li>- the person concerned poses a risk to public policy, public security or national security;</li> <li>- an application for legal stay dismissed as manifestly unfounded or fraudulent.</li> </ul> <p><u>The general rule is that the minor has to follow his parents also if they get an entry ban or an order of expulsion.</u> However, it is always necessary to consider the safeguard clause constituted by the principle of non- refoulement which states that a person cannot be return to his Country of origin, if he/she runs the risk to suffer different forms of persecution, torture or other inhuman treatments.</p> <p>In any case, the Juvenile Court may allow to parents an authorization to legally reside within the national territory if there are serious reasons connected to physical and mental development of the child, taking into account the age and the medical condition of the minor concerned.</p>

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			<p>So, in line with this principle, <u>the Juvenile Court has the duty to value - also in cases in which a minor can be expelled or turned away at the border - the absence of a danger of serious damages for the minor.</u></p> <p>2. An unaccompanied minor shall not be banned at the border. <u>In general</u>, in order to respect the fundamental rights of the returnee and other international obligations, including the right to seek asylum and the principle of non-refoulement, <u>Italy refrains from issuing entry bans in individual cases for various humanitarian reasons and can also exclude certain categories of third-country nationals from the imposition of entry bans. These categories typically include unaccompanied minors, victims of trafficking in human beings, elderly people and the family members of EU citizens.</u> However, if UAM represents a danger for public order and security, the Juvenile Court – which carefully values the absence of a danger of serious damages for the minor and ensure the compatibility of the return measures with the particular conditions of the case – may issue an expulsion order, upon the request of the Commissioner.</p> <p>3. The reason behind the policy on entry bans towards minors is linked to the consideration that all minors - also if irregularly entered in Italy - are holders of all rights guaranteed by the New York Convention on the Rights of the Child (signed on 20 November 1989) which is ratified by Italy through the Law n. 176/1991. So, the Italian legislation has drawn on the Convention's principles according to which <u>all decisions about minors shall take into account the best interest of the child, without any form of discrimination among them.</u> <u>The best interest of the child is the guiding principle in the regulation about minor foreigners, which prevails over other factors such as migration control.</u></p> <p>- So, with regard to foreigner minors, the Italian system – before issuing a ban of entry or an expulsion order - always assess the concrete situation of the minor with the scope to protect and guarantee his/her best interest.</p>
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			<p>The general difference (in terms of regulation) between unaccompanied and accompanied minors is that:</p> <ul style="list-style-type: none"> <li>- for those accompanied, the general rule is that the minor has the right to follow his parents and, consequently, the decision affecting them. However, as said in Q.1, the Juvenile Court has the duty to assess the concrete situation in order to avoid dangerous decisions for the child;</li> <li>- instead, for UAMs the general rule is that minors shall not be expelled, except in cases of danger to public order and security. So, automatically, UAMs have the right to enter and remain in Ital, unless authorities prove that the minor is a danger for the society.</li> </ul> <p>4. No data are available.</p> <p>5. As explained in the previous answers, an unaccompanied minor shall not be banned at the border. Possibly, only once entered in Italy, the minor may be expelled if he/she represents a danger for public order and national security.</p> <p>In general, all decisions concerning foreigner minors have to be taken by a judicial authority (not an administrative one) represents by the Juvenile Court, which have the special task to monitor and guarantee the respect and the balance of the best interest of the child with others needs, such as migration control.</p> <p>6. See Q. 5.</p>
<p>==</p>	<p>EMN NCP Latvia</p>	<p>Yes</p>	<p>1. Grounds for imposing of entry ban are the same as for adult TCN. But taking into account that minors are accompanied with parents or legal representatives and they are responsible for the provision of their children with proper documents for travel and stay, Latvia mostly does not impose entry bans for accompanied children.</p> <p>2. Grounds for imposing of entry ban for unaccompanied minor are the same as for adult TCN. In forced removal cases imposing of entry ban for minor is optional (for accompanied minors and</p>

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			<p>unaccompanied minors), so it can be imposed. Individual circumstances of the case are taken into account.</p> <p>Some of the grounds can be if the unaccompanied minor poses a threat to national security or public order and safety or if unaccompanied minor has helped another foreigner to illegally enter Latvia, and it has been established by a court judgement or by an injunction of the public prosecutor regarding punishment, or the decision to terminate criminal proceedings by conditionally releasing from criminal liability.</p> <p>3. Accompanied minors and unaccompanied minor are vulnerable groups, they are in principle excluded from the imposition of an entry ban, but there may be exceptions. There is no difference on the rationale of entry bans that can be imposed to accompanied minors and unaccompanied minors.</p> <p>4. In 2017 - 2 cases, in 2018 – 20 cases, 2019 – 5 cases when unaccompanied minor was subject to an entry ban. In all cases unaccompanied minor were issued with removal order and were of the same nationality - VNM and in the age group of 15-17 years.</p> <p>5. No, because the Immigration Law clearly states how to deal with such situations.</p> <p>6. There are practical challenges if unaccompanied minor does not cooperate with authority.</p>
	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<p>1. The Law on the legal status of foreigners laying down the grounds for entry ban in the Republic of Lithuania does not contain provisions on whether or not the Institute of entry ban into the Republic of Lithuania applies to accompanied minors. However, the by-law provides that a foreigner who is a minor may be issued entry ban, only in special cases following an assessment of the best interests of the child. Therefore, there is a theoretical possibility, but in practice no minor has been issued entry ban to the Republic of Lithuania.</p> <p>2. Please see Q1.</p>

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			<p>3. Please see Q1.</p> <p>4. There were no such cases.</p> <p>5. N/A</p> <p>6. N/A</p>
	EMN NCP Luxembourg	Yes	<p>1. Yes. In principle, and entry ban can be issued to an accompanied minor (normally to his/her family as a whole).</p> <p>2. An entry ban can be issued to an an unaccompanied minor if there is a return decision. According to Article 103 of the Law of 29 August 2008 no return decision will be issued against an unaccompanied minor, except for a decision based on serious public security grounds. However, the same article also states, that an unaccompanied minor may be removed from the territory if it is in the best interests of the minor (Article 103 in accordance with article 112 (1) of the Law of 29 August 2008 on the Free Movement of Persons and Immigration (Immigration Law)) so an entry ban can be issued to an unaccompanied minor in a return procedure. However, as UAMs are not forcedly returned it is highly unusual to issue an entry ban. In any case the return decision has to be taken for reasons of public order, national security or public health.</p> <p>3. Article 112 (1) of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law) foresees the possibility to issue jointly with a return decision or separately an entry ban. The article does not make any exceptions. There is no elaboration in the exposition of motives of the bill n° 5802 (later becoming the Immigration Law) concerning why certain categories of migrants were not included. Nevertheless, the exposition of motives states that if the ministerial decision is taken for reasons of public order, security or public health, it may include a ban on entry into the territory (see exposition of motives, <a href="#">parliamentary document n° 5802/00 of 20</a></p>

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			<p><a href="#">November 2007</a>, p. 83). There is no difference on the rationale of entry bans that can be imposed to accompanied minors and unaccompanied minors.</p> <p>4. There are no entry bans issued to minors or unaccompanied minors in the given period.</p> <p>5. N/A.</p> <p>6. N/A.</p>
	EMN NCP Malta	Yes	<p>1. In principle, no entry bans are issued on minors.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p>
	EMN NCP Netherlands	Yes	<p>1. Yes at the moment accompanied minors can be subject to an entry ban based on independent grounds, but only in the case that they represent a threat to public policy, public security or national security. Besides these situations, minors are excluded from an entry ban.</p>

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			<p>2. At the moment unaccompanied minors can be subject to an entry ban, but only in the case that they represent a threat to public policy, public security or national security. Besides these situations, unaccompanied minors are excluded from an entry ban.</p> <p>3. Because minors and unaccompanied minors in general are vulnerable groups, they are in principle excluded from the imposition of an entry ban. However, the rationale behind this policy is not extensively elaborated.</p> <p>4. There are no entry bans issued to minors or unaccompanied minors in the given period.</p> <p>5. Not applicable to the Netherlands, as no entry bans have been issued to minors or unaccompanied minors in the given period.</p> <p>6. Not applicable to the Netherlands as no entry bans have been issued to minors and unaccompanied minors in the given period.</p>
	<p>EMN NCP Poland</p>	<p>Yes</p>	<p>1. According to the Polish law, the return decision contains an entry ban clause. So if the parents receive a return decision with an entry ban clause, their children will be covered by the same decision. The grounds for ordering an entry ban and the length of an entry depend on the grounds for issuing a return decision. As a rule, they are the same as for their parents (e.g. connected with illegal stay). If the grounds for issuing a return decision are different for the parents (e.g. in case of illegal stay of all family members and illegal work of parents), the accompanied minors will receive a separate decision with an entry ban clause. The main rule however is that minors are not entered into the national system nor in the SIS until they reach the age of majority.</p> <p>2. In the case of an unaccompanied minor, a return decision containing an entry ban clause is based as a rule on the same grounds as in the case of an adult person. The assessment of how long an entry ban should last is the same for both adults and minors. There is no other treatment for minors. The length of an entry ban depends on the grounds of the return decision.</p>

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			<p>3. The fact that an unaccompanied minor or a minor may be subject to an entry ban clause results from the construction of the legal provisions on this issue. The return decision contains an entry ban clause – it is not an additional decision. However, the Polish law specifies that such an entry ban clause is not entered in the national register for the purpose of refusing entry nor in the SIS if the subject of an entry ban is a minor (except for cases of threat to national security or public order). Thus, the fact that the minor is subject to an entry ban clause does not have any legal consequences in practice.</p> <p>4. 2017 – 819 minors, including 2 unaccompanied minors 2018 – 626 minors, including 2 unaccompanied minors 2019 – 432 minors, including 7 unaccompanied minors - have been subject to a return decision containing an entry ban (as mentioned in point 3 – they have not been entered in the national register for the purpose of refusing entry nor in the SIS).</p> <p>5. The fact that minors are subject to returns decisions containing an entry ban clause raises some legal challenges. From the point of view of the administrative law, they are subject to an entry ban and this should have legal consequences (refusal of entry). However, as a category that has no legal capacity, they are excluded from the consequences (they are not entered in the national system nor in the SIS). This issue will be the subject of further legal discussion since some changes in the law related to return decisions and entry bans are currently being prepared, which is a consequence of the conclusions of the Schengen evaluation (in returns).</p> <p>6. The current legal situation in the Polish law raises another practical question – should minors be registered in the national system and the SIS after reaching the age of 18 if the entry ban clause is still in force?</p>
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	<p>EMN NCP Portugal</p>	<p>Yes</p>	<p>1. The measures of entry ban are individualized and applicable, as a general rule, to adult foreign citizens, in the cases of:</p> <ul style="list-style-type: none"> <li>• Having been the subject of a coercive removal order (coercive removal process and escort to the border) or judicial expulsion from the country;</li> <li>• Having been returned to another country under a readmission agreement;</li> <li>• There are strong indications of having committed serious punishable acts;</li> <li>• There are strong indications that they intend to commit serious punishable acts or that they constitute a threat to public order, national security or international relations in a member state of the European Union or in states in which the Convention is in force;</li> <li>• Benefiting from support for voluntary return.</li> </ul> <p>Thus, in the case of accompanied minors, children of foreign nationals who have been ordered to be banned, no identical measure will be issued.</p> <p>2. An unaccompanied minor may, hypothetically, be subjected to an entry ban if he is over 16 and there is strong evidence that he has committed serious punishable acts or that he intends to commit serious punishable acts or that he constitutes a threat to order public security, national security or international relations of a member state of the European Union or of states in which the Convention is in force, implying the existence of an expulsion order issued by judicial authorities.</p> <p>3. The entry ban regime in Portugal does not provide for the situation of minors, resulting from the application of the general regime in conjunction with the regimes for the protection of minors and the prevention of crime.</p> <p>4. Not applicable</p> <p>5. Not available</p> <p>6. Not available</p>
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	<p>EMN NCP Slovakia</p>	<p>Yes</p>	<p>1. Yes, in practice, the minor is issued an entry ban only when the parents are issued an entry ban. The law of the Slovak Republic does not explicitly state reasons to impose an entry ban. Pursuant to the valid legislation of the SR, they depend upon reasons related to the administrative expulsion. According to the valid legislation, imposition of the entry ban is of a facultative nature almost in all cases of administrative expulsion and the police department can impose it in the administrative expulsion decision. For reasons of issuing an entry ban see also the EMN study on The Effectiveness of return in the Slovak Republic (Q.61, Table 7) <a href="https://emn.sk/sk/na-stiahnutie-emn/publikacie-emn/item/download/2055_027b9b7fc8440c680587ff25964d5eb2">https://emn.sk/sk/na-stiahnutie-emn/publikacie-emn/item/download/2055_027b9b7fc8440c680587ff25964d5eb2</a>.</p> <p>2. According to the Slovak legislation (The Act No. 404/2011 on Residence of Foreigners and Amendment and Supplementation of Certain Acts), the Police department cannot issue an administrative expulsion to a minor under 18 years of age. However, this does not apply if it is in their best interests.</p> <p>3. As mentioned above, in practice, minors are issued an entry ban only if it is issued also to their parents. There are no policies regarding entry bans issued to minors.</p> <p>4. As for the unaccompanied minors, no entry bans were issued in this period. The statistics regarding accompanied minors issued an entry ban (when an entry ban was also issued to their parents): 2017 - 3 2018 - 5 2019 - 10</p> <p>5. No.</p> <p>6. No.</p>
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	<p>EMN NCP Slovenia</p>	<p>Yes</p>	<p>1. Accompanied minor can get an entry ban on the same grounds (if they are applicable to him or her) as his or her parents, as described below.</p> <p>In the case of a decision refusing an application for the issuance or extension of a residence permit or a decision annulling a residence permit on the grounds:</p> <ul style="list-style-type: none"> <li>• if there are reasons for suspecting that the foreigner represents or could represent a threat to the public order and security or international relations of the Republic of Slovenia or there is a suspicion that his or her residing in the country is or will be linked to terrorist or other violent acts, illegal intelligence activities, the production of or trade in illicit drugs or other criminal acts;</li> <li>• if there are reasons for believing that the foreigner will not act in compliance with the legal order of the Republic of Slovenia and are related to non-compliance with the regulations governing the entry and residence of foreigners in the Republic of Slovenia;</li> </ul> <p>The competent authority may determine a period, during which a foreigner is banned from entering the country. The period during which a foreigner is banned from entering the country may not be shorter than one year or longer than five years. In determining the period during which a foreigner should be banned from entering the country, the authority issuing a refusal decision shall take into account the type and gravity of the circumstances for reason of which the foreigner's stay in Slovenia is undesirable.</p> <p>Foreigner's permit for permanent residence in the Republic of Slovenia may be terminated in the following cases:</p> <ul style="list-style-type: none"> <li>• if he or she was convicted by a final judgement for a criminal offence and received a non-suspended prison sentence of more than three years;</li> <li>• if he or she represents a threat to national security, public safety or public order.</li> </ul> <p>Foreigner's permit for temporary residence in the Republic of Slovenia may be terminated in the following cases:</p>
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			<ul style="list-style-type: none"><li>• if he or she was convicted by a final judgement for a criminal offence and received a non-suspended prison sentence of more than three years;</li><li>• if he or she represents a threat to national security, public safety or public order;</li><li>• if he or she resides in the Republic of Slovenia contrary to the purpose of authorised stay;</li><li>• if he or she refuses to comply with decisions issued by national authorities;</li><li>• if he or she was convicted by a final judgement for a criminal offence and received a non-suspended prison sentence of more than three years;</li><li>• if he or she no longer has sufficient means of subsistence and does not have any other guarantees that his or her means of subsistence will be provided for the period of his or her residence in the Republic of Slovenia.</li></ul> <p>The decision to terminate residence shall set the period of time during which the foreigner shall not be allowed to re-enter the country, which may not be shorter than six months or longer than five years.</p> <p>In determining how long a foreigner should be banned from re-entering the country, the authority that issues the decision to terminate residence shall take into account the type and gravity of the circumstances for reason of which the foreigner's stay in Slovenia is undesirable.</p> <p>2. In procedures regarding residence permits, unaccompanied minor can get an entry ban on the same grounds as an adult (if they are applicable to him or her) as described in previous answer.</p> <p>3. Ministry of the Interior has no specific policy on entry bans imposed on minors. Measures, decisions and procedures relating to the residence of a foreigner in the Republic of Slovenia are, in the first instance, the responsibility of the administrative unit in the area where the foreigner resides or intends to reside, unless otherwise provided by the Foreigners Act.</p> <p>4. No data available.</p> <p>5. / There is no information to confirm the given statement.</p>
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			6. / There is no information to confirm the given statement.
	EMN NCP Spain	Yes	<p>1. Accompanied minors are returned accompanying their parents, without an individual return decision. Consequently, no entry ban is imposed on them.</p> <p>2. UM never get an entry ban. Return takes place considering the best interest of the minor, while our Constitutional Court considers that an entry ban is a sanction.</p> <p>3. So far, only their best interest is taken into account. As explained above, this involves returning them with their family unit (accompanied minors), or returning them back to their families or to social institutions in the country of origin (UM).</p> <p>4.</p> <p>5.</p> <p>6.</p>
	EMN NCP Sweden	Yes	<p>1. Yes, even though an entry ban is given based on individual circumstances it will most likely be on the same grounds as for the parents.</p> <p>2. On the same grounds as adults/accompanied minors. The legislation does not make difference between adults and minors. However, since we consider the best interest of the child in our decisions, there might be a different outcome in a decision that concerns an unaccompanied minor, compared to a decision concerning an adult, even though the conditions are similar in both cases. Also, perhaps even more important, the most common ground for giving an unaccompanied minor an entry ban is</p>

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			<p>that they didn't respect the time for voluntary departure. We seldom issue entry bans on other grounds than that.</p> <p>3. No information available</p> <p>4. No information available.</p> <p>5. No, no legal challenges</p> <p>6. No, no practical challenges regarding the entry ban. Our challenges has rather been with the reception requirements in their country of origin.</p>
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