European Migration Network outputs on irregular migration, detention, return and reintegration

EMN Educational Seminar

"Irregular Migration – Borders and Human Rights"

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Introduction

- The EMN Annual Policy Reporting: approach for 2014

- Key findings from the EMN Annual Report 2014.
  - Focus on irregular migration and return

- EMN outputs on return and reintegration
  - EMN Inform: "*Incentives to return to a third country and support provided to migrants for their reintegration*"
  - EMN Inform: "*Practical approaches and good practices in return and reintegration to Afghanistan and Pakistan*"
  - EMN Inform: "*Challenges and good practices in the return and reintegration of irregular migrants to Western Africa*"
  - EMN Study: "*Good practices in the return and reintegration of irregular migrants: MS' entry bans policy and use of readmission agreements between MS and third countries*"

EMN Annual Report on Immigration and Asylum

- Structured broadly reflecting the main six focus areas of the new EU Agenda on Migration
  - Common European Asylum System
  - Unaccompanied minors and other vulnerable groups
  - European Policy on legal migration and integration
  - Securing Europe's external borders
  - Irregular migration and return
  - Actions addressing trafficking in human beings

- Accessible format, use of maps, graphs and icons

Annual Report structure and format

- Focus on <u>significant</u> developments only in the calendar year

- <u>Short sentences</u> and <u>bullet points</u> rather than lengthy text

- Use of <u>icons</u> to highlight significant legal and policy developments

- Use of <u>maps</u> to show where main developments have taken place
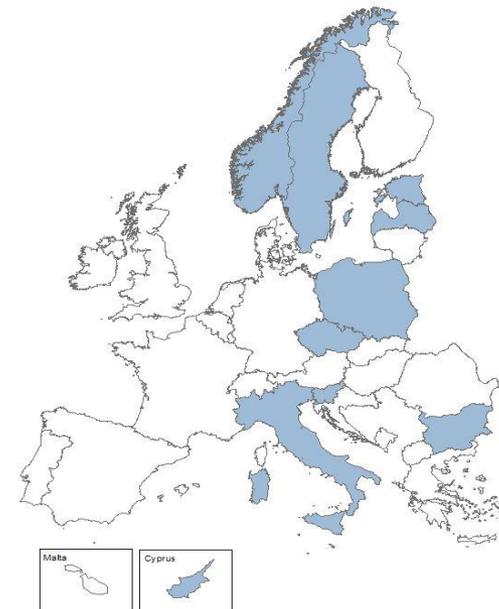
Data collection and synthesis

- National Reports compiled by all EMN NCPs following a common structure
    - all EU MS and NO; DK does not take part in EMN
- Relevant statistics from ESTAT and national sources
    - all key migration and asylum statistics included
- Annual Report synthesises all information collected to provide an EU overview
- Reports on all key aspects of immigration and international protection
    - not (necessarily) to be read from start to finish
    - reference document and one-stop-shop

Irregular migration

- 277,963 irregular entries into the EU (+159% on 2013)
  - highest numbers of refusals at the border reported by:
    - **ES** (172,185) - 66% of the EU total, **PL** (27,687), **UK** (15,905) **HU** (13,195); **FR** (11,365) and **HR** (8,645); **SK** (455)
  - highest numbers of those found to be illegally present:
    - **DE** (128,290); **FR** (96,375); **EL** (73,670) and **UK** (65,365), **SK** (1,155)

- Unprecedented influx of migrants (often facilitated by smugglers) via Central and Eastern Mediterranean routes. Emerging shift to the Western Balkan route.

- Migrants exposed to life threatening risks and violence

Developments to address irregular migration

- Measures to reduce smuggling of migrants in almost half of all MS

- Measures to strengthen prevention
  - National measures
    - Staff training (SK), awareness raising, new organisational arrangements (including ILOs/NLOs)
  - Cooperation measures
    - Support to third countries, e.g. Serbia
    - Cross-border EU cooperation, e.g. FR / UK
    - Collecting intelligence and data, e.g. AT, CZ, HU, SK

- Challenges in monitoring scale and scope of issue and identifying smuggled people
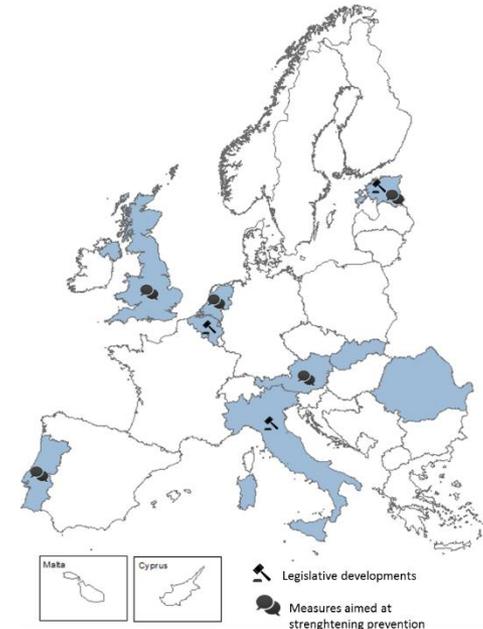
Securing EU's external borders

- New border control measures planned or introduced and **reinforced capacity** of border control staff

- **Training** priorities addressed in the year were:
  - document fraud and forged documents,
  - sea border controls,
  - control of passengers with a special status,
  - stolen vehicles and
  - child abduction.

- New measures were introduced to prevent **misuse / document fraud in relation to legal migration channels**:
  - irregular migration associated with visa liberalisation;
  - family reunification;
  - international student migration

Return

- **397,960** third-country nationals **ordered to leave**
  - highest numbers reported by:
    - **FR** (86,955), **EL** (73,670), the **UK** (65,365) and **ES** (42,150), which represented ~67% of the total EU number. **SK** (925)

- **Returns** amounted to **156,470** (~40% of orders):
  - highest numbers reported by:
    - **UK** (46,610), **EL** (27,055), **FR** (19,525) and **ES** (15,150), which represented over 70% of the total EU number. **SK** (695)

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Developments in Return

- New measures to ensure swift, sustainable and effective returns (common approach)
- Forced returns:
  - Implementation of monitoring systems, including new organisational approaches
  - Inclusion of non-state actors
  - Ensuring exchange of information on entry bans
- Voluntary return:
  - New legislation
    - Limits to time permitted in detention, removal of automatic links with entry-bans, overall to improve regulation of voluntary return
  - New national policies
    - New programmes, new cooperation agreements, application of technology to link consulate staff with immigration offices to facilitate issuing of documents
- Enhanced monitoring and temporary suspensions of return to countries of Western Africa during Ebola virus outbreak

Significant legislative changes in the field of return

EMN Return Experts Group

- EMN Return Expert Group (REG) established as a subgroup in 2014
  - Aim: to create a forum to exchange expertise and good practice on (voluntary) return and to improve implementation of policy
  - A national contact point for the REG was established within the EMN NCP for all Member States except Denmark.
    - Norway also participates in the EMN REG
    - A Member State acts as co-chair (NL) with the Commission
    - Cooperation with relevant international organisations and NGOs plus European Integrated Return Management (EURINT) project and European Reintegration Network (ERIN)

- Outputs in year 1:
  - EMN REG Directory
  - EMN Informs / Briefing papers
    - Incentives to return and reintegration / returns to Afghanistan / Pakistan and West Africa

- Planned outputs year 2
  - EMN REG Directory update
  - EMN Informs / Briefing papers
    - Returns to Eastern Africa and the Western Balkans
    - Guidelines on effective evaluation of return and reintegration programmes

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EMN outputs on return and reintegration

EMN Inform: "_Incentives to return to a third country and support provided to migrants for their reintegration_"

- Based on the review of **96 programmes** implemented by 27 Member States (including NO, not DK and HR)
  - 48 AVRs, 7 for migrants in administrative detentions, 41 reintegration to specific countries or for targeted categories of migrants;

- **EUR 133 million** for a period of twelve months of implementation
- 55% through **ERF** and 45% the national budgets
- In-cash (max) allowances vary: EUR 40 (**CZ**) to EUR 3,300 (**SE**). EUR 140 (**SK**); In-kind ranges between EUR 500 (**BG**) and EUR 6,000 (**DE**, **NO**). EUR 1,400/2,100 (**SK**);

- **Voluntary departure** (54%) and **forced return** (40%) in 2013. AVR effected increased from 14% to 33% over 2009-2013

EMN outputs on return and reintegration

EMN Inform: "*Practical approaches and good practices in return and reintegration to Afghanistan and Pakistan*"

– Both in the top five of countries of origin (2013):
  - 24,500 Pakistani and 24,000 Afghani found illegally present in the EU;
  - 25,860 Pakistani (5.8%, +55%) and 16,545 Afghani (3.7%, -50%) ordered to leave;
  - 12,395 Pakistani (48%, +195%) and 3,500 Afghani (21%, +50%) effectively returned;
  - Most TCNs returned to Afghanistan/Pakistan are adult young men who are either rejected asylum seekers and, to a lesser extent, irregular migrants.
  - Top five MS returning Pakistani: UK, EL, CY, HU, FR;
  - Top five MS returning Afghani: UK, EL, NO, SE, FR;

– Mostly supported through AVR's, a few tailored to these countries:
  - Number of Pakistani granted reintegration assistance increased from 289 to 1,243
  - Number of Afghani granted reintegration assistance increased from 622 to 1,111

– The provision of information about AVR works well. However, the decision to return is dependent on other (broader) factor

EMN outputs on return and reintegration

EMN Inform: "*Challenges and good practices in the return and reintegration of irregular migrants to Western Africa*"

- – Scale of the phenomenon:
  - • Focus on 10 countries: Nigeria, Senegal, Mali, Ghana, Ivory Coast, Gambia, Mauritania, Cape Verde, Guinea-Bissau and Sierra Leone;
  - • 124,940 asylum seekers were Western Africa nationals (8%). Top-two countries of origin: **Nigeria** (49,330) and **Mali** (15,295);
  - • 176,840 originating from Western Africa found to be irregularly staying. 210,180 ordered to leave: decrease by 24% (49,010 in 2009 to 37,340 in 2013). 8.7% of the EU total;
  - • 43,135 returned: decrease by 15% (9,420 in 2009 to 7,965 in 2013). 4.3% of the EU total. **Nigeria** and **Ghana** top two nationalities, counting for 74% of returns;
  - • **UK, ES, FR, NL** and **IT enforced 81%** of returns. 5 returned to Nigeria from SK.

- – All eligible for AVR's, a few tailored programmes for the region:
- – The provision of information about AVR may influence the decision. However, other (broader) factor do play a role
- – Good practices: involve diaspora / local service providers, tailor support, employment perspectives, analyse migration dynamics

EMN outputs on return and reintegration

EMN Study: "*Good practices in the return and reintegration of irregular migrants: MS' entry bans policy and use of readmission agreements between MS and third countries*"

- Scale of the phenomenon (2013):
  - Most entry bans in 2013 imposed by **EL** (52,619), **DE** (16,100), **ES** (13,435) and **SE** (10,392); SK (492);
  - Most entry bans withdrawn by **EL** (91,831), **HU** (1,109), **PL** (693) and **LT** (512) following compliance with a return decision;
- Automatic re-entry bans for forced returns (art. 11(1) Return Directive);
  - Case-by-case for voluntary (BE, BG, CY, DE, EE, FR, HU, LT, LU, LV, MT, NL, NO, PL, SK);
  - Some MS do not impose re-entry bans in case of voluntary return (ES, FI, SE, SI);
  - Some vulnerable categories normally excluded (e.g. minors and unaccompanied minors);
  - Most MS impose entry bans covering the entire Schengen Area;
- Good practices in terms of cooperation (e.g. ILO's, coordination units),
- Practical issues limit effectiveness (e.g. non-systematic use of SIS, cooperation);
- EURAs useful instruments in supporting effective return policies:
  - The share of readmission applications receiving a positive reply between 60 and 100%;
- Difficult to draw conclusions on the effectiveness of entry bans:
  - Re-apprehended irregular migrants between 10% and 20% in some MS;
  - Entry bans may be ineffective as they hinder cooperation of irregular migrants.

Thank you!

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