

Directive 2008/115/EC of the European Parliament and of the Council
of 16 December 2008 on common standards and procedures in
Member States for returning illegally staying third-country nationals

CHAPTER II

TERMINATION OF ILLEGAL STAY

Article 9

Postponement of removal

- 1 Member States shall postpone removal:
 - a when it would violate the principle of non-refoulement, or
 - b for as long as a suspensory effect is granted in accordance with Article 13(2).
- 2 Member States may postpone removal for an appropriate period taking into account the specific circumstances of the individual case. Member States shall in particular take into account:
 - a the third-country national's physical state or mental capacity;
 - b technical reasons, such as lack of transport capacity, or failure of the removal due to lack of identification.
- 3 If a removal is postponed as provided for in paragraphs 1 and 2, the obligations set out in Article 7(3) may be imposed on the third-country national concerned.