



Ad-Hoc Query on the period of entry ban

Requested by LT EMN NCP on 10th October 2013

Reply requested by 21st October 2013

Compilation produced on 14 January 2014

Responses requested from [Austria](#), [Belgium](#), [Bulgaria](#), [Estonia](#), [Finland](#), [France](#), [Germany](#), [Greece](#), [Hungary](#), [Italy](#), [Latvia](#), [Lithuania](#), [Luxembourg](#), [Netherlands](#), [Portugal](#), [Slovak Republic](#), [Spain](#), [Sweden](#), [United Kingdom](#) (19 in Total)

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1. Background Information

At present there are discussions in the Republic of Lithuania on a possibility to fix in legislation the assessment criteria based on which a specific period of entry ban would be established.

Therefore, we would kindly request to answer the following questions:

1. Do your legal acts establish the direct link between the concrete ground and concrete time limit of a third country national's entry prohibition?
2. If the answer to the 1st question is "Yes", please propose the provisions of relevant legal acts which regulate grounds and terms of entry prohibition.

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3. If your legal acts establish *not concrete* entry ban time limits based on the same ground or provide only the limits of entry ban period, please clarify the touchstones of time limit of alien's entry prohibition's evaluation and introduce the provisions of relevant legal acts.

We would very much appreciate your responses by **21st October 2013**.

2. Responses

		Wider Dissemination?	
	Austria	No	This EMN NCP has provided a response, however they have requested that this is not disseminated further.
	Belgium	Yes	<p>1. Yes, see article 74/11 of the Immigration Act of 15/12/1980 Article 74/11 states the following: “§1. The length of the entry ban is based on the specific circumstances of each individual case. The removal decision is accompanied by an entry ban of maximum three years, in the following cases: 1° if no period for voluntary departure has been granted; 2° if a former obligation to return (order to leave the country) has not been complied with. The maximum period of three years, is lifted to five years, if: 1° the third country national committed fraud or used other illegal mechanisms to obtain or retain a residence permit; 2° the third country national contracted a marriage, partnership or adoption of convenience. The removal decision can be accompanied by an entry ban of more than five years, if the third country national is a serious threat to public order or national security.</p> <p>2. The minister or his agent refrains from imposing an entry ban, if he ends the right to residence conform articles 61/3, §3 or 61/4, §2, undiminished §1, second member, 2°, on the condition the third country national is no threat to public order or national security. The minister or his agent can refrain from imposing an entry ban in individual cases, for humanitarian reasons.</p> <p>3. The entry ban cannot go against provisions on the right to international protection, as defined in the articles 9ter, 48/3 and 48/4.”</p>
	Bulgaria	Yes	<p>Republic of Bulgaria is currently not a member of the Shengen area and apply national signal “entry ban in RB”. Currently Shengen alerts “entry ban” are for information only. According to the Law for the Foreigners in the Republic of Bulgaria the entry ban into the territory of the Member States for a period of 5 years will be applied after the entry into force of the decision of the EU Council for the full implementation of the provisions of the Shengen acquis in the Republic of Bulgaria. Visa or entry of a third country national shall be refused as described in art.10 para 1 of the Law for the Foreigners in the Republic of Bulgaria.</p>

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	Estonia	Yes	<p>1.2 In Estonia the legal act regulating the entry ban is Obligation to Leave and Prohibition on Entry Act which establish bases of prohibition on entry and period of validity of prohibition on entry. A prohibition on entry shall be temporary or permanent. A temporary prohibition on entry may have a period of validity of up to ten years. In two concrete cases there is link between the concrete ground and concrete time limit:</p> <ul style="list-style-type: none"> • he or she poses a danger to public order or national security, the prohibition on entry shall be applied with regard to an alien for the period of five years by the precept to leave, except in the case if the alien has a valid prohibition on entry for a longer period than five years as of the date of the issue of a precept to leave. • an alien who is leaving Estonia and whose authorized duration of stay on the territory of a Member State of the Schengen Convention has expired and who has been issued a precept to leave at the border checkpoint shall be applied the prohibition on entry in the precept to leave for the period of three years, except in the case if the alien has a valid prohibition on entry for a longer period than three years as of the date of issue of the precept to leave. <p>Above mentioned law § 29 establish the grounds of prohibition on entry:</p> <ol style="list-style-type: none"> 1) there is good reason to believe that his/her stay in Estonia may endanger the security of the Republic of Estonia, or public order, public safety, moral standards or the health of other persons; 2) there is information or good reason to believe that he/she belongs to a criminal organisation, that he/she is connected with the illegal handling or illicit trafficking of narcotics, psychotropic substances or the illegal conveyance of persons across the border or a temporary control line, that he/she is a member of a terrorist organisation or has committed an act of terrorism, or there is good reason to believe that that he or she may commit a terrorist crime or he/she is involved in financing or supporting a terrorist crime or money laundering; 3) he/she is or has been employed by an intelligence or security service of a foreign state, or there is good reason to believe that he/she is or has been employed by an intelligence or security service of a foreign state; 4) he/she has received or there is good reason to believe that he/she has received special training in landing operations or in diversion or sabotage activities, or other special training, and if the knowledge and skills acquired in the process of such training can be directly applied in the formation or training of illegal armed units; 5) he/she incites or there is good reason to believe that he/she incites racial, religious or political hatred in Estonia or a foreign state; 6) he/she has been punished or there is good reason to believe that he/she has been punished for a serious crime against humanity or for a war crime, regardless of whether the criminal record has expired or been expunged, and regardless of the expungement of data concerning punishment from the punishment register; 7) he/she has been punished for an intentionally committed criminal offence or for another offence in Estonia or a foreign state, and if the criminal record has neither expired nor been expunged or if data concerning the punishment have not been expunged from the punishment register; 8) the alien has violated legislation regulating the stay of aliens in Estonia or the crossing of the state border by aliens; 9) the alien has provided incorrect information or a falsified document upon application for a legal basis to stay in Estonia or extension thereof, for Estonian citizenship, asylum or an identity document; 10) the alien has unperformed obligations to the Estonian state, a governmental authority or local government. <p>But a permanent prohibition on entry may be applied in the cases provided for in clauses 1)-6) .</p> <p>3. An order to apply a prohibition on entry and the determination of the period of validity of a prohibition on entry, all of the following</p>
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			<p>circumstances shall be taken into account:</p> <ol style="list-style-type: none"> 1) the duration of the alien's legal stay in Estonia; 2) the age of the alien; 3) the condition of health of the alien 4) personal, economic and other ties which the alien has with Estonia and which are deserving of protection; 5) the consequences of the application of the prohibition on entry for the family members of the alien; 6) the social and cultural integration of the alien; 7) the connections of an alien to the country of origin; 8) the circumstances which are the basis for application of a prohibition on entry; 8¹) holding a residence permit or the right of residence of a Member State of the European Union, a member state of the European Economic Area or the Swiss Confederation; 9) other relevant considerations.
	Finland	Yes	<p>1. Yes, but only regarding EU citizens' removal from the country and entry ban (see below). Otherwise the authorities exercise their discretion to decide upon the time limit.</p> <p>Section 150 Ordering and revoking prohibitions of entry</p> <ol style="list-style-type: none"> (1) In a decision on refusal of entry or deportation, an alien may be prohibited from entering the country. (2) A prohibition of entry is ordered for a fixed term of a maximum of five years or until further notice. An alien who has been sentenced for an offence of aggravated or professional nature may be prohibited entry until further notice. (3) A prohibition of entry is restricted to Finland if the alien has a residence permit in another Schengen State, and the permit is not cancelled. (4) A prohibition of entry may be revoked on the basis of a change in circumstances or for important personal reasons. <p>Section 170 (360/2007) Ordering and abolishing prohibitions of entry</p> <ol style="list-style-type: none"> (1) If removing an EU citizen or his or her family member from the country is based on the fact that the person is considered a danger to public order or security or to public health, the decision on refusal of entry or deportation may prohibit him or her from entering the country for a maximum of fifteen years. (2) Upon application, a prohibition of entry may be revoked in part or in full on the basis of a change in circumstances or for important personal reasons. A decision in the matter must be reached within six months of filing the application.
	France	Yes	<ol style="list-style-type: none"> 1. No, not provided. Legal acts of France provide maximum time limits for the entry ban. 2. / 3. Entry bans can either be definitive or temporary (1, 3, 5 or 10 years). The criminal court establishing the entry ban must motivate its decision regarding the seriousness of the infringement and the personal situation of the third-country national if he/she has specific bonds

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			<p>in France (child born in France, partner of a French person, etc.).</p> <p>The third-country national can come back to France either if his/her ban has arrived to an end, or if it has been relieved, and only if he/she completes the necessary legal conditions to enter the French territory.</p> <p>The French legislation on entry ban consists in article L541-1 of the Code on entry and residence of foreigners and right of asylum (= CESEDA).</p>
	Germany	Yes	<p>1. No.</p> <p>2. N/A</p> <p>3. The relevant provision of Section 11 of the German Residence Act states the following: Section 11: Ban on entry and residence (1) A foreigner who has been expelled, removed or deported shall not be permitted to re-enter or stay in the Federal territory. He or she shall not be granted a residence title, even if the requirements entitling him or her to a title in accordance with this Act are fulfilled. Time limits shall be applied to the effects stated in sentences 1 and 2 on application. The time limit shall be set according to individual case concerned and may only exceed five years if the foreigner has been expelled on the grounds of a criminal conviction or if he or she poses a serious danger to public safety or law and order. The setting of the time limit shall take due account of whether the foreigner has left the Federal territory voluntarily and in good time. The time limit begins upon the person concerned leaving the Federal territory. No time limit shall be applied if a foreigner has been deported from the Federal territory on account of a crime against peace, a war crime or a crime against humanity, or on the basis of a deportation order pursuant to Section 58a. The supreme Land authority may permit exemptions from sentence 7 in individual cases.</p>
	Greece	Yes	<p>1. No, not provided. Legal acts of the Hellenic Republic provide maximum time limits for the entry prohibitions which are based on the specific grounds of entry prohibition.</p> <p>2. –</p> <p>3. According to Legal acts of the Hellenic Republic (4000/4/32-λα of 5/10/2012 Joint Ministerial Decision) in case of a foreigner's entry prohibition, the third country national is registered in the national list of non desirable foreigners. According to the article 3 of the above mentioned Decision, the duration of the recording in the list, is determined by the competent body on the basis of the reasons of the imposition and shall not exceed five (5) years. The duration in Recording is possible to exceed five years (and reach up to ten years), if the foreigner is considered a serious threat to national security, public security or public order and in case that it was imposed by a criminal court decision, an expulsion or re-entry ban of a foreigner in Country, as long as stated therein (paragraph 3 Article 74 of penal code, as applicable). Each case of registration in the list of undesirable foreigners is automatically reviewed every three years. According to paragraph 2 of the above mentioned article, the registration ceases to have effect :</p> <p>a. With the expiry of the validity period of the registration decision .</p> <p>b. From the revocation or cancellation of the administrative expulsion or return whereby fixation was made.</p>

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			<p>c On the issue of an order of the competent Judicial Council, by which return is allowed to his country for the period defined in the indictment .</p> <p>d With the abolition of the judicial decision which imposed the expulsion.</p> <p>e. With the suspension of the decision of expulsion or return decision by the competent court and for the duration defined in the decision .</p> <p>According to paragraph 3, deletion from the list is allowed before supplementing the time stated in registration decision, for reasons of national or public interest or international obligations or if requested by the foreigner only for humanitarian reasons .</p> <p>In practice, the periods of the entry prohibition and the possible deletion from the list of undesirable foreigners are assessed in each case by assessment of the infringements and the nature of their (for example, it was caused by the negligence, ignorance or deliberately), the repeat of the infringement within the last year, the time and reasons of illegal stay in the country, if actions has been taken on the legal situation, if the foreigner's family members are citizens of the Hellenic Republic, etc.</p>
	Hungary	Yes	<p>1-3. Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals (RRTN) governs the issue in question. See the relevant parts below – <u>unofficial</u> translation.</p> <p><i>RRTN Section 43.</i></p> <p>(1) The immigration authority shall independently order the exclusion of a third-country national whose whereabouts are unknown or who resides outside the territory of Hungary, and:</p> <p><i>a)</i> who must not be allowed to enter the territory of Hungary under international commitment; or</p> <p><i>b)</i> who is to be excluded by decision of the Council of the European Union;</p> <p><i>c)</i> whose entry and residence represents a threat to national security, public security or public policy;</p> <p><i>d)</i> who has failed to repay any refundable financial aid received from the State of Hungary;</p> <p><i>e)</i> who has failed to pay any instant fine or a fine imposed in conclusion of a misdemeanor proceeding within the prescribed deadline, and it cannot be recovered or collected.</p> <p>(2) Subject to the exception set out in this Act, the immigration authority shall order the expulsion of a third-country national under immigration laws who:</p> <p><i>a)</i> has crossed the frontier of Hungary illegally, or has attempted to do so;</p> <p><i>b)</i> fails to comply with the requirements set out in this Act for the right of residence;</p> <p><i>c)</i> was engaged in any gainful employment in the absence of the prescribed work permit or any permit prescribed under statutory provision;</p> <p><i>d)</i> whose entry and residence represents a threat to national security, public security or public policy; or</p> <p><i>e)</i> whose entry and residence represents a threat and is potentially dangerous to public health.</p> <p>(3) An independent exclusion order, and an expulsion order under immigration laws may be issued upon the initiative of law enforcement agencies delegated under the relevant government decree on the grounds referred to, respectively, in Paragraph <i>c)</i> of Subsection (1) and Paragraph <i>d)</i> of Subsection (2) within the framework of discharging their duties relating to the protection public policies defined by law. Where exclusion is ordered independently on the grounds referred to in Paragraph <i>c)</i> of Subsection (1), the law enforcement agencies delegated under the relevant government decree shall make a recommendation as to the duration of such exclusion in cases falling within their jurisdiction.</p> <p><i>RRTN Section 44.</i></p>

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			<p>(1) The duration of exclusion that was ordered independently under Paragraphs a)-b) of Subsection (1) of Section 43 shall be adapted to the period of the underlying obligation or exclusion. The duration of exclusion that was ordered independently under Paragraphs c)-e) of Subsection (1) of Section 43 shall be determined by the competent immigration authority, for a period of up to three years, and it may be extended by maximum three additional years at a time. An exclusion order shall be cancelled forthwith when the grounds therefore no longer exist.</p> <p>(2) An exclusion ordered independently may not be appealed.</p> <p>(3) An exclusion that was ordered independently under Paragraphs a)-b) of Subsection (1) of Section 43 may not be appealed.</p> <p><i>RRTN Section 47.</i></p> <p>(1) Unless otherwise prescribed in this Act, exclusion shall be ordered in conjunction with expulsion ordered under immigration laws, if the immigration authority has ordered the deportation of the third-country national concerned.</p> <p>(2) The immigration authority shall order exclusion by means of a separate resolution, if deportation of the third-country national in question was ordered under Paragraph d) of Subsection (1) of Section 65.</p> <p>(3) The third-country national affected shall have the right to appeal the resolution adopted separately on exclusion. There shall be no further appeal against the resolution. The appeal shall be submitted within twenty-four hours from the time of delivery of the resolution to the same immigration authority that has ordered it. The immigration authority shall forward the appeal, together with the documents of the case, to the authority of competent jurisdiction, that shall render a decision within eight days.</p> <p>(4) Where expulsion is ordered on the grounds defined in Subsection (2) of Section 43, the immigration authority may also order exclusion taking into account the nature and severity of the infringement, the personal circumstances of the third-country national concerned, and as to whether his/her continued residence represents a serious threat to public security, public policy or national security.</p> <p>(5) The duration of an exclusion measure, ordered in conjunction with expulsion or separately, shall be determined in years, and - subject to the exception set out in Subsection (6) - may not exceed five years.</p> <p>(6) The duration of an exclusion measure may not exceed ten years, if the third-country national's residence in the territory of Hungary represents a serious threat to public security, public policy or national security.</p> <p>(7) The duration of exclusion ordered in conjunction with expulsion shall apply from the date of departure from the territory of the Member States of the European Union, or if this is not know, from the deadline prescribed therefor.</p> <p>(8) Third-country nationals whose exclusion was ordered may enter the territory of Hungary only upon the special consent of the ordering authority.</p> <p>(9) The immigration authority may withdraw - upon request or on its own motion - the exclusion order if:</p> <p>a) the exclusion measure was ordered in conjunction with expulsion against a third-country national under Subsection (2) of Section 43, and the third-country national affected is able to demonstrate that he or she has left the territory of a Member State in full compliance with the resolution for expulsion, or</p> <p>b) continued enforcement is no longer justified due to major changes in the underlying circumstances.</p> <p>(10) Entry and stay ban and expulsion ordered under immigration laws ordered by the immigration authority under Subsection (2) of Section 43 shall be – ex officio – withdrawn if the execution of the expulsion cannot be carried out within 12 months for reasons not attributable to the third country national.</p>
	Italy	Yes	1. No

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			<p>2. N/A.</p> <p>3. The Italian law (art. 13, paragraph 14 of the Legislative Decree n. 286 of 1998 and subsequent amendments) establishes the period of entry ban for the expelled alien from three to five years. The actual length of the ban is determined by the Prefect taking into account "all the circumstances relevant to the individual case". In practice, the assessment of the duration of the ban takes into account the previous length of stay, any family ties and social inclusion. Instead, in cases of expulsion adopted for reasons of social dangerousness (e.g. one or more criminal convictions, subjection to preventive measures) or for reasons of public order or public security (e.g. reasonable suspicion of belonging to a terrorist or subversive organisation), a period longer than five years may be envisaged. In these cases, the law does not establish a maximum limit but relies on the prefect or the Minister of the Interior - depending on their respective responsibilities – in assessing the period of entry ban that, even in these cases, is determined taking into account "all relevant circumstances" (e.g. seriousness of the misconduct, as well as the need to respect family life, etc.).</p>
	Latvia	Yes	<p>1. Yes. Terms and grounds for entry prohibition is regulated in Immigration Law.</p> <p>2. In Immigration Law section 61 stipulates in which cases foreigners is prohibited to enter Republic of Latvia and who is authorised to take decision:</p> <ul style="list-style-type: none"> • The Minister for the Interior shall take a decision on entry ban if competent State institutions have a reason to believe that a foreigner causes a threat to national security or public order and safety by entering Latvia or person is a member of anti-state or criminal organization. • The Minister for Foreign Affairs shall take decision on entry ban if foreigner is an undesirable persona for the Republic of Latvia, so called <i>persona non grata</i>. <p><u>In these two abovementioned cases entry ban can be determined for an indefinite period.</u></p> <ul style="list-style-type: none"> • The Director of the Consular Department or a diplomatic official shall take a decision on entry ban if a decision has been taken either to refuse the issue of a visa, to annul or revoke a visa. • The Head of the Office of Citizenship and Migration Affairs or the Chief of the State Border Guard or his or her authorized official shall take a decision on entry ban, if foreigner has violated the procedures specified in regulatory enactments for entry and residence of foreigners in the Republic of Latvia or has illegally crossed external border. <p><u>In these immigration related cases entry ban can be determined for a period of time from 30 days up to three years.</u></p> <p>In practice the period of the entry prohibition is assessed in each case individually, taking into account circumstances of the violation, and proportionality and usefulness of issue of the administrative act as well.</p> <p>*English translation of the Immigration Law attached.</p>
	Lithuania	Yes	<p>1. No, not provided. Legal acts of the Republic of Lithuania provide maximum time limits for the entry prohibitions which are based on the specific grounds of entry prohibition.</p>

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			<p>2. –</p> <p>3. Legal acts of the Republic of Lithuania do not provide the assessment criteria based on which a specific period of entry prohibitions can be established. In practice the periods of the entry prohibition are assessed in each case by assessment of the infringements and the nature of their (for example, it was caused by the negligence, ignorance or deliberately), the repeat of the infringement within the last year, the time and reasons of illegal stay in the country, if actions has been taken on the legal situation, if the alien's family members are the citizens of the Republic of Lithuania, etc.</p>
	Luxembourg	Yes	<p>1. No. In Luxembourg the Law of 29 August 2008 on free movement of persons and immigration provide maximum time limits for the entry bans (up to 5 years), based on specific situations:</p> <p>a. ORDER TO LEAVE: The entry ban is not issued automatically with the order of removal, except if the TCN who was ordered to leave the territory did not comply with the deadline granted or if s/he represents a danger against public order, public safety or public health (article 96§3).</p> <p>b. RETURN DECISION: The return decision can be issued together or by a successive separate decision with an entry ban for a maximum duration of 5 years. In this case the Ministry of Immigration takes into consideration all the circumstances surrounding the case. The deadline can be superior to 5 years if the TCN is a serious threat against public order, public safety or national security (article 112 (1)).</p> <p>c. EXPULSION: The expulsion decision is issued together with an entry ban issued in accordance with article 112 (1) (116 (3)).</p> <p>2. N/A</p> <p>3. In Luxembourg there is no catalogue of conducts that can determine the specific duration of the entry ban. As mentioned in 1 (Cf 1) the duration of the entry ban will be determined by the Ministry based on the specific circumstances of the case (i.e. refusal to leave voluntarily, forced removal) and the threat that the individual represents for public order, public safety or public health. If the Ministry of Immigration determines that the individual is a serious threat the entry ban can be issued for more than five years.</p>
	Netherlands	Yes	<p>1. Yes</p> <p>2. The Dutch Alien Decree (article 6.5a) provides that an entry ban is generally imposed for a maximum of two years. It also states the following exceptions on this rule:</p> <ul style="list-style-type: none"> - visa term overstay between 3 days and 3 months may lead to an entry ban of maximum 1 year; - punishment for a crime with a sentence of maximum 6 months imprisonment may lead to a maximum entry ban of 3 years; - imprisonment for more than 6 months may lead to a maximum entry ban of 5 years - using a forged or falsified ID may lead to a maximum entry ban of 5 years - a second return decision for the same person may lead to a maximum entry ban of 5 years - being on Dutch territory during a travel ban may lead to a maximum entry ban of 5 years; - punishment for grave criminal acts may lead to a maximum entry ban of 10 years. These grave criminal acts can consist of:

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			<ul style="list-style-type: none"> • violent crime and drugs related offences; • punishment for a crime that can lead to a sentence of more than 6 years; • Applicability of article 1(F) of the refugee convention • Having been sentenced to involuntary commitment /civil commitment. <p>- Being considered a threat to national security may lead to a maximum entry ban of 20 years.</p> <p>Beside the general rules of article 6.5a, aliens have the possibility to state why in their case the maximum entry ban should not be imposed. These interests are being balanced against the states' interest to uphold the maximum entry ban.</p>
	Portugal	Yes	1. No, not provided. Accordingly to the Portuguese legal framework (Act n.º 29/2012, 9 th August) in the article 144º the prohibition to enter in national territory for foreign citizens subject to expulsion is for a period up five years, such period may be greater when check exists serious threat to public policy, public safety or national security.
	Slovak Republic	Yes	1. Yes. 2. The Act on Residence of Aliens (404/2011) in Article 82 states the reasons for expulsion and relevant time limits. More precisely this concerns the entry ban which can be imposed for: - <u>for 10 years</u> if the third country national (TCN) represents a serious threat to the state safety or public order - <u>for 3 to 5 years</u> if the TCN: a) threatens the state safety, public order or public health; b) was lawfully sentenced for an intentional crime and not imposed the punishment of expulsion; c) has violated the regulations on narcotic drugs and psychotropic substances; d) has submitted a falsified or counterfeited document or a document of another person during control; e) has closed the marriage of convention; f) has illegally crossed the external border; g) his/her residence in the Slovak Republic territory is not authorised; h) obstructs the exercise of the decision of a state body; i) a police department has cancelled or revoked his/her visa; j) has provided false, incomplete or misleading data during the proceedings as per the Act on Residence of Aliens or if s/he has submitted falsified or counterfeited documents or a document of another person; -for <u>1 to 3 years</u> if the TCN: a) performs another activity than the one for which the temporary residence or visa was granted to him/her; b) resides in the Slovak Republic territory on the basis of an international treaty or decision of the Slovak Republic government and acts in conflict with such an international treaty or decision of the Slovak Republic government; c) has seriously violated or repeatedly seriously violated general statutes. - for 1 year if the TCN: a) refuses to prove his/her identity in a trustworthy way; b) they discover that the purpose for which a third country national was granted temporary residence has expired and that the third country

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			<p>national has not announced this fact to the police department;</p> <p>p) has not left the country or depart not later than on the last day of the legal residence; if the application for the temporary residence permit of the third country national was rejected due to a change in the purpose, the application for the renewal of the temporary residence was rejected, the temporary residence was withdrawn, the application for permanent residence for unlimited period of time was rejected, a permanent residence was withdrawn, the application for tolerated residence was rejected, the application for extension of the tolerated residence was rejected or the tolerated residence withdrawn, unless the TCN is authorised to residence in the territory of the Slovak Republic for other purpose,</p> <p>3. The decision to imposing a concrete time period for the entry ban (within the set margins, i.e. 1-3 years or 3-5 years) is up to the decision of the relevant institution (relevant police department) taking into account the previous history of the person concerned.</p>
	Spain	Yes	<p>1. The Spanish Alien Law establishes the same maximum limits as the Directive: five years as a basis and up to ten years when the third-country national represents a serious threat to public policy, public security or national security.</p> <p>2. -</p> <p>3. The Alien Law only says that the entry ban's length shall be determined, within the maximum limits, according to the circumstances of every specific case. If return is the consequence of non-compliance with a previous entry ban, this entry ban shall start counting again from zero.</p>
	Sweden	Yes	<p>1. No.</p> <p>2. -</p> <p>3. The length of a re-entry ban should be determined with regard to the circumstances of the individual case and may as a general rule not exceed five years. The exhaustive list of circumstances to be taken into account are according to the Alien's act Chapter 8 Section 18a the risk of absconding, or if an application for a legal stay has been dismissed as manifestly unfounded or fraudulent, or if the person concerned poses a risk to public order and security, or if the alien has been refused entry to the Member state territory, or has been expelled due to a criminal conviction in a court.</p> <p>In practice, a re-entry ban has been set at two years.</p> <p>A long illegal residence can result in a longer re-entry ban according to a ruling in the Migration Court of Appeal. The length of a re-entry ban must be proportionate to the individual legal consequences it has for the alien. In cases involving a child consideration should be taken to the child's health and development and the welfare of the child (according to the Alien's act Chapter 1 Section 10)</p>
	United Kingdom	Yes	<p>1. Yes. The UK's re-entry ban provisions are set out in paragraph 320(7B) of the Immigration Rules. In accordance with the Rules, individuals seeking to come to the UK may be refused entry because they are subject to a re-entry ban. Unless they meet one of the prescribed exceptions, individuals will be the subject of a ban where they have previously broken the UK's immigration laws by</p>

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.

			<p>overstaying; breaching a condition attached to their leave; being an illegal entrant; or using deception to enter the UK. The prescribed exceptions are listed below if required.</p> <p><u>(Prescribed exceptions)</u> The re-entry ban does not apply:</p> <ul style="list-style-type: none"> • to applications for entry clearance, leave to enter or leave to remain as a family member (under Appendix FM of the Immigration Rules) • to applications for leave to remain on the grounds of private life (under paragraphs 276ADE-276DH of the Immigration Rules), or • where the migrant was aged under 18 at the time if the previous breached if immigration laws) <p>2. There are four levels of re-entry ban. All start from the time the person left the UK following their immigration breach. Those who overstay for 90 days or less and leave the UK voluntarily at their own expense are not subject to a ban. The four levels of ban are:</p> <ul style="list-style-type: none"> • One year where the person left voluntarily at their own expense. • Two years where the person left voluntarily at public expense within 6 months of their removal decision. • Five years where the person left voluntarily at public expense more than 6 months after their removal decision or where they left or were removed from the UK as a condition of a caution issued in accordance with s.134 Legal Aid, Sentencing and Punishment of Offenders Act 2012. • Ten years where the person was removed or deported. <p>3. N/A see above</p>
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