

EU - Bangladesh Standard Operating Procedures

for the Identification and Return of Persons without an Authorisation to Stay

The Standard Operating Procedures (SOPs) below aim at establishing effective and transparent procedures for the identification and safe and orderly return of persons who have no legal basis stay in the territory of the requesting country¹ and do not hold a valid travel document.

The SOPs is not intended to create legal rights or obligations under international law. It comes in support of the EU Member States bilateral relations with Bangladesh and cannot be interpreted as superseding the existing or preventing the conclusion of future bilateral agreements between the EU Member States and Bangladesh.

1. Persons having documents proving their nationality

- a) Evidence of nationality cannot be furnished through fake documents.
- b) When the requesting country provides expired authentic passports or smart national identity cards as proof of nationality, the requested country will issue a travel document / permit within two working days.

2. Establishing nationality

- a) When the requesting country provides photocopies of Machine Readable Passports (MRP) the requested country will verify their authenticity and issue a travel document/ permit within five working days from the date of submission of the documents by the requesting country.
- b) The requesting country can also provide any of the following evidence:
 - i) a photocopy of the smart national identity cards
 - ii) elements confirming the nationality gathered in the EU Visa Information System² or national visa systems for Member States not using the Visa Information System;
 - iii) fingerprints

¹Who have received an enforceable decision to leave the territory of the requesting country, once all relevant administrative and judicial procedures have been exhausted

²The Visa Information System (VIS) allows Schengen States to exchange data collected in the process of visa application, including for other purposes, such as migration and return procedures. It contains data on the applicants (such as extensive biographical data - name, date and place of birth, data from the travel document – number, validity, issuing authority etc.) as well as on the decisions relating to applications for short-stay visas (issuance of a visa, including validity, duration, type etc.) or refusals (including the reasons thereof). The system also allows for biometric matching of fingerprints for identification and verification purposes.)

of the person to be readmitted/ repatriated via electronic means to the diplomatic or consular representation of the requested country and to the established focal point at the Ministry of Foreign Affairs of Bangladesh, who coordinates with relevant authorities to establish nationality based on the available biometric databases in Bangladesh. The focal point provides confirmation of nationality within 10 working days³ to the requesting country, with copy to the diplomatic or consular representation of the requested country and the EU Liaison Officer in Dhaka, whereupon the diplomatic or consular representation of the requested country issues an emergency travel document within two working days.

Both sides commit to exchange lists of focal points, contact information and other technical details within two weeks following the signature of the SOPs. The lists will be updated without delay if any information changes.

c) In case nationality cannot be established based on the biometric database or the above-mentioned documents/ data, the diplomatic or consular representation of the requested country and the requesting country make arrangements to interview the person within 10 working days.

The requested country provides confirmation of nationality to the requesting country no later than 25 working days⁴ following the interview. Thereafter, the requested country issues emergency travel documents within two working days.

d) Upon invitation by the requesting country or a joint invitation by several requesting countries, the requested country conducts an identification mission to hold interviews and proceed with identification of persons in the requesting country or countries. The identification missions are conducted without undue delays.

Members of such identification missions are equipped to conduct necessary verification of nationality as necessary and to issue travel documents/ permits within two working days from the date of the interview. To facilitate such identification missions, the requesting country will share all necessary information as mentioned in section 3 no less than 45 days in advance.

The related travel costs of those missions are borne by the requesting country or countries.

Interviews by consular representation or by identification mission are conducted where the person to be identified is accommodated or detained or in other premises of the competent authorities in the

³ The deadline starts running from the transmission of the electronic data.

⁴ This maximum time is necessary to confirm the person's nationality by verifying his/her permanent address physically in rural areas of the country.

requesting country. The requested country and the requesting country can agree to conduct interviews in the premises of the diplomatic missions.

3. Information provided

The following information is provided by the requesting country with the request for establishing nationality and for travel documents:

- (a) the given name, surname, names of father mother and spouse, village, upazila, police station and district, date of birth, place of birth, and the last place of residence, name of reference person with contact details to the extent available;
- (b) other evidence/ documents relevant for the purpose of verification of nationality.
- (c) The photograph and fingerprints of the person can also be provided where possible and necessary.

The request for the travel documents as well as the replies to the request and confirmation of nationality following the interview can be submitted by any means of communication, including electronic ones.

4. Travel document validity

The emergency travel document issued by the diplomatic or consular representation of the requested country has a validity of three months and will be renewed without delay if necessary.

5. Transportation

The transport, at the expense of the requesting country, can be carried out by scheduled or non-scheduled flights. For the non-scheduled flights, both sides express their willingness to carry them out at the best convenient times. The EU Member States understand that there should be a limitation to the number of non-voluntary returnees to 50 per flight and two flights per month in the first six months following the signature of the SOPs (to be reviewed in the Working Group Meetings).

6. Implementation

The EU and Bangladesh are committed to sharing information, coordinating and consulting closely with each other in implementing these SOPs. The European Commission and the Government of Bangladesh will steer the implementation of these non-binding SOPs.

A Working Group involving representatives from both sides, meeting regularly and at least every six months, will monitor and discuss implementation of the process established by this document, including with regards to travel documents and means of transport.

If three months following the signature of the SOPs the deadlines as established in the previous paragraphs are not respected, the Working Group will immediately meet to find alternative and appropriate solutions.
