



EMN Ad-Hoc Query on Violation of entry bans and the applicability of sanctions/punishments

Requested by Johanna VÄÄNÄNEN on 20th June 2017

Irregular Migration

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Norway (25 in total)

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.



Background information:




The Government of Finland is currently reviewing sanctions/punishments related to the violation of entry bans. For this purpose Finland would like to collect the following information:


Questions


1. Does the national legislation of your State contain sanctions/punishments (either criminal law or administrative ones) related to the violation of entry bans (national or Schengen ones)? If yes, what is the penal scale? If possible, please attach a copy of any relevant national legislation or link to it.
2. If the violation of Schengen entry bans is sanctioned/punishable in your State are the penal provisions applicable to the entry bans imposed by your State only or also to the entry bans imposed by another Schengen Member State? (For instance, in case an alien on whom a Schengen entry ban has been imposed by Germany would enter Sweden would Sweden punish him/her for the violation of the entry ban.)



Responses



	Country	Wider Dissemination	Response
	Austria	Yes	<ol style="list-style-type: none">1. In general, illegal entry into and illegal residence in Austria is an administrative offence, however not specifically if this is in violation of an entry ban (Art. 120 para 1 Aliens Police Act).2. N/A (see above).
	Belgium	Yes	<ol style="list-style-type: none">1. Illegal entry into and illegal residence in Belgium is a penal offence, however not specifically if this is in violation of an entry ban. Article 75 of the Belgian Immigration Act states that the foreigner who enters or stays illegally in the realm, will be punished with imprisonment from 8 days until 3 months and/or a fine between Euro 26,- and Euro 200,-. This article doesn't specifically regard foreigners who violated an entry ban in particular, but focuses on all foreigners who enter or stay illegally.



			2. N/A Sources: Belgian Immigration Act (Article 75) Belgian Immigration Office (legal department)
	Bulgaria	Yes	<p>1. Still Bulgaria hasn't been adopted to Shengen area. Every third country national or union citizen enters the State only through the specified border crossing points. Therefore the violation of entry bans is impossible. If an alien with a national entry ban enters the State not through the border crossing points this deed would be a crime according to art. 279 from Bulgarian Penal code "(1) Whosoever enters or exits through the state border without permit of the respective bodies of the authority or, though by a permit, however not at the places determined for that purpose, shall be punished by imprisonment of up to five years and by a fine of one hundred to three hundred levs. (2) If the act under para 1 is committed again the penalty shall be imprisonment of one to six years and a fine of one hundred to three hundred levs. (3) In the cases under the preceding paras the court, instead of a fine, can rule confiscation of a part or of the whole property of the culprit. (4) Preparation for a crime according to para 1 and 2 shall be punished by imprisonment of up to two years or by corrective labour. (5) Not punished shall be those who enter the country in order to avail themselves of the right to asylum according to the Constitution". In this case the fact that the person has an entry ban isn't a crime itself but is an aggravating guilt circumstance.</p> <p>2. If a TCN on whom is imposed only Shengen entry ban wants to enter the State, Bulgarian authorities have no right to refuse him entering, but they have the obligation to inform the Shengen Member State who imposed the entry ban.</p>
	Croatia	Yes	<p>1. 1. The violation of the entry ban, as such is not penalized in the national legislation of the Aliens Act. In case the entry ban is violated by the alien movement outside the area that is restricted or his/her refusal to present a travel or other document to a police officer, a prison sentence of up to 60 days or a fine amounting from HRK 3.000,00 (€405,00) to HRK 7.000,00 (€945) may be issued.</p> <p>2. 2. Yes, the same provisions apply.</p>
	Cyprus	Yes	<p>1. No. The violation of the entry ban is not penalized in the national legislation of the Aliens and Immigration Law, Cap. 105. Nevertheless in case that the entry ban is violated by the use of false id</p>


			<p>documents, new removal orders and new return decision may be issued against the person in concern.</p> <p>2. n/a</p>
	<p>Czech Republic</p>	<p>Yes</p>	<p>1. Within the framework of the Czech legal system, the stay of a foreign national in the territory to whom the residence was legally banned, is regarded as misdemeanour and on the foreign national in question may be according to Section 337 (1), b) of the Act No. 40/2009 Coll., the Criminal Code, imposed a custodial sentence of up to two years. The text of the paragraph is following: "Enforcement of official decision and banishment (1) Whoever interferes or considerably aggravates execution of a decision of court or another public authority by (a), (b) remaining in the territory of the Czech Republic, even though an expulsion penalty was imposed on him/her, or a decision on administrative expulsion was made. shall be sentenced to imprisonment for up to two years." If the Police finds out on the territory of the Czech Republic a foreign national with a valid decision on the prohibition of stay in the territory, a public prosecutor decides not to initiate criminal proceedings for reasons stated in Act No. 141/1961 Coll., on Criminal Proceedings (Criminal Procedure Code), if the foreign national commits an offense under Section 156 (1), g) Act. No. 326/1999 Coll., on Residence of Foreign Nationals in the Territory of the Czech Republic, if: "He/she fails to fulfil the obligation pursuant to Section 103 b), d), e), r) or in violation of Section 103 (c) provides false or incomplete information in proceedings under this Act". In this case, this is a violation of obligation of Section 103 d) when the foreign national shall: "At the request of the Police, to prove his/her identity by submitting a travel document, residence permit or ID card issued by the Ministry of Foreign Affairs to persons enjoying privileges and immunities under international law and within the time limit set by the Police to prove that he/she meets the conditions of residence in the territory; a citizen of the European Union is obliged to prove his/her identity by presenting a travel document or other proof of identity, including the citizenship of one of the other Member States of the European Union, or by presenting a permanent residence card of the citizen of the European Union; a family member of a citizen of the European Union who is not a citizen of the European Union is obliged to prove his/her identity by presenting a travel document or a residence card of a family member of a citizen of the European Union or a permanent residence card, if he/she does not have this document or identity card, he/she may prove his/her identity by another document, at the same time he/she must prove that he/she is a family member of the EU citizen, the Police shall issue a decision on administrative expulsion" The Act</p>




			<p>stipulates that if a person wants to enter and consequently stay in the territory of the Czech Republic, the person shall not be according to Section 9 (1), g) : "Registered in the information system established by States bound by international conventions on the abolition of checks at their common borders ("Contracting State"), in order to obtain an overview of foreign nationals who cannot be admitted to the territory of the Contracting States; this does not apply if the foreign national is granted a visa entitling only to stay in the territory". Thus, if a person is registered in SIS II as a person to be refused entry into the territory of the Member States, he/she is accordingly prohibited from residing in that territory and does not therefore prove the right to stay in the territory. A foreign national can thus be fined up to CZK 3,000. The Police further decide on administrative expulsion, decision on administrative expulsion is, according to Section 118 (1) of the Act, understood as: "Administrative expulsion means the termination of a foreigner's stay in the territory, which is connected to the determination of the time period to leave the territory and the time period during which foreign national cannot be allowed to enter the territory of the Member States of the European Union. The time period during which foreign national cannot be admitted to the territory of the Member States of the European Union shall be determined by the Police in the decision on administrative expulsion of a foreign national. In justified cases, a decision may be made to establish a border crossing point for leaving the territory." Accordingly, the Police may, in accordance with Section 119 (1), issue a decision determining the period during which the foreign national cannot be allowed to reside in the territory of the Member States for up to 5 years, either according to Section 119 (1) point 8 or point 9: "8. If the foreign national does not prove in a credible way that he/she resides in the territory of the Contracting States for a period during which he/she is entitled to stay temporarily in that territory without a visa or on a short-term visa, or" "9. When a foreign national repeatedly fails to comply with the law, if the issuance of a decision on administrative expulsion is adequate to the violation of this obligation, or if he/she disregards the enforcement of judicial or administrative decisions".</p> <p>2. The above-mentioned procedure also applies in cases when an entry ban is imposed on a foreign national by another Member State.</p>
	Estonia	Yes	<p>1. In Estonian legislation the illegal crossing of the Estonian external border is an act that is punishable in itself as a misdemeanor or in case of aggravating circumstances as a criminal offence. A person is considered to have illegally crossed the border of Estonia in case he or she does not fulfill the legal</p>

			<p>conditions to enter Estonia, also for example in case an entry ban has been issued against him. There is no specific legislation about sanctions/punishments related to violation of entry bans (except in case of citizens of the EU), but the following provisions may apply: According to § 172 of the State Borders Act illegal crossing of the state border or a temporary control line of the Republic of Estonia is punishable by a fine of up to 200 fine units or by detention. State Borders Act: https://www.riigiteataja.ee/en/eli/528062017001/consolide According to § 258 of the Penal Code the illegal crossing of the state border or temporary border line of the Republic of Estonia if the act was committed 1) in disregard of a stop signal or order given by a police officer; 2) by a group; or 3) by a means of transport in a location not intended for crossing is punishable by a pecuniary punishment or up to one year's imprisonment. Penal Code https://www.riigiteataja.ee/en/eli/519012017002/consolide In case of citizens of the European Union the legislation stipulates explicitly that the stay in Estonia of a citizen of the European Union or a member of his or her family, while the citizen of the European Union or member of his or her family is the subject of a valid prohibition of entry, is punishable by a fine of up to 300 fine units, or by detention. Article 551 of Citizen of the European Union Act: https://www.riigiteataja.ee/en/eli/505052017001/consolide</p> <p>2. Please see the explanation to question 1.</p>
	Finland	Yes	<p>1. 1. In accordance with Section 185 of the Finnish Aliens Act, an alien who deliberately enters the country despite an entry ban on grounds of public order, security or health, shall be sentenced for a violation of the Aliens Act to a fine. According to the draft Government proposal to the Parliament, the Penal Code would be amended by adding a new provision based on which an alien violating an entry ban shall be sentenced to a fine or to an imprisonment for one year at the maximum.</p> <p>2. 2. In practice, aliens have been punished for violations of Schengen entry bans imposed by Finland as well as by other Schengen Member States.</p>
	France	Yes	<p>1. Yes. The violation of a national entry ban constitutes a misdemeanour. Article L. 624-1 of the Code of Entry and Residence of Foreigners and Right of Asylum (CESEDA) provides that any TCN concerned by an entry ban who enters in France without authorization shall be sentenced to three years'</p>

			<p>imprisonment.</p> <p>2. No. France can grant a residence permit to a TCN concerned by an entry ban imposed by another Member State in accordance with the article 11.4 of Directive 2008/115. Nevertheless, entry bans imposed by other Member States are checked during the residence permit application process. Indeed, in the framework of public security controls carried out for all residence permit application, authorities consult the Schengen Information System (SIS) and decide on a basis of a case by case analysis.</p>
	Germany	Yes	<p>1. Entry into or residence in the Federal territory in breach of a ban on entry and residence imposed pursuant to Section 11 of the Residence Act is punishable by up to three years' imprisonment or a fine; an attempt to enter the country constitutes a punishable offence in its own right. The penal provisions are contained in Section 95 (2) no. 1 and Section 95 (3) of the Residence Act. An English-language version of the Residence Act is retrievable at: http://www.gesetze-im-internet.de/englisch_aufenthg/index.html . Please observe the note on the status of the translation there! The current text of Sections 11 and 95 of the Residence Act are based on the translation of 11.03.2016.</p> <p>2. The penal provision contained in Section 95 (2) no. 1 and Section 95 (3) of the Residence Act applies on the assumption that the ban on entry and residence which the foreigner has breached was imposed on the basis of Section 11 of the Residence Act. Consequently, a breach of a ban on entry imposed by another Schengen state according to its national law cannot serve as a basis for application of the German penal provisions. As a result of the ban on entry imposed by another Schengen state, however, the foreigner will not generally possess the residence title required for entry into the Federal territory, or can only have acquired such a title by unlawful means. Entry without the required (legitimate) residence title is prohibited pursuant to Section 14 (1) no. 2 of the Residence Act and is punishable by up to one year's imprisonment or a fine; an attempt to enter the country constitutes a punishable offence in its own right. The appurtenant penal provisions are contained in Section 95 (1) no. 3 and Section 95 (6) of the Residence Act.</p>
	Hungary	Yes	<p>1. According to the Hungarian law – Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals – the duration of an exclusion measure, ordered in conjunction with expulsion or separately, shall be determined in years, and may not exceed five years. Except, the duration of an</p>

			<p>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. In case of violation of entry ban the Hungarian authorities shall expel the third-country national according to the Act II of 2007 on the Admission and Right of Residence of Third- Country Nationals, see above, or shall conduct procedure for legal offence – taking all circumstances and the background information account.</p> <p>2. If a violation of entry ban is detected by the Hungarian authority, we shall apply the Hungarian law.</p>
	Ireland	Yes	<p>1. Ireland does not participate in border aspects of the Schengen acquis. In Ireland, an entry ban is integral to a deportation order. A deportation order requires "the person specified in the order to leave the State within such period as may be specified in the order and thereafter to remain out of the State." A deportation order may be issued under section 3 of the Immigration Act 1999 (in respect of irregular migrants) and under section 51 of the International Protection Act 2015 (in respect of rejected applicants for international protection). See links to legislation here: http://www.irishstatutebook.ie/eli/1999/act/22/section/3/enacted/en/html http://www.irishstatutebook.ie/eli/2015/act/66/section/51/enacted/en/html#sec51 The legislation makes it an offence to contravene a provision of a deportation order or a requirement in notification of a decision on a proposal to deport. If a person with an extant deportation order attempts to re-enter the State (i.e. violating an entry ban), s/he would ordinarily be refused leave to land and can then be detained, pending removal. The relevant legal provision for such a detention is section 5 (1) of the Immigration Act 1999 (as amended). Section 5 of the Immigration Act 1999 has most recently been amended via section 78 of the International Protection Act 2015. See link here: http://www.irishstatutebook.ie/eli/2015/act/66/enacted/en/print#sec78</p> <p>2. .</p>
	Italy	Yes	<p>1. According to Law 129/2011, TCN which are not entitled to reside in Italy are issued with an expulsion order prohibiting their entry for a period comprised between 3 and 5 years. The entry ban can last more than 5 years if the expulsion has been requested for matters of public security and counter-terrorism. However, the TCN who has effectively left the country has the right to demand to</p>

			<p>the Ministry of Interior the annulment of the decision. Concerning the sanctions/punishments related to the violation of entry bans, Law 129/2011 establishes a period of 1 to 4 years of detention for all those who re-enter the country without authorization.</p> <p>2. According to art. 96 of the Convention on the Application of the Schengen Agreements of 1990, an effect of the expulsion decision is the inclusion of the alien's name 'reported for non-admission' in the Schengen Information System (S.I.S). Such notification implies that the expelled foreigner is not allowed to enter the territory of Schengen countries, pursuant to art. 6, co. 1, letter D) Reg. n. 399/2016 (c.d. Schengen Borders Code), until the notification has been canceled by the Contracting State which has made the notification. The 'positive Schengen' foreign national may indeed be deprived of his residence permit in Italy following the notification in the SIS by the Contracting State. However, if the responsible body of the residence permit in Italy (“questura”) does not consider to revoke it, the foreigner is granted a provisional residence permit valid only for the national territory in which he resides and renewable until the end of the procedure. After having requested to the authorities of the Contracting State what are the reasons behind the notification in the S.I.S, the responsible body in Italy must decide whether to resort to the possibility of derogation (provided for in art. 25 of the Convention), or whether to follow the decision taken by the Schengen country and revoke the issued residence permit. The decision to renew the residence permit entails, for the Contracting State, the obligation to withdraw it at Schengen level and to keep it, if appropriate, only at national level. On the other hand, if the provisional stay permit is revoked, the notification is retained in the S.I.S and the revocation order is used for the adoption of a decree of expulsion also from the Italian territory.</p>
	Latvia	Yes	<p>1. There are no sanctions/punishment related to the violation of entry bans (national or Schengen) by the foreigner defined in the national law. The Immigration Law of the Republic of Latvia defines that the forced return decision shall be issued in case if the foreigner has unjustifiably failed to execute the voluntary return decision. At the same time the circumstance that the foreigner has not fulfilled the obligation imposed on him/her to leave the territory of EU Member States can be assessed as a ground for decision on detention of the foreigner taken by the State Border Guard official.</p> <p>2. Not applicable as entry bans are not sanctioned/punishable in Latvia.</p>



	Lithuania	Yes	<p>1. Lithuania has no penal provisions related to violation of entry bans. The Code of Administrative Offences (Article 206) has only general provisions for the breach of the procedure of an alien's entry, stay or residence in the Republic of Lithuania, transit or departure. Breach of these provisions results in a warning or incurs a fine between from seventy two and two hundred eighty nine euros.</p> <p>2. Lithuania would analyze the legal situation of an alien taking into account all available information. Depending on the situation and if these are no individual circumstance (e.g. family, protection needs, etc.) a return or expulsion decision may be taken.</p>
	Luxembourg	Yes	<p>1. Yes. Article 142 of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law) establishes that “Any foreigner who, having been removed or expelled, returns to the country despite having been prohibited from entering onto the territory shall be liable to a term of imprisonment of six months and up to three years or a fine of EUR 251 up to EUR 3 000, or both.” http://legilux.public.lu/eli/etat/leg/tc/2013/07/03/n2/jo</p> <p>2. The criminal sanctions foreseen in Article 142 are only imposed when the third-country national violates an entry ban imposed by Luxembourg in accordance with the territorial principle and the legality principle which applies to criminal law. However, according to Article 140 of the Immigration Law, an alien who has entered onto, or stayed in, Luxembourg territory without fulfilling the legal conditions, or who has remained there after the expiry of the authorised period, or who fails to comply with the conditions of his/her authorisation, shall be liable to a term of imprisonment of between eight days and one year or a fine of between EUR 251 and EUR 1 250, or both. This offense will be applied independently if the person has been issued an entry ban imposed by another Schengen Member State.</p>
	Malta	Yes	<p>1. Article 24 of Chapter 217 imposes on a person who was removed from Malta (and therefore subject to an entry ban) to declare this fact when applying to re-enter. In the absence of this declaration, any permit issued to the person would become null and void. Moreover the person will become liable to a fine or to imprisonment. 24. If any person who has left Malta under a removal order or a deportation order at any time seeks leave to land or leave to land and remain in Malta or if he seeks to obtain a residence permit, he shall expressly declare in writing to the Principal Immigration Officer such circumstance and, if he fails to do so, any such leave or any residence permit granted to him shall be</p>



null and void and he shall, moreover, by reason only of such omission and without prejudice to the issue of a removal order or a deportation order under this Act, be guilty of an offence and liable, on conviction by the Court of Magistrates, to a fine (multa) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.




2. Article 24 of Chapter 217 imposes on a person who was removed from Malta (and therefore subject to an entry ban) to declare this fact when applying to re-enter. In the absence of this declaration, any permit issued to the person would become null and void. Moreover the person will become liable to a fine or to imprisonment. 24. If any person who has left Malta under a removal order or a deportation order at any time seeks leave to land or leave to land and remain in Malta or if he seeks to obtain a residence permit, he shall expressly declare in writing to the Principal Immigration Officer such circumstance and, if he fails to do so, any such leave or any residence permit granted to him shall be null and void and he shall, moreover, by reason only of such omission and without prejudice to the issue of a removal order or a deportation order under this Act, be guilty of an offence and liable, on conviction by the Court of Magistrates, to a fine (multa) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

3. Article 24 of Chapter 217 imposes on a person who was removed from Malta (and therefore subject to an entry ban) to declare this fact when applying to re-enter. In the absence of this declaration, any permit issued to the person would become null and void. Moreover the person will become liable to a fine or to imprisonment. 24. If any person who has left Malta under a removal order or a deportation order at any time seeks leave to land or leave to land and remain in Malta or if he seeks to obtain a residence permit, he shall expressly declare in writing to the Principal Immigration Officer such circumstance and, if he fails to do so, any such leave or any residence permit granted to him shall be null and void and he shall, moreover, by reason only of such omission and without prejudice to the issue of a removal order or a deportation order under this Act, be guilty of an offence and liable, on conviction by the Court of Magistrates, to a fine (multa) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

			<p>4. Article 24 of Chapter 217 imposes on a person who was removed from Malta (and therefore subject to an entry ban) to declare this fact when applying to re-enter. In the absence of this declaration, any permit issued to the person would become null and void. Moreover the person will become liable to a fine or to imprisonment. 24. If any person who has left Malta under a removal order or a deportation order at any time seeks leave to land or leave to land and remain in Malta or if he seeks to obtain a residence permit, he shall expressly declare in writing to the Principal Immigration Officer such circumstance and, if he fails to do so, any such leave or any residence permit granted to him shall be null and void and he shall, moreover, by reason only of such omission and without prejudice to the issue of a removal order or a deportation order under this Act, be guilty of an offence and liable, on conviction by the Court of Magistrates, to a fine (multa) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.</p> <p>5. Article 24 of Chapter 217 imposes on a person who was removed from Malta (and therefore subject to an entry ban) to declare this fact when applying to re-enter. In the absence of this declaration, any permit issued to the person would become null and void. Moreover the person will become liable to a fine or to imprisonment. 24. If any person who has left Malta under a removal order or a deportation order at any time seeks leave to land or leave to land and remain in Malta or if he seeks to obtain a residence permit, he shall expressly declare in writing to the Principal Immigration Officer such circumstance and, if he fails to do so, any such leave or any residence permit granted to him shall be null and void and he shall, moreover, by reason only of such omission and without prejudice to the issue of a removal order or a deportation order under this Act, be guilty of an offence and liable, on conviction by the Court of Magistrates, to a fine (multa) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.</p> <p>6. Article 24 of Chapter 217 imposes on a person who was removed from Malta (and therefore subject to an entry ban) to declare this fact when applying to re-enter. In the absence of this declaration, any permit issued to the person would become null and void. Moreover the person will become liable to a fine or to imprisonment. 24. If any person who has left Malta under a removal order or a deportation order at any time seeks leave to land or leave to land and remain in Malta or if he seeks to obtain a residence permit, he shall expressly declare in writing to the Principal Immigration Officer such</p>
--	--	--	--

			<p>circumstance and, if he fails to do so, any such leave or any residence permit granted to him shall be null and void and he shall, moreover, by reason only of such omission and without prejudice to the issue of a removal order or a deportation order under this Act, be guilty of an offence and liable, on conviction by the Court of Magistrates, to a fine (multa) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.</p> <p>7. Given the text of the legislation we consider that this is valid for persons removed from Malta.</p> <p>8. Given the text of the legislation we consider that this is valid for persons removed from Malta.</p> <p>9. Given the text of the legislation we consider that this is valid for persons removed from Malta.</p> <p>10. Given the text of the legislation we consider that this is valid for persons removed from Malta.</p> <p>11. Given the text of the legislation we consider that this is valid for persons removed from Malta.</p> <p>12. Given the text of the legislation we consider that this is valid for persons removed from Malta.</p>
	Netherlands	Yes	<p>1. Yes, this is possible under Section 197 of the Penal Code. A foreign national that resides in the Netherlands, while (s)he knows (if) there is a serious reason to suspect that (s)he has been declared an undesired foreign national under a statutory provision, or has received an entry ban of the foreign national under Section 66a of the Aliens Act 2000, may be punishable by imprisonment of a maximum of six months or fines. For more information, please see the following link (in Dutch): http://wetten.overheid.nl/BWBR0011823/2017-01-01#Hoofdstuk6_Afdeling3_Artikel66a</p> <p>2. No.</p>
	Portugal	Yes	<p>1. Yes, it does. See below relevant article of the Portuguese Immigration Act on the subject: Article 187 Infringement of an entry ban measure 1. The foreign citizen who enters national territory during the period in which he/she was banned to enter shall be punished by a term of two years or less imprisonment or a fine up to 100 days. 2. In case of conviction, the court may decree as ancillary</p>

			<p>measure, by means of a duly grounded judicial decision, the expulsion of the foreign citizen, in accordance with the provisions of Article 135. 3. Without prejudice of the provisions of paragraph 1, the foreign citizen may be removed from national territory with a view to comply with the remainder of the period of entry ban in accordance with the proceedings which determined the citizen's removal.</p> <p>2. No.</p>
	Slovak Republic	Yes	<p>1. Yes. Violation of an entry ban is considered as obstructing the execution of a formal decision and the person shall be punished with imprisonment of two years. According to the Article 348 (1 c) of the Criminal Code (Act No. 300/2005 Coll.), any person who obstructs or substantially impedes the execution of a decision taken by a court or other public authority, by residing, without permission and without a serious reason on the territory of the Slovak Republic despite having been imposed the sentence of expulsion from, or sentence of prohibition of residence on, the territory of the Slovak Republic.</p> <p>2. No. The Criminal Code of the Slovak Republic does not include any provisions on penalty of expulsion from the Schengen area or entry ban to the Schengen area.</p>
	Slovenia	Yes	<p>1. The link to the relevant legislative act, namely the Aliens Act is as follows: http://www.policija.si/eng/images/stories/Legislation/pdf/AliensAct_2012.pdf f an alien enters the Republic of Slovenia illegally, he shall be liable to a fine of between EUR 500 and EUR 1200. One of the modus operandi is entry despite of entry ban. It is administrative sanction / misdemeanor and the fine is imposed by the Police.</p> <p>2. The same provisions apply.</p>
	Spain	Yes	<p>1. There is no sanction but a new return decision is issued, through an accelerated procedure, and the entry ban starts counting again from scratch.</p> <p>2. Not applicable.</p>

	Sweden	Yes	<p>1. Yes, penal fine or prison up to one year. 20 chapter 4 Aliens Act.</p> <p>2. Yes</p>
	United Kingdom	Yes	<p>1. The UK is not part of the Schengen agreement and nor does it have specific legislation for penalties for entering in breach of a re-entry ban. That said we do have re-entry bans which mean that a previous period of overstaying in the UK or committing other immigration offences here could result in a migrant be refused entry if they seek to return to the UK during the validity of their re-entry ban. Details on this are available in our guidance on re-entry bans which is available here. https://www.gov.uk/government/publications/offender-management A person who enters the UK in defiance of a re entry ban by clandestine or other means would be an illegal entrant and as such liable to prosecution under section 24(1)(a) of the Immigration Act 1971 which could result in 6 months imprisonment, unlimited fine or both although it is more likely that they would be administratively removed from the UK which could in turn lead to a longer re-entry ban. For question 2 the UK is not part of the Schengen agreement so an entry ban in a member state would not necessarily prevent a person's entry to the UK.</p> <p>2. Please see above.</p>
	Norway	Yes	<p>1. Yes, according to Norway's Immigration Act section 108, breaches of entry bans can be punished with imprisonment up to two years. (This was recently increased from 6 months)</p> <p>2. In Norway, the penal provisions are not applicable to entry bans imposed by other Member States. However, if we become aware of any previous conviction in other Member States we have the possibility of issuing an entry ban even though the person has already been issued an entry ban from the other Member State. A breach of the Norwegian entry ban will then be punishable.</p>