European Migration Network (EMN)

EMN Conference 2016

Rethinking Returns from the EU: Sustainable Returns and Cooperation with Countries of Origin

Summary of Conference Findings

Organisers and partners:	IOM Slovakia as the coordinator of the EMN National Contact Point for the Slovak Republic in cooperation with the Ministry of Interior of the Slovak Republic and the European Commission (DG Migration and Home Affairs)

Date:	6th – 7th July 2016
Venue:	Hotel Sheraton, Pribinova 12, Bratislava, Slovakia

CONFERENCE FRAMEWORK

The EMN conference "Rethinking Returns from the EU Sustainable Returns and Cooperation with Countries of Origin" sought to discuss current state of play in return and further practical cooperation with countries of return by bringing together different policy-makers and practitioners. European return policy and measures were put into the broader context of current migration trends and realities as well as of situation in the countries of return in order to contribute to further EU policy-making in this area. The conference also collected best practices and lessons learned from various stakeholders for further use by the EU, its Member States and Norway.

Topics to discuss were related to return as part of migration management, enhancing cooperation with countries of return from the EU perspective, practical cooperation in achieving sustainable return and reintegration, perspectives from countries of origin on return and reintegration, and approaches to rejected asylum seekers and migrants with challenges to return.

Among 22 speakers were experts from the European Commission, EU agency Frontex, selected EU countries, intergovernmental and non-governmental organisations operating in non-EU countries, as well as think tanks. The conference hosted European Commissioner for Migration, Home Affairs and Citizenship, IOM Director General and the Slovak Minister of Interior as keynote panelists.

The event welcomed more than 100 participants based in or representing 32 countries. Among them were representatives of state institutions and national implementing authorities, embassies, Council of the EU, intergovernmental and non-governmental organisations, civic initiatives, research institutes, think-tanks and universities, as well as independent experts on migration.

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International Organization for Migration

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SUMMARY OF CONFERENCE FINDINGS

Political and legislative discourse in the EU

The EU currently deals with the gap between the number of return decisions issued and the number of people with the return decision who actually leave the EU. To address this issue, the European Commission supports effective return policy that is perceived as legitimate and efficient, and that would prevent so called return or regularisation shopping, while being in full compliance with human rights, the principle of non-refoulement and the guarantees given by the Return Directive. The Commission will continue to prioritise voluntary returns.

During the Dutch Presidency of the Council of the EU, a comprehensive approach in dealing with third countries was implemented based on the idea that all existing means of both the EU and its Member States should be used in an integrated and coordinated manner across portfolios to produce a joint effort for an effective return policy with clear results.

Policies of returns and readmissions are among key priorities of the Slovak Presidency of the Council of the EU. Slovak Republic is following up on the efforts initiated by the Dutch Presidency, while fully supporting the proposed European Border and Coast Guard as well as enhancing cooperation with countries of return.

In order to enhance effectiveness of returns, the European Commission has been working on an improved legislative infrastructure in this field. Frontex regulation was revised, extending its mandate in the field of return.[1] In the near future, the asylum legislation will be revised in favour of effective asylum procedures and fair asylum system, limiting the possibility to stay in the EU if a person is not entitled to international protection. Furthermore, Eurodac and the Schengen Information System will be improved to avoid that a return procedure starts every time an irregular migrant is apprehended in different EU Member States. At the same time, to avoid discrepancies between the Member States' policies, there are also ongoing discussions whether to amend the EU legislation on returns either by introducing new provisions or by further harmonization of the existing ones.

The European Commission encourages further practical solutions to address the situation of third country nationals with challenges to return. The Commission therefore seeks an enhanced cooperation from the EU Member States as regards numbers and other information on returnees and also due to this fact it is launching the Integrated Return Management Application (IRMA) to be used by the Member States as an internal planning tool. On the other hand, the EU will also provide third countries with technical and development support.

Return policies and measures

Return policies in the EU and return management

- ✓ Return is part of the migration management which should be run along with other migration mechanisms including legal channels. Return policies and measures are thus one of many important aspects the EU has to deal with and improve in order to address current migration situation and global migration trends. Incorporation of sustainability element into return is desirable.
- ✓ Return procedures need to differentiate among categories of migrants. Special focus has to be placed on a growing number of unaccompanied minors and highly-vulnerable persons.
- ✓ Making sure that the return process is made in a human and independent manner helps to protect the rights of returnees and their integrity, but is also a way to protect the EU Member States against allegations of unjust treatment.
- ✓ The EU supports return policy based on prevention of irregular migration through information and awareness-raising campaigns in the countries of origin. It focuses also on addressing the push factors and root causes of irregular migration and forced displacement in the countries of origin through development agenda and improving living conditions in the countries of return. In the latter case, it is important to bear in mind that economic growth can be a cause of migration. Until countries hit an upper-medium income level, the migration is likely to continue to grow.

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[1] Frontex is currently in a transitory phase and will eventually encompass the proposed European Border and Coast Guard. As in the past, Frontex will not enter in the merit of any return decision, meaning that the role of Frontex remains to support the EU Member States with coordination, organisation and financing of return operations upon request.

- ✓ Understanding the needs of countries of origin helps to find ways to improve the effectiveness of returns and readmissions. The EU is going to assist third countries with developing biometric tools, civil registers, management capacity and provision of economic development opportunities rather than broad infrastructure programmes.
- ✓ Local capacities to manage returns in the countries of origin need to be fortified, as there are increasing numbers of returnees bringing back their own needs and vulnerabilities. This can pose additional strains on the community and lead to further outward irregular movements.
- ✓ Returns to post-conflict countries like Afghanistan and Somalia require cautious treatment. It is worth to review how the security risk assessment is carried out. Such assessment needs to be based on up-to-date data.

Cooperation and dialogue

- ✓ Key elements of the return sustainability are cooperation and dialogue with countries of return as well as reintegration *(see below in the chapter below)*.
- ✓ Returns require greater practical cooperation among both destination countries and countries of return. It is important to build strong bilateral and multilateral relationships since when the return decisions are not implemented, it is usually due to the lack of cooperation with the authorities from an individual third-country national (e.g. absconding, unknown identity) and lack of cooperation from the presumed country of return (e.g. issuance of travel documents).
- ✓ In the European context, returns also require greater practical cooperation among all stakeholders at national and EU level. Particularly, mutual cooperation among ministries of development, foreign affairs and interior is crucial. Extensive diplomatic cooperation with third countries is desirable in terms of development policies but also in terms of practical cooperation to improve readmission and return arrangements.
- ✓ A mere possibility of reintegration assistance in forced returns or if there is a positive response to such a request coming from countries of origin eventually leads to better overall cooperation with the countries concerned.

Ways to address protracted irregularity

- ✓ According to the EU legislation, regularization is one of the main tools to incentivise an irregular migrant who cannot be returned to address his/her situation.
- ✓ Targeted regularisation on an individual basis is a way to lower the number of third-country nationals without status but with challenges to return, while reducing administrative and political resources poured in for the purpose of return both in the countries of destination and return as well as enhancing mutual cooperation among countries. There is no evidence-based data that regularisation incentivise irregular migration although coordination of national policies in this field is needed to avoid a potential pull factor for irregular migrants present in another Member State.
- ✓ Potential grounds for regularisation can be reviewed prior to the removal order. Full individual assessment by the immigration authorities in this regard can be more effective.
- ✓ Procedures can be streamlined as opposed to multiple separate procedures to increase efficiency in terms of Member States' administrative capacities needed and migrants' practical access to justice in these procedures.
- ✓ There is a potential to avoid irregularity through changing legal status of certain category of third-country nationals. For example, rejected asylum seekers who were working during their asylum procedure can be granted a work permit.

Data collection, information sharing and awareness-raising campaigns

- ✓ Effective returns require an effective collection and use of data to trace migrants' movements inside the EU borders and to identify them. Sharing the information on return decisions among the EU Member States through common systems is seen as a priority in order to address absconding of third-country nationals.
- ✓ The EU and countries of return lack estimations and actual information on potential returnees which is currently difficult to obtain and which can be provided only by the EU Member States (e.g. numbers of potential returnees, EU Member State in which they currently are, potential country of their return, stage of their procedure, identification and papers).
- ✓ Information on return and reintegration including negative outcomes needs to be shared among academics, think tanks, researchers and technical specialists, as well as made publicly available. It is desirable that donors also require of agencies to share such information. Furthermore, establishing a dedicated online resource platform on return and reintegration would foster information exchange.

✓ There is a very limited data about the motivations, aspirations and needs that are pushing migrants to move. Such information enables helping organisations to analyse the needs of communities in the particular region with high emigration rate and better shape response targeting both migrants and would-be-migrants. Such data collection is crucial also for launching awareness-raising campaigns, avoiding incorrect, ineffective or in some cases even offensive messages to be conveyed.

Reintegration programming and assistance

Reintegration and sustainability

✓ Reintegration is an important aspect of the return process and contributes to the sustainability of returns. Besides financial assistance, reintegration involves also employment, social, legal, psychological and other services, requiring different capacities to provide them.

✓ In order to reinforce the nexus between return and sustainable reintegration, a holistic approach needs to be applied which takes into account an individual level (personal situation of each returnee), community level (conditions immediately surrounding the returnee) and structural level (the existence or non-existence of adequate frameworks as well as human and the available financial resources to implement policies and coordination).

✓ Individualised assistance should to take into account not only needs of an individual but also needs of the community and country specificities. This can be addressed through specific returnee, community and country profiles. For example, in post-conflict countries, return and reintegration cannot be left to humanitarians alone but other specialists need to be involved such as urban planners, mental health specialists and labour market specialists.

✓ Long-term planning contributes to the sustainability of reintegration programmes.

✓ Reintegration starts already in the countries of destination and new approaches in this regard need to be considered. Skill assessment upon migrants' arrivals in the countries of destinations would be a new way to match migrants with the opportunities there or in the country of return instead of carrying out such assessment after the final decision on asylum is made.

✓ Vulnerability of returnees needs to be taken into account within the reintegration assistance. Vulnerability is a very broad concept as it does not only concern vulnerable groups but can also touch upon social problems, gender issues etc. Vulnerability can also differ from one country to another and due to this a country-specific assessment of vulnerability is needed. Moreover, persons are not always vulnerable themselves but the environment they are returning to can make them vulnerable. Provision of consistent reintegration assistance to unaccompanied minors is of paramount importance in the countries of origin and destination. This can be achieved only if different stakeholders are involved including governments.

✓ Cooperation with the local governments is crucial for their capacity building so that later they can take over the ownership of reintegration processes. Involving civil society organisations has positive impact on return and reintegration process because they tend to have trust of migrants which allows them to reach the target group of potential returnees and irregular migrants and at the same time to offer efficient, impartial and neutral pre-departure counselling. Some of these organisations can use direct contact with countries of return.

✓ Actors active in the field as well as returnees themselves can be involved in the reintegration process through partner weeks, geographical exchanges, peer groups or mentoring where returnees assist persons thinking of return or those who have just returned. Returnees can be also engaged through so called innovation competition in which they prepare their own reintegration plans including proposed budgets, and the most innovative ones are eventually funded.

✓ Complex return and reintegration assistance can be provided through multi-layer response tools which encompass direct assistance to migrants including the reintegration one, data collection, awareness-raising, labour mobility and capacity building. Such tools can be effective especially in large migration transit hubs.

✓ A common post-arrival reintegration system which would establish reintegration offices in larger cities can potentially increase the quality of the return system, increase coordination and enable targeted individualised support.

Harmonisation

✓ Harmonisation of reintegration packages does not mean their homogenisation. Reintegration packages should be harmonised irrespective of which host country the migrant returns from. Services need to be the same for the returnees based on their typology.

✓ Standardised reintegration packages should be developed to provide different response to different needs as well as to address both individual and community needs. These packages should not become pull factors for further migration but rather a tool to increase community/government ownership. They should be based on social-economic conditions of countries of origin and resources should be devoted to address conditions of vulnerable persons including unaccompanied minors.
✓ National programmes are still necessary and can be complementary to the EU-funded cooperation projects due to the fact that there are different migration histories of EU Member States with different third countries and also because they are more flexible and can provide quicker response.

Reintegration assistance and development

✓ A significant challenge lies with the synergy of return and reintegration policy and development cooperation. Experience shows that migrants tend to start only "survival businesses" immediately after their return to meet their own and family needs. Development cooperation thus needs to invest in sustainable and structural development programmes.
✓ Reintegration needs to be an integral part of a broader development agenda and thus support for reintegration should be comprehensive.
✓ Development of infrastructure is an important aspect for the sustainability of returns, in which development actors need to be involved.
✓ Links between the reintegration schemes and the local development initiatives need to be supported.

Monitoring and Evaluation

✓ Monitoring and evaluation should be an integral part of return and reintegration programmes. It is important that monitoring focuses on the entire course of the process, from pre-departure to return and reintegration. At the same time, both mid-term and long-term monitoring reflecting the country of return is necessary.
✓ Monitoring requires multiple means (e.g. phone calls, visits) as well as the ability to follow the returnees in case they move around the country. Among the identified good practices can be joint monitoring missions and inclusion of one reintegration project's evaluation into the cycle of the following one.
✓ Evaluating the effectiveness and sustainability of return is very difficult, however, this is a key issue to be taken into consideration. Some people cannot re-migrate or re-move simply due to lack of resources and therefore the absence of further migration following a return should not be considered as the only indicator for sustainability. It is important to figure out how to measure success and sustainability as well as when to measure it.

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