



Ad-Hoc Query on “fit-to-fly” declarations

Requested by LT EMN NCP on 3th July 2015

Summary prepared by NO EMN NCP on the basis of responses from Austria, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, , Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Croatia and Norway

Disclaimer: The responses were 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.

Background Information

The Ministry of the Interior of the Republic of Lithuania is considering to change its current regulation on removal and introduce the requirement of medical examination prior to removal by air for all returnees. This could be proved by issuing a “fit-to-fly” declaration. Therefore, the Ministry is interested in other States have such a requirement

Answers the following questions were requested:

1. Do your legal acts establish the direct requirement of medical examination prior to removal by air on all returnees? If it is foreseen only for specific categories of returnees, please specify these categories.
2. If the answer to the 1st question is “Yes“, please clarify:
 - a) which legal act regulates the above mentioned requirement? If available in English, please provide a link.
 - b) what qualification the medical personnel should have in order to issue „fit-to-fly“ declaration (GP, physician’s assistance, nurse)?
 - c) does foreigner receive a copy of a „fit-to-fly“ declaration?

d) if a foreigner refuses to do the medical examination, does this have any consequences? Can (s)he be removed without a “fit-to-fly” declaration?

f) do foreigners “pretend” to be sick and/or unfit to fly in order to avoid removal often? In practice, how do you deal with such situations?

Responses

Only in six of the responding countries is there a legal requirement to establish ‘fit-to-fly’ before the removal by air of a person to be forcibly removed from the territory. In the replies from an additional three countries it is stated that the guidelines in place imply that a ‘fit-to-fly’ assessment is made for all or most of those who are removed.

In five of the six countries a medical doctor should prepare the ‘fit-to-fly’ certificate, and in one country this certificate is prepared by a medical assistant.

For four of the six countries the response is ‘no’ to the question whether the person removed receives a copy of the ‘fit-to-fly’ certificate. In the reply for one country it is said that this is not required and in the reply for one country it is stated that the certificate is available to the police escorting the removed person.

Only in one of the replies was it stated that a consequence of a refusal to undergo a medical examination before a removal would prevent the removal to take place.

In the replies for the six countries it are stated that a claim of illness at the time of removal (or a self-inflicted injury) may lead to a (new) medical examination, but will not lead to a cancellation of the removal.

Comment

It would seem that no medical ‘fit-to-fly’ certificate is required before removal in in most of the responding countries, but that a more general assessment may nevertheless be carried out in some of the countries. It would have been interesting to know for all responding countries what type of medical assessments that are carried out, and the consequences, if a person to be removed is ill or injured on the date of planned removal.