

ANNEX 27

NATIONAL PRACTICES ON REBUTTAL OF PRESUMPTION OF ILLEGAL ENTRY WHEN A STAMP IS LACKING

BELGIUM

In accordance with Article 2.2 of Regulation (EC) No 2133/2004 Belgium wishes to inform the Secretariat of the Council of the European Union, the European Commission and the other Member States of the practices it applies when third-country nationals whose travel documents do not bear entry stamps rebut the presumption of illegal stay by submitting credible evidence to the competent national authorities.

The new Article 6b(2) of the Schengen Convention, inserted by the abovementioned Regulation, provides that in that event the competent authorities shall indicate, in accordance with national law and practice, in a third-country national's travel document the date on which, and the place where, that person crossed the external border. In addition, they may also give the third-country national concerned a form as shown in the Annex to the same Regulation.

Belgium would inform you that the date on which, and the place where, such a person crossed the border will be indicated in his travel document and in the form provided for in the Regulation by means of a national stamp, an example of which is attached.

The Belgian forms that will be given to such persons are also reproduced in annex.



Koninkrijk België

1.1.1.

F.O.D. Binnenlandse Zaken

Dienst Vreemdelingenzaken – Dienst Grensinspectie



GOEDKEURING VAN DE BEWIJSSTUKKEN BETREFFENDE DE NALEVING VAN DE VOORWAARDE INZAKE DE DUUR VAN HET KORT VERBLIJF INGEVAL IN HET REISDOCUMENT GEEN INREISSTEMPEL IS AANGEBRACHT

d.d. _____ om (tijd) _____ te (plaats) _____

door ondergetekende (bevoegde autoriteit) _____

De heer/mevrouw:

achternaam _____ voornaam _____

geboortedatum _____ geboorteplaats _____ geslacht: _____

nationaliteit _____ woonachtig in _____

reisdocument _____ nummer _____

afgegeven te _____ d.d. _____

visum nr. _____ (indien van toepassing) afgegeven door _____

voor de duur van _____ dagen, met het oog op: _____

wordt, gelet op de door hem/haar verstrekte bewijsstukken betreffende de duur van zijn/haar verblijf op het grondgebied van de lidstaat, geacht het grondgebied van de lidstaat _____ te zijn binnengekomen d.d. _____ om _____ uur, bij grensoverschrijdingspost _____

Contactgegevens van ondergetekende (bevoegde autoriteit):

Tel: _____

Fax: _____

e-mail: _____

De betrokkene ontvangt een kopie van dit document.

De betrokkene

**De verantwoordelijke
ambtenaar
+ stempel**



Royaume de Belgique

I.1.2. S.P.F. Intérieur

Office des étrangers – Service Inspection frontières



ACCEPTATION DES ÉLÉMENTS DE PREUVE CONCERNANT LE RESPECT DES CONDITIONS RELATIVES À LA COURTE DURÉE DE SÉJOUR DANS LE CAS OÙ LE DOCUMENT DE VOYAGE N'EST PAS REVÊTU DU CACHET D'ENTRÉE

Le _____ à (heure) _____, à (lieu) _____,

devant l'autorité soussignée, _____ s'est présenté(e):

nom _____ prénom _____

né(e) le _____ à _____ sexe _____

nationalité _____ résidant à _____

document de voyage: _____ numéro _____

délivré à _____ le _____

n° de visa _____ (s'il y a lieu) délivré par _____

d'une durée de _____ jours pour les raisons suivantes _____

Eu égard aux éléments de preuve présentés par la personne susmentionnée concernant la durée de son séjour sur le territoire des États membres, ladite personne est considérée comme étant entrée sur le territoire de _____ (État membre), le _____ à _____ par le point de passage frontalier _____.

Coordonnées de l'autorité soussignée:

Tél.: _____

Fax: _____

e-mail: _____

Une copie du présent document a été remise à la personne concernée.

Personne concernée

**Fonctionnaire responsable
+ cachet**

CZECH REPUBLIC

If the third-country national rebuts the presumption as regards non-fulfilment of conditions of stay in accordance with Article 12 of Regulation (EU) 2016/399 (Schengen Borders Code), the competent police officer shall indicate in the travel document of the third-country national the information regarding entry/exit, the name of the border crossing point and the date on which he or she crossed the external border (example: VSTUP/ENTRY: OSTRAVA MOŠNOV 10. 2. 2011).

The indication shall be verified by a small round stamp with the state emblem of the Czech Republic and signed by the competent police officer. In addition to the indication in the travel document, a form as shown in Annex VIII to the Schengen Borders Code shall be given to the third country national. The case shall be recorded in the respective national dossier.

GERMANY

If third-country nationals can prove ex post the date/time of their entry into or exit from the country, this is confirmed by a stamp in the passport or travel document issued in lieu of a passport.

Exceptionally, this may be indicated by a handwritten note:

| |
|--|
| <p>'Entry/exit on..... (date) at... (location, Schengen country) has been proved retroactively.' (name of the authority, file No, location, date, signature)</p> |
|--|

ESTONIA

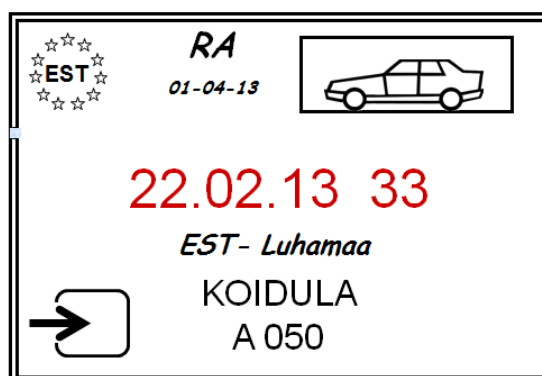
If the travel document of a third-country national does not bear an entry or exit stamp, it is presumed that the bearer of the travel document was not or is no longer in compliance with the requirements regarding duration of stay applied in Member States.

A third-country national may rebut this presumption if they are able to provide credible evidence (such as travel tickets or other proof) that they have respected the conditions relating to the duration of a short stay.

If the evidence provided by the third-country national has been inspected and proves to be convincing, the date on which, and the place where, that person crossed the external border of a Member State will be entered in their travel document.

A border control stamp will be entered in the travel document of the third-country national retroactively.

The designation 'RA' will indicate that the stamp was entered retroactively (see sample).



If entry or exit took place via EU Member States (not including Estonia), a corresponding document entitled 'Approval of the evidence proving fulfilment of the requirements for the duration of a short stay in cases where the travel document does not bear an entry/exit stamp' will be drafted, and a copy will be issued to the third-country national.



EESTI VABARIIK

Asutuse kontaktandmed
(EST ja ENG)



LÜHIAJALISE VIIBIMISE KESTUST KÄSITLEVATE NÕUETE TÄITMISE TÕENDITE HEAKSKIITMINE JUHTUDEL KUI REISIDOKUMENDIS EI OLE SISSE- VÕI VÄLJASÕIDUTEMPLIT

APPROVAL OF THE EVIDENCE REGARDING THE RESPECT OF THE CONDITION OF THE DURATION OF A
SHORT STAY IN CASES WHERE THE TRAVEL DOCUMENT
DOES NOT BEAR AN ENTRY – EXIT STAMP

Kuupäeval ____ / ____ / 20 ____ kell ____ : ____ piiripunktis ____
On _____ at (time) _____ at the border point

Allkirjutanud asutus _____ on küsitlenud järgmist isikut:
We, the undersigned authority, _____ have before us:

Perekonnanimi _____ Eesnimi _____
Surname _____ First name _____

Sünniaeg _____ Sünnikoht _____ Sugu: _____
Date of birth _____ Place of birth _____ Sex: _____

Kodakondsus _____ Elukoht _____
Nationality _____ Resident in _____

Reisidokument (tüüp) _____ number _____
Type of identity document _____ number _____

Välja antud _____ kuupäev _____
Issued in _____ on _____

Viisa nr _____ välja antud (asutus) _____
Visa number (if applicable) _____ issued by _____
_____ päevaks järgmistel põhjustel: _____
for a period of days on the following grounds: _____

Võttes arvesse isiku poolt esitatud tõendeid viibimise kestuse kohta liikmesriikide territooriumil,
Having regard to the evidence relating to the duration of his (her) stay on the territory of the Member States that he (she) has provided,

loetakse isik sisenenuks liikmesriigi territooriumile
he (she) is considered to have entered the territory of the Member State

loetakse isik liikmesriigi territooriumilt väljunuks
he (she) is considered to have left the territory of the Member State

_____ (riik) _____ (kuupäev)
country _____ on _____
_____ (koht) _____ (piiripunkt).
at _____ at the border point

Allkirjastanud asutuse kontaktandmed:

Contact details of the undersigning authority:

Tel _____ Fax _____

E-mail _____ @ _____

Asjaomasele isikule antakse käesoleva dokumendi koopia (The person concerned shall receive a copy of this document)



Isiku allkiri
Person concerned

Piirikontrolltempli jäljend

Ametniku allkiri
Officer responsible for checks

FRANCE

In accordance with Article 2(2) of Regulation (EC) No 2133/2004, France hereby informs the Secretariat of the Council of the European Union, the European Commission and the other Member States of its practice when third-country nationals whose travel documents do not bear an entry stamp rebut the presumption of an illegal stay by submitting credible proof to the competent national authorities.

The new Article 6b(2) of the Convention implementing the Schengen Agreement, inserted by the above Regulation, provides in such cases for the competent authorities to indicate, in accordance with national law and practice, in the third-country national's travel document, the date on which and the place where the person crossed the external border. They may also give a form, as shown in the Annex to the Regulation, to the third-country national concerned. France has decided not to use the form that may be given to third-country nationals whose passport does not bear an entry stamp, but who have by any means proved the lawfulness of their stay.

This situation will be noted in France by means of a hand-written indication on the travel document by the intercepting agency, authenticated by the stamp and contact details of the agency. The case will be recorded in the agency's duty register.

LATVIA

In accordance with the requirements of Article 12 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Member States shall inform each other, the Commission and the Council General Secretariat on practice in connection with presumption with regard to compliance with the conditions of duration of stay.

In the Republic of Latvia, if a third-country national with credible evidence rebuts the presumption referred to in Article 12 (1) of the Schengen Borders Code regarding non-compliance with the conditions of duration of stay, the State Border Guard official shall insert in the travel document of a third-country national the following stamp containing such information:

- the name of the border crossing point (is recorded with indelible blue ink);
- date of crossing the external state border (is recorded with indelible blue ink);
- signature of the official of the State Border Guard, who carries out the affixing of the below mentioned stamp in the travel document (signature is signed with indelible blue ink);
- in the upper right corner of the stamp, the direction of the state border crossing is entered with the indelible blue ink - i.e., "IN" upon entry into the country, "OUT" upon leaving the country.

LV

Border crossed _____ BCP

Data _____

Signature _____

In case the evidence obtained indicates the fact of crossing the external border of another EU Member State, the following form “Approval of the evidence regarding the respect of the condition of the duration of a short stay in cases where the travel document does not bear an entry- exit stamp” shall be issued.



LATVIJA/LATVIA

Valsts robežsardzes
(Iestādes nosaukums/Name of Office)



**PIERĀDĪJUMU ATZĪŠANA ATTIECĪBĀ UZ ĪSLAICĪGAS UZTURĒŠANĀS ILGUMA
NOSACĪJUMU IEVĒROŠANU, JA CEĻOŠANAS DOKUMENTĀ NAV IECEĻOŠANAS VAI
IZCEĻOŠANAS SPIEDOĢA**

**APPROVAL OF THE EVIDENCE REGARDING THE RESPECT OF THE CONDITION OF THE
DURATION OF A SHORT STAY IN CASES WHERE THE TRAVEL DOCUMENT DOES NOT
BEAR AN ENTRY- EXIT STAMP**

Datums/on _____ pulksten /at (time) _____ robežšķersošana vieta /at the border crossing
point

Pie manis, šo dokumentu parakstījušā pilnvarotā darbinieka/ We, the undersigned

(amats, vārds (vardi) un uzvārds(uzvardi) position, first name and surname)

ir ieradies(-usies) /have before us):

Uzvārds /Surname _____ Vārds/ First name _____

Dzimšanas datums /Date of birth _____ Dzimšanas vieta/Place of birth __ Dzimums/ Sex

Valstspiederība/Nationality _____ Pastāvīgi āmo/Resident in _____

Personas dokuments/Type of identity document _____ numurs/number _____

Izdots/issued in _____ datums/on _____

Vizas numurs/Visa number valid _____ tips/type _____ izdevējs/issued by _____

derīga no/from _____ līdz/until _____

Uz laiku/For a period of _____ dienas/ days, šādu iemeslu/ on the following grounds

Ņemot vērā viņa (viņas) sniegtos pierādījumus, kas attiecas uz viņa (viņas) uzturēšanos to dalībvalstu teritorijā, ir atzīts/

Having regard to the evidence relating to the duration of his (her) stay on the territory of the Member States that he (she) has provided,

viņš (viņa) apstiprina, ka ieceļoja dalībvalstu teritorijā/ he (she) is considered to have entered the territory of the Member States

viņš (viņa) apstiprina, ka izceļoja no dalībvalstu teritorijas/ he (she) is considered to have left the territory of the Member States

dalībvalsts teritorija/country _____ datums/on _____ pulksten/at (time)

robežšķērsošanas vietā/at the border crossing point _____

Šo dokumentu parakstījušā darbinieka kontaktdati:

Contact details of the undersigning authority:

Tālr./Tel : _____ E-pasts/E-mail: _____

Attiecīgā persona saņem ša dokumenta eksemplāru.

The person concerned shall receive a copy of this document.

AUSTRIA

AUSTRIAN PRACTICE IN CASE OF A LACKING STAMP

As regards the procedure to be followed when a stamp is lacking (see Regulation Nr. 2133/2004) all relevant regional authorities, the police at the airport and the regional Gendarmerie-commands were – together with a general update on the stamping-rules to be followed in accordance with the common Manual – informed in due time by Ministerial Order Nr. 31.535/960-II/3/04 (dated December 23rd, 2004).

In the order it was pointed out

- that placing a stamp in a passport is an indispensable criterion for the calculation of a persons stay in the Schengen-area;
- that stamps are to be placed in passports upon entry and exit and
- that even if controls are relaxed in case of unforeseeable and extraordinary circumstances it is compulsory to stamp a passport.

In addition to that special attention was paid to the (at that time) new Art. 6b SIC and the following practical consequences:

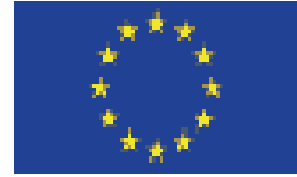
- In case no appropriate entry-stamp can be found in a persons passport it can be assumed that the person does not fulfill (or no longer fulfills) the necessary prerequisites for legal stay.
- The person in question can prove his/her legitimate stay by means of any accompanying document (i.e. tickets used for transportation, hotel-bills, restaurant-bills or any other document proving his/her stay inside or outside the territory of the Schengen-member-states; checks in the national files and the SIS to be conducted in any case).#
- In case the legitimacy of the stay can be proven the following entries are to be made in the persons passport:
 - Stamp of the police-station conducting the interrogation
 - Note “Vermerk gemäß Art. 6b SDÜ” („Note according Art. 6b SIC“)
 - Place, date and time of the proven border-crossing.
 - Number of the case, place, date, time and signature of the officer conducting the interrogation.

A standard-form (to be also given to the person in copy) is available in the ARGUS-database (i.e. electronically available to all policemen in Austria)

In case the legitimacy of a stay cannot be proven and there is also sufficient ground to assume an illegal entry (and/or stay) the person may finally be subject to aliens-law-proceedings.



Republik Österreich



(Name der Dienststelle)

BESTÄTIGUNG DES NACHWEISES FÜR DIE EINHALTUNG DER VORAUSSETZUNGEN FÜR DIE DAUER EINES KURZFRISTIGEN AUFENTHALTES, FALLS DAS REISEDOKUMENT KEINEN EINREISESTEMPEL AUFWEIST

Am um (Uhrzeit) ist in (Ort)

vor der unterzeichnenden Behörde vorstellig geworden:

Name: Vorname:

Geburtsdatum: Geburtsort: Geschlecht:

Staatsangehörigkeit: wohnhaft in

Reisedokument: Nummer:

ausgestellt in am

Visumnummer: (gegebenenfalls) erteilt von

mit einer Gültigkeitsdauer von Tagen zum Zwecke von

Aufgrund der Nachweise für die Dauer seines (ihres) Aufenthalts im
Hoheitsgebiet der Mitgliedstaaten, die er (sie) erbracht hat, wird davon
ausgegangen, dass er (sie) am
 in an der Grenzübergangsstelle in den Mitgliedstaat
 eingereist ist.

Kontaktaufnahme mit der unterzeichneten Behörde über:

Telefonnummer: +43

Faxnummer: +43

e-mail:

Der/die Betroffene erhält eine Kopie dieses Dokuments.

POLAND

In case of lack of control stamp in the document of a third country national a Border Guard Officer should:

1. Get explanations from the alien concerning the lack of the control stamp.
2. Make a copy of documents presented by the alien which allow determining, with high probability, the date and place of legal entry into the territory of the Republic of Poland (copies of international transport tickets – bearing the alien's name, entry stamps affixed into the alien's document by other states' border services etc.)
3. Verify the alien's data in the ZSE – Integrated Register System (in case the officer in question is not authorised for access to the ZSE, the check in the system is performed by the Border Management Department of BGHQ)
4. If the date and place of entry into the territory of the Republic of Poland are determined, a following stamp is affixed into the alien's document "Entry to the Republic of Poland on (date) at (time) via the border crossing of (name of the border crossing)" (PL: "Wjazd do RP w dniu o godz..... przez przejście graniczne w".)
5. Issue two forms confirming the evidence that the alien fulfills the conditions for certain period of short-term stay (one of the two copies is for the alien)
6. Note the date and the name of person performing the check in the ZSE system on the copy of the aforesaid form remaining in the files of the Border Guard;
7. The copy mentioned in point 6 together with the copy of documents mentioned in point 2 should be kept in a separate folder in the files of the Border Guard Post.

Nazwa państwa

Znak graficzny państwa (Nazwa urzędu)



(¹)

ZATWIERDZENIE DOWODÓW SPEŁNIENIA WARUNKÓW DOTYCZĄCYCH CZASU TRWANIA POBYTU KRÓTKOTERMINOWEGO, W PRZYPADKACH GDY W DOKUMENCIE PODRÓŻY NIE ZAMIESZCZONO STEMPŁA WJAZDU

W dniu _____ o (godz.) _____ w (miejsce) _____

Przed niżej podpisanymi, reprezentującymi urząd _____ stawil(-a) się: _____

Nazwisko _____ Imię _____

Data urodzenia _____ Miejsce urodzenia _____ Płeć _____

Obywatelstwo _____ Adres zamieszkania _____

Dokument podróży _____ numer _____

wydany w _____ w dniu _____

Numer wizy _____ (jeżeli dotyczy) wydanej przez _____

na okres _____ dni z następujących powodów: _____

Uwzględniając przedstawione dowody, odnoszące się do długości pobytu na terytorium Państw Członkowskich, uznaje się, że osoba ta znalazła się na terytorium Państwa Członkowskiego _____ w dniu _____ o godz. _____ po przekroczeniu granicy na przejściu granicznym w _____.

Dane umożliwiające kontakt z urzędem, reprezentowanym przez niżej podpisaną osobę reprezentującą urząd:

tel. _____

faks _____

e-mail _____

Osoba zainteresowana otrzymuje kopię niniejszego dokumentu.

Osoba zainteresowana

Funkcjonariusz
odpowiedzialny za odprawę
+ pieczęć

(¹) W przypadku Islandii i Norwegii nie jest wymagany znak graficzny.

SLOVAKIA

In case that the travel document of the third country national does not bear the entry stamp, there is following procedure in the Slovak Republic:

After the third country national will prove that his entry and residence in Slovak Republic is authorised, border police officer will mark into the travel document of third country national following text, which includes informations about the entry, the name of the border crossing point and date.

Example „VSTUP: HP UBLA 10. 6. 2006“.

This note is verified by the round stamp with the state emblem with diameter 18 mm and signed by the border police officer.

The filled form according to annex No. 17 of Common Manual is given to the third country national. The form will be issued according to annex No. VIII of the Schengen Borders Code from 13th October 2006.

SLOVENIA

Under Article 11 of the Schengen Borders Code, Member States must inform each other, the Commission and the General Secretariat of the Council of changes to their national practice concerning presumption as regards fulfilment of the conditions of duration of stay.

In the Republic of Slovenia where the presumption referred to in Article 11(1) of the Schengen Borders Code is rebutted, the police officer shall indicate this in the travel document as follows:

- by writing in pencil in the travel document the words ‘Note in accordance with Article 11(2) of the Schengen Borders Code’;
- by adding the name of the border crossing point and the date of crossing, and stating whether the person concerned is entering or leaving the country (using the word ‘entry’ or ‘departure’);
- by placing the stamp of his or her police unit and signing.

The form set out in Annex VIII is not issued in the Republic of Slovenia.

ICELAND

In accordance with the requirements of Article 12 of regulation (EU) 2016/399 (Schengen Borders Code) the Member States shall inform each other, the Commission, and the Council General Secretariat of their national practices with regards to the indications referred to in that Article, cf. Annex 27 of the Practical Handbook for Border Guards.

If the travel document of a third-country national does not bear an entry or exit stamp, it is presumed that the holder does not fulfil, or no longer fulfils, the conditions of duration of stay applied within the Member States, cf. Article 12, Para 1 of the Schengen Borders Code No. 2016/399, cf. Article 13, Para of regulation No. 866/2017 on cross-border travel.

The third-country national may provide by any means, credible evidence, that they have respected the conditions relating to the duration of a short stay, cf. Article 12, Para 2 of the Schengen Borders Code No. 2016/399, cf. Article 13, Para 2 of regulation No. 866/2017 on cross-border travel.

If the evidence provided by the third-country national, in terms of the conditions of the duration of a short stay, is approved by the police, a border control stamp (see below) will be affixed to the travel document of the third-country national retroactively.

The stamp has in the upper left corner the two-letter country abbreviation, IS for Iceland, and in the upper right corner the logo of the Icelandic Police.

The following handwritten information indicated on the stamp:

- whether the stamp regards entry or exit at the external borders,
- the date of crossing the external borders,
- the name of the border control point (BCP) where the external borders were crossed,
- the name of the officer who affixed the stamp in the travel document,
- the name of the border control point (BCP) where the stamp is affixed, to the travel document,
- the date when the stamp is affixed to the travel document,
- the officers signature.

The Icelandic version of the form as shown in Annex VIII of the Schengen Borders Code shall also be given to the third-country national.

IS

Entry/ Exit on ____ / ____ /20 ____

at (BCP) _____ has been proven retroactively.

Officer: _____ at BCP: _____

date ____ / ____ /20 ____ Officer signature: _____



ICELAND



| APPROVAL OF THE EVIDENCE REGARDING THE RESPECT OF THE CONDITION OF THE DURATION OF A SHORT STAY IN CASES WHERE THE TRAVEL DOCUMENT DOES NOT BEAR ENTRY OR EXIT STAMP | |
|---|--|
| Case number: _____ | |
| On (date) _____ at (time) _____ at the border crossing point: _____ | |
| We, the undersigned authority _____ have before us: _____ | |
| Surname _____ | First name _____ |
| Date of birth _____ | Place of birth _____ Sex Female ▾ |
| Nationality _____ | Resident in _____ |
| Travel document _____ number _____ | |
| Issued in _____ on _____ | |
| Visa number (if applicable) _____ type _____ issued by _____ | |
| Valid from _____ until _____ | |
| For a period of _____ days on the following grounds: _____ | |
| Having regard to the evidence relating to the duration of his/her stay on the territory of the Member States that he/she has provided, he/she is considered to have entered or exit the territory of the Member State _____ on (date) _____ at (time) _____ at the border crossing point _____. | |
| Evidence provided: <input type="checkbox"/> Travel documents with his/her name <input type="checkbox"/> Hotel receipt <input type="checkbox"/> Rental car receipt <input type="checkbox"/> Restaurant receipt <input type="checkbox"/> Other | |
| <i>The foreign national</i> | <i>Police + stamp</i> |