



# ***“Programmes and Strategies in the EU Member States fostering Assisted Return to and Reintegration in Third Countries”***

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**European Migration Network**

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This Synthesis Report summaries the main findings of the National Reports for the EMN Study on *Programmes and Strategies in the EU Member States fostering Assisted Return to and Reintegration in Third Countries* undertaken by EMN National Contact Points from 22 Member States (**Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Malta, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom**).

The purpose of this study was to map the different forms of Assisted Return that are in place in the EU Member States, thereby facilitating a comparative analysis and providing a basis to support any further policy development at national and EU level that might be undertaken. It does this by outlining *inter alia* the various approaches of Assisted Return programmes of the Member States in order to identify lessons learned, best practices and possible synergies to further develop and improve Assisted Return programmes in the EU.

The Synthesis Report, as well as the National Reports upon which this synthesis is based, are available from <http://www.emn.europa.eu>. Several of the National Reports are available in the Member States' national language, as well as in English.

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### **Disclaimer**

This Report has been produced by the EMN Service Provider (GHK-COWI), in cooperation with the European Commission and the 22 EMN National Contact Points (EMN NCPs) participating in this activity. This report does not necessarily reflect the opinions and views of the EMN Service Provider (GHK-COWI), the European Commission, or of the EMN National Contact Points, nor are they bound by its conclusions.

### **Explanatory Note**

The 22 EMN National Contact Points who participated in this activity were from **Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom.**

The Member States mentioned above are given in bold when mentioned in the report and when reference to "Member States" is made, this is specifically for these Member States.

EMN NCPs from other Member States could not, for various reasons, participate on this occasion, but have done for other EMN activities reports.

## Executive Summary

The Study on *Programmes and Strategies in the EU Member States fostering Assisted Return to and Reintegration in Third Countries* was undertaken by EMN National Contact Points from 22 Member States (**Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Malta, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom**).

The aim of the study ([Section 1](#)) was to map the different forms of Assisted Return that are in place in the EU Member States, thereby facilitating a comparative analysis and providing a basis to support any further policy development at national and EU level that might be undertaken. The study compares the various approaches of Assisted Return programmes of the Member States in order to identify lessons learned, best practices and possible synergies to further develop and improve assisted return programmes in the EU and represents the situation up to mid-2010.

The study compares the various forms of return and definitions used ([Section 2](#)), primarily discerned on the basis of whether: the returnee has a valid permit or not (i.e. illegally resides in the Member State); is subject to a return decision or not, which relates to the previous; returns on their own free will; and/or the return process is assisted. As the focus of the study lies with the *assistance* provided to those third-country nationals returning to and re-integrating in a third country, an overview is first given of the different forms of *Assisted and Non-Assisted Return* ([Table 1](#)), i.e. Assisted Voluntary Return; Assisted Voluntary Departure; Assisted Forced Return; Independent Voluntary Return (i.e. a form of Non-Assisted Return) and Independent Voluntary Departure (again a form of Non-Assisted Return). The key features/elements of each form of Assisted or Non-Assisted Return and the groups of third-country nationals to which it may apply are described. Subsequently, the different forms of Assisted Return as foreseen in Member State policies and programmes were analysed in the context of whether they incorporate one or more of the forms of Assisted Return outlined above and, if this is the case, what concepts they use to refer to them. In view of the fact that a wide range of different terms/labels are used across the EU when referring to, for example, Assisted Voluntary Departure or Assisted Voluntary Return, the more general term “Assisted Return” is used when discussing the (different types of) assistance programmes or projects in the Member States, rather than the national concepts.

In relation to data on Assisted Return ([Section 3](#)), overall trends on Assisted Return for 2004 – 2008 differ greatly, with Member States indicating decreasing (**Estonia, Finland, Germany**), increasing (**Austria, France, Malta, Poland, Sweden**), stable (**Hungary, Slovak Republic**), or varying trends (**Czech Republic, Belgium, Ireland, Netherlands, Portugal, Spain**). No definitive trends can be observed for **Greece, Italy, Latvia and Slovenia**. Overall, the most prominent nationalities using Assisted Return are from Brazil, China, Georgia, Iraq, Moldova, Nigeria, Russian Federation, Serbia and Montenegro, Turkey and Ukraine. The main destination countries for Assisted Return are clearly affected by factors, such as historical and cultural ties between the Member State and third countries (e.g. **Italy, Portugal, Spain, United Kingdom**) or having an external EU border (e.g. **Greece, Italy, Lithuania, Poland and Spain**). With regard to the profile of returnees, most are of working age and male (**Austria, Czech Republic, Germany, Ireland, Netherlands, Portugal, Slovak Republic and United Kingdom**). In **Estonia and France**, female returnees were in the majority. While there have been decreasing trends in Forced Return in some Member States, when compared to Assisted Return, Forced Return still occurs more frequently in

many Member States (**Finland, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Malta, Netherlands, Poland, Slovak Republic, Spain, United Kingdom**).

With regard to the political and legal framework on Assisted Return ([Section 4](#)), the majority of Member States (**Austria, Belgium, Czech Republic, France, Germany, Hungary, Italy, Malta, Netherlands, Poland, Portugal, Slovenia, Spain, Sweden and United Kingdom**) view return policy as an essential component of an effective asylum and immigration policy. The national political debates in relation to return policy revolved around a variety of different issues between Member States, from potential future measures in **Estonia, Greece, Latvia and Lithuania** to the role of Assisted Return in ensuring an effective migration policy in **Italy, Netherlands and Sweden**. In almost all Member States (**Austria, Belgium, Czech Republic, France, Hungary, Italy, Netherlands, Poland, Portugal, Slovak Republic, Spain, Sweden, United Kingdom**), Assisted Return is regulated ([Section 4.1](#)) within the context of an existing national legal framework. Generally, the legal basis can be found in one of the following types of national laws: *Foreigners' Residence Act/Law* or *Aliens Act/Law* (**Czech Republic, Hungary, Netherlands, Poland, Portugal, Slovak Republic, Spain, Sweden**), *Asylum Act/Law* (**Austria, Czech Republic, Hungary, Portugal, Slovak Republic, United Kingdom**), *Immigration Act/Law* (**Italy, United Kingdom**) and *Remigration Act* (**Netherlands**). There is no legal framework for Assisted Return in **Estonia, Germany, Greece, Finland, Ireland, Latvia, Lithuania, Malta and Slovenia**.

There is limited information on whether and how European return policy and legislation has been implemented and transposed and their impact at Member State level ([Section 4.2](#)). While all Member States fund (part of) their actions in relation to Assisted Return through the European Return Fund, two different approaches can be discerned. On the one hand, some Member States (**Austria, Belgium, France, Germany, Italy, Netherlands, Poland, Portugal, Slovak Republic, Spain, Sweden, United Kingdom**) with established legislative frameworks or programmes for Assisted Return, use European financial programmes to strengthen their existing programmes on, for example, information campaigns, improved reintegration projects/packages and improved diplomatic relations. On the other hand, Member States (**Estonia, Finland, Greece, Hungary, Latvia, Lithuania, Malta**) in which the legislative framework was not yet implemented, or was of a recent nature and where there were no or few return programmes in place, use European funding to establish pilot projects. These are often set up and implemented with or by the IOM in the Member State and focus primarily on facilitating Assisted Return, through the improvement of the conditions of return and additional counselling prior to return. Less emphasis is placed on reintegration measures.

The overview of Assisted Return measures ([Section 5](#)) starts with the overall role that governments and implementing partners play in the organisation and implementation of Assisted Return. In most Member States (**Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom**), the government, and its related institutional bodies, play a key role in the organisation of Assisted Return. In **Austria, Belgium, Czech Republic, Estonia, Finland, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, United Kingdom** the implementation of most aspects of Assisted Return was outsourced to an implementing partner, mostly to the IOM or an NGO. **France** is the only Member State where the government was the sole implementer of Assisted Return, via the *French Office for Immigration and Integration* (OFII). With regard to those Member States who rely on implementing partners for Assisted Return programmes, the IOM plays a key role.

The following motives and perceptions ([Section 5.2](#)) were given for Assisted Return programmes: cost-effectiveness compared with Forced Return (**Austria, Belgium, Finland, Germany, Greece, Ireland, Latvia, Lithuania, Malta, Netherlands, Poland, Spain, Sweden, United Kingdom**); humane and dignified return (**Austria, Belgium, Estonia, Finland, Germany, Hungary, Ireland, Italy, Lithuania, Malta, Poland, Slovak Republic, Spain, Sweden, United Kingdom**); and sustainability (**Austria, Italy, Lithuania, Malta, Slovak Republic, Slovenia, Spain, Sweden**), or a combination of these motives. **Italy, Lithuania, Spain** and **United Kingdom** also emphasised that Assisted Return programmes created better diplomatic relations with receiving third countries. Migrants' motives for making use of Assisted Return programmes were identified as a concomitance of factors, including the inability to integrate in the Member State and "the loss of legal status," social and logistical factors (**Austria, Italy, Lithuania, Malta, Netherlands, Spain**), economic conditions (**Ireland, Italy, Latvia, Lithuania, Netherlands, Portugal**), family reunification in the country of return (**Austria, Latvia, Lithuania, Netherlands, Spain, United Kingdom**), the long duration of the asylum procedure (**Lithuania**), the willingness to contribute to the development of the country of origin and changes to the situation in the country of origin (**Spain**). As to obstacles to return, these were limited public funding of Assisted Return measures or budgetary priorities limiting the expansion of assisted return programmes (**Germany, Ireland, Lithuania, Poland**); the lack of cooperation between Member States and countries of return (**Austria, Italy, Malta, Slovak Republic, Slovenia, Sweden, United Kingdom**); and rumours of an amnesty (**Belgium, Italy, Netherlands, United Kingdom**). In addition to these obstacles at policy or organisational level, personal obstacles were also identified as deterrents to participation in Assisted Return. For example, the potential (cultural and social) loss of face (**Belgium, Germany, Greece, Ireland, Lithuania, Malta, Netherlands, Slovenia, Sweden, United Kingdom**), the fear to be banned from the EU (**Italy**) and concerns with the situation in the country of origin (**Austria, Germany, Ireland, Italy, Netherlands, Spain, United Kingdom**).

National measures ([Section 5.4](#)) were mapped across the different stages comprising Assisted Return, i.e. pre-return, transportation and post-return. Organisation of these measures is considered to be fundamental for the successful implementation of Assisted Return, as well as for the sustainability of these programmes. In all Member States, *the pre-return stage* consists of information dissemination and counselling on return, country of return specific information, health assistance (medical screening and documentation, health care), and transport assistance (pre-return assistance, travel allowances and reinstallation grants). All Member States provided information on measures implemented during *the transportation stage*. These include transport (movement coordination, transit assistance, escort assistance, unaccompanied baggage, documents and formalities) and health-related assistance (pre-embarkation medical checks and medical escorts). With regard to measures exercised at *the post-return stage*, nearly all Member States provide assistance to migrants upon return. These include reception, inland transportation, health-related support, plus provision of reintegration grants and further reintegration assistance. On the costs of Assisted Return, many Member States (**Austria, Belgium, Czech Republic, Finland, France, Hungary, Ireland, Italy, Malta, Netherlands, Poland, Portugal, Spain, Sweden, United Kingdom**) give information on financial support provided for Assisted Return and travel costs. In general, the average unit cost for Assisted Return was much lower than the average cost of Forced Return.

With regard to Reintegration and Sustainability of Return ([Section 6](#)), **Austria, Belgium, Germany, Italy, Latvia, Lithuania, Netherlands** and **Portugal** provide *financial allowances* to third-country nationals to assist them in the initial stages post return. **Austria, Belgium, Czech Republic, France, Ireland, Lithuania, Poland, Spain, Sweden** and



**United Kingdom**, also provide financial support to assist in the reintegration of the returnees in their country of return. In **Estonia, Finland** and **Slovenia**, practically no reintegration measures were implemented. Concerning *counselling services* provided in particular with regard to post return, some implementing partners of Assisted Return measures in **Austria, Finland, Germany, Lithuania, Malta, Poland, Portugal, Slovenia, Sweden** and **United Kingdom**, provide such facilities to returnees in their country of return. Furthermore, **Belgium, Finland, France, Germany, Netherlands** and **Spain** continue their national counselling services post-departure, although, on the whole, post-return counselling is not regularly provided by Member States. In order to reintegrate the returnees in their country of return, many Member States (**Austria, Belgium, Finland, France, Hungary, Latvia, Lithuania, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom**) have measures in place to provide these individuals with *training and/or other vocational development opportunities*. Programmes in **Austria, Belgium, Finland, Germany, Hungary, Italy, Latvia, Lithuania, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain** and **United Kingdom** provide returnees with the opportunity to *develop their own business* in their country of return. Finally, **Austria, Belgium, France, Ireland, Spain** and **Slovak Republic** provide *material support* to third-country nationals returning to their country of return under their Assisted Return programmes. In relation to measures to promote the *Sustainability of Return*, i.e. to ensure that return is of a lasting nature, it was evident that these do not constitute a standard element of Assisted Return programmes in many Member States. Four important types of actions to promote sustainability can be deduced from Member State policies in this area, namely cooperation with implementing partners; providing counselling services in the country of return; monitoring and evaluation; and re-entry bans imposed by some Member States on returnees who participated in Assisted Return measures.

A compilation of best practices and lessons learned ([Section 7](#)) as identified by Member States are given. These include: clarity assurance in policy measures (e.g. to ensure that third-country nationals are clearly informed about the content and procedures of Assisted Return); individual circumstances and considerations to participate in Assisted Return programmes; dissemination of information on Assisted Return programmes; counselling needs; differentiated incentives, as returnees have different needs; and awareness raising and outreach activities. Additionally, though many of the above themes also relate to best practices and lessons learned with regard to reintegration measures, some further issues were outlined concerning bilateral cooperation with third states and sustainability measures.

Finally, the concluding remarks ([Section 8](#)) sums up the key findings of and challenges identified by the study and further highlights aspects for policymakers and other stakeholders concerned with the further development of Assisted Return measures.

## 1. INTRODUCTION

The [European Migration Network \(EMN\)](#)<sup>1</sup> was established through [Council Decision 2008/381/EC](#) and serves to provide up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the EU. It also provides this information to the general public.

In accordance with this aim, a study on “*Programmes and Strategies in the EU Member States fostering Assisted Return to and Reintegration in Third States*” was undertaken by twenty-two EMN National Contact Points (EMN NCPs) from **Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Malta, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom.**

### 1.1 Purpose

The aim of the study was to map the different forms of Assisted Return that are in place in the EU Member States, thereby facilitating a comparative analysis and providing a basis to support any further policy development at national and EU level that might be undertaken. The study compared the various practices of Assisted Return programmes of the Member States, as well as the various strategies and approaches for Assisted Return, including incentives and barriers for sustainable return and re-integration in the country of return. It also identified lessons learned, best practices and possible synergies to further develop and improve Assisted Return programmes in the EU.

The study complements the previous EMN study on [Return Migration](#).<sup>2</sup> Although the scope here is narrower, as it focuses only on Assisted Return in the EU Member States, it is presented in more detail and more comprehensively as twenty-two Member States were involved for this study.

Other related reports and studies in the field of return include:

- Two studies to be undertaken in 2011 within the context of Community Actions under the European Return Fund, one of the Monitoring of Forced Return and another on the

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<sup>1</sup> More information on the EMN, including its outputs, is available from the EMN website: <http://www.emn.europa.eu>.

<sup>2</sup> See [http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do?entryTitle=09\\_RETURN Migration](http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do?entryTitle=09_RETURN Migration).

Situation of Minors with respect to the Return Directive. A further study on Reintegration is also planned;

- A study under preparation by the Fundamental Rights Agency (FRA) as part of its [Annual Work Programme 2009](#) on return migration, entitled "*Protecting, respecting and promoting the rights of irregular immigrants in voluntary and involuntary return procedures.*";
- An OECD report, in its [International Migration Outlook 2008](#), with a specific section (Part III) on "*Return Migration: A New Perspective*";
- Quantitative and qualitative studies dealing with return produced by [Hailbronner and Gehrke](#) (2005) and by [the IOM](#) (2004)<sup>3</sup>; and
- With regard to the situation in third countries, for the Maghreb, reports produced by the [MIREM project](#) are also useful references.

The purpose of this Synthesis Report is to provide an overview, and highlight within an EU perspective, the findings of twenty-two EMN NCPs (**Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Malta, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom**) with respect to the approaches to Assisted Return, the definitions used, the legal framework, the strategies and political debates centred around return, motives, perceptions and barriers to Assisted Return and the strategies implemented to overcome obstacles. A comparative overview of Reintegration, the organisation thereof, its effectiveness and sustainability is then given. The conclusions consider the lessons learned and possible best practices identified with regard to Assisted Return and Reintegration programmes of the EU Member States.

As the Reintegration aspect of Assisted Return is a rather new phenomenon in various Member States, this Synthesis Report also brings new information and added value to policies and practices related to Reintegration measures.

Finally, comments in this report refer to the situation in these Member States as reported by these EMN NCPs and representing the situation up to mid-2010. This approach also means that not all Member States may be mentioned in each (sub-)section, although, to the extent

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<sup>3</sup> IOM (2004): Return Migration. Policies and Practices in Europe, Geneva, available from [www.ch.iom.int/fileadmin/media/pdf/publikationen/return\\_migration.pdf](http://www.ch.iom.int/fileadmin/media/pdf/publikationen/return_migration.pdf).

possible, comparisons and contrasts between Member States are given. However, more detailed information on the situation within a particular Member State can be found in each [National Report](#), and one is strongly recommended to consult these also, in order to have a comprehensive overview of the situation in a particular Member State.

## 1.2 Policy context

Return has been an integral, component part of the EU's and its Member States migration policy, including from the Tampere Programme. More recently, the European Pact on Immigration and Asylum<sup>4</sup> gives the current framework for the further development of EU return policy. One of its five commitments is to “*control illegal immigration in particular by ensuring that illegal immigrants return to their countries of origin or to a transit country.*” On this basis, the European Council reaffirmed its determination to control illegal immigration and recalled its attachment to the effective application of three basic principles:

- (i) Greater co-operation between Member States and the Commission and the countries of origin and of transit in order to control illegal immigration under the Global Approach to Migration is a necessity;
- (ii) Illegally staying migrants on Member States' territory must leave that territory. Each Member States undertakes to ensure that this principle is effectively applied with due regard to the law and for the dignity of the persons involved, giving preference to voluntary return, and each Member State shall recognise the return decisions taken by another Member State;
- (iii) All States are required to readmit their own nationals who are staying illegally on the territory of another State.

The [Stockholm Programme](#), adopted in December 2009, welcomed the Commission's initiative to develop an Action Plan on this issue which supplements the relevant legislative and financial instruments and combines measures directed at prevention, protection and Assisted Return. The emphasis on Voluntary Return [Assisted Return] was further elaborated

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<sup>4</sup> Available from <http://www.consilium.europa.eu/App/NewsRoom/related.aspx?bid=86&grp=16875&lang=EN&id=352>. See also <http://register.consilium.europa.eu/pdf/en/08/st13/st13440.en08.pdf>

in the Stockholm Programme where the European Council stated that to combat illegal immigration, the focus should *inter alia* be placed on: “*encouraging of voluntary return, including through the development of incentive systems, training, reintegration and subsidies, and by using the possibilities offered by existing financial instruments.*”

On June 3-4 2010, the Justice and Home Affairs (JHA) Council adopted a set of conclusions on the follow-up to the European Pact on Immigration and Asylum.<sup>5</sup> The JHA conclusions *inter alia* referred to “*Effective return and readmission of illegally staying third-country nationals, in particular through adequate agreements and cooperation with key countries of origin and transit are main priorities.*” The JHA Council conclusions also stated that “*the sensitive issue of unaccompanied minors needs careful attention. A comprehensive response at Union level should combine prevention, protection and assisted return measures, while taking into account the best interests of the child.*”<sup>6</sup>

Moreover, the consequent Action Plan implementing the Stockholm Programme<sup>7</sup> and the Commission’s Work Programme 2011 foresees a Communication in 2011 on the evaluation of the common policy on return and on its future development.

In terms of EU *acquis*, which is detailed further in [Section 4.2](#), 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<sup>8</sup> (“Return Directive”) highlights the importance of the possibility to return voluntarily, stipulating that “*in order to promote voluntary return, Member States should provide for enhanced return assistance and counselling and make best use of the relevant funding possibilities offered under the European Return Fund.*”

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<sup>5</sup> <http://www.consilium.europa.eu/App/NewsRoom/related.aspx?bid=86&grp=16875&lang=EN&id=352> and <http://register.consilium.europa.eu/pdf/en/10/st10/st10302.en10.pdf>

<sup>6</sup> Covered in more details in the EMN Study on UAMs available from [http://emn.sarenet.es/Downloads/prepareShowFiles.do?entryTitle=05\\_Reception, Return and Integration Policies for, and numbers of, UNACCOMPANIED MINORS](http://emn.sarenet.es/Downloads/prepareShowFiles.do?entryTitle=05_Reception,_Return_and_Integration_Policies_for_and_numbers_of_UNACCOMPANIED_MINORS).

<sup>7</sup> COM(2010) 171 final, available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0171:FIN:EN:PDF>

<sup>8</sup> Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008L0115:EN:NOT>.

### 1.3 Methodology

The EMN does not normally engage in primary research, but rather collects, gathers and evaluates data and information which are already available. Most of the elements needed to draft this study were publicly available. Therefore, and in accordance with this usual practice, desk analysis was undertaken, mostly based on existing reports, studies, literature reviews and statistics available from State authorities (Ministry Departments, Border Guard authorities), academia, the International Organisation for Migration (IOM) or NGOs (e.g. Caritas). In addition, **Austria, Finland, Latvia, Netherlands, Lithuania, Poland, Portugal and Slovak Republic** conducted interviews with State authorities, the IOM and NGOs, whilst others (**Austria, Czech Republic and Slovenia**) also conducted interviews with experts. **Germany** gathered information on regional return assistance through a standardised questionnaire, which was distributed among the units competent for return in the 16 Ministries of the Federal States (*Länder*).

In general, most EMN NCPs did not encounter any obstacles in undertaking the study or in obtaining relevant data. A few Member States (**Finland, Greece, Latvia, Portugal**) did, however, face problems with regard to their statistical data. **Finland**, for example, could only provide statistics for the IOM-assisted Assisted Voluntary Return cases. In **Latvia**, it is cumbersome for the *Office of Citizenship and Migration Affairs* to summarise data on countries of return of those third-country nationals who have received return decisions because it is not known to which country a particular third-country national will depart to. All Member States are able to provide data disaggregated by nationality. Some Member States were not able to provide statistics disaggregated by age, gender, qualifications and/or employment (**Czech Republic, Belgium, Greece, Hungary, Italy, Poland, Slovenia, Spain**). **Estonia** and **Slovenia** experienced difficulties with the language translation of their national return definition and concepts. As addressed further in [Section 2](#), **Italy** stressed the difficulty of defining a common concept for “return” in various international arenas, such as the European Union and the IOM.

## 2. DEFINITIONS AND FORMS OF ASSISTED RETURN

The terminology used by different actors in the context of Voluntary and/or Assisted Return is not always clear and misunderstandings about what is "voluntary" are frequent. Therefore, the common specifications to the study identified four different scenarios in relation to "Assisted Return":

- **Scenario 1:** A third-country national who has a valid permit or authorisation to stay in a Member State returns to a third country on his/her own free will and there is no obligation for him/her to leave ("*Voluntary Return*" as defined in the EMN Glossary<sup>9</sup>);
- **Scenario 2:** A third-country national who does not have a valid permit or authorisation to stay in a Member State but goes back to a third country before being apprehended/detected by the authorities;
- **Scenario 3:** A third-country national who does not have a valid permit or authorisation to stay in a Member State and who is already subject to a Return Decision, decides to comply voluntarily with the obligation to return ("*Voluntary Departure*" under the "Return Directive");
- **Scenario 4:** The same as Scenario 3, but the obligation to return must be enforced by means of physical transportation out of the Member State ("*Forced Return*" as defined in the EMN Glossary).

The EMN NCPs were requested to cover Scenarios 1, 2, and 3 in their National Report and principally for Assisted Return to and Re-integration in a third country. However, various Member States also addressed Scenario 4.

While the above mentioned Scenarios are useful to discern the different forms of return and outline what these consist of, each of the Scenarios (except for Scenario 2) is captured by a concept of return as defined in the EMN and/or IOM Glossaries. The concepts of return are further elaborated below.

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<sup>9</sup> Available at <http://emn.intrasoft-intl.com/Glossary/index.do>.

## 2.1 Definition of relevant terms used in this study

This section outlines the concepts and definitions, as per the EMN Glossary and the definitions and terms used in this study.

- Country of Return refers to a third country (country of origin, transit or other). In most cases, it is the country of origin to which a return is made, but this definition is used here in order to indicate other (possible) destinations.
- Returnee refers to a non-EU/EEA (i.e. third country) national migrant who moves to Country of Return, whether voluntary or forced.
- Return, in a wider context and as per the IOM's definition, refers to "the movement of a person returning to his/her country of origin, country of nationality or habitual residence usually after spending a significant period of time (i.e. excluding holiday visits, business meetings and typically considered to be for a period of time more than three months) in another country. This return may or may not be voluntary."
- Voluntary Return is defined by the IOM as "the assisted (in which case it would be Assisted Voluntary Return) or independent return to the country of return, transit or third country, based on the free will of the returnee."
- Assisted Voluntary Return refers specifically to the provision of (logistical, financial and/or other material) assistance for the Voluntary Return of a returnee. Assisted Voluntary Return is a narrower term of Voluntary Return. Often (financial) support is provided by a Member State, either directly or via funding of other entities. The European Return Fund is also another source of funding."
- Voluntary Departure derives from the Directive 2008/115/EC and "means compliance with the obligation to Return within the time-limit fixed for that purpose in a Return Decision." The Pact uses similar wording. Thus, this is different from Voluntary Return as with Voluntary Departure, ultimately there will be an obligation to return. One can therefore question if 'Voluntary' is a truly qualified term if the consequence of not returning to the third country would be forced return measures.



- Forced Return is defined as per the IOM's 2004 Glossary of Migration, i.e. "the compulsory return of an individual to the country of origin, transit or third country [country of return], on the basis of an administrative or juridical act."
- Removal is defined as the enforcement of a Forced Return decision.
- Return Decision means an administrative or judicial decision or act, stating or declaring the stay of a third country national to be illegal and imposing an obligation to return.
- Removal order means an administrative or judicial decision or act ordering the removal.
- Re-entry ban means an administrative or judicial decision or act preventing re-entry into the territory of the Member States.

## 2.2 The identification and definition of different forms of Assisted Return

There are different forms of return and definitions of return. These are primarily discerned here on the basis of whether:

- The returnee has a valid permit or authorisation to stay in the Member State, or not;
- The returnee is subject to a return decision or not, which relates to the above;
- The returnee returns out of his/her free will;
- The return process is assisted.

As the focus of the Study was the *assistance* provided by Member State authorities and/or their partner organisations to those third-country nationals returning to and integrating in a third country, [Table 1](#) presents the different forms of *Assisted and Non-Assisted Return*. The Table includes the key features/elements of each form of Assisted or Non-Assisted Return and the groups of third-country nationals to which it may apply.

**Table 1: Different forms of Assisted Return: Terminology, key features and categories of third-country nationals to which these apply**

	Assisted Return			Non-Assisted Return	
The forms of return which could be assisted or not	Assisted Voluntary Return	Assisted Voluntary Departure	Forced Return involving, for example, economic assistance	Independent Voluntary Return	Independent Voluntary Departure
Key features	<p><b>Third-country national:</b></p> <ul style="list-style-type: none"> <li>- Has a valid permit/authorisation to stay in Member State*</li> <li>- Is not subject to return decision/obligation to leave</li> <li>- Returns to third country on own free will</li> </ul> <p><b>Authorities:</b></p> <ul style="list-style-type: none"> <li>- Assist this act of voluntary return</li> </ul>	<p><b>Third-country national:</b></p> <ul style="list-style-type: none"> <li>- Does not have a valid permit/authorisation to stay in Member State (or is about to lose it)</li> <li>- Is/will soon be subject to return decision/obligation to leave</li> <li>- Voluntarily complies with return decision</li> </ul> <p><b>Authorities:</b></p> <ul style="list-style-type: none"> <li>- Assist this act of voluntary departure</li> </ul>	<p><b>Third-country national:</b></p> <ul style="list-style-type: none"> <li>- Does not have a valid permit/authorisation to stay in Member State<sup>7</sup></li> <li>- Is subject to return decision/obligation to leave</li> <li>- Does not comply with return decision</li> </ul> <p><b>Authorities:</b></p> <ul style="list-style-type: none"> <li>- Forcefully return the individual</li> <li>- Assist beyond the purchase of flight ticket and the (elementary) organisation of the return journey</li> </ul>	<p><b>Third-country national:</b></p> <ul style="list-style-type: none"> <li>- Has a valid permit/authorisation to stay in Member State</li> <li>- Is not subject to return decision/obligation to leave</li> <li>- Returns to third country on own free will</li> </ul> <p><b>Authorities:</b></p> <ul style="list-style-type: none"> <li>- Does not assist this act of voluntary return as third-country national independently returns</li> </ul>	<p><b>Third-country national:</b></p> <ul style="list-style-type: none"> <li>- Does not have a valid permit/authorisation to stay in Member State</li> <li>- Is subject to return decision/obligation to leave</li> <li>- Voluntarily complies with return decision</li> </ul> <p><b>Authorities:</b></p> <ul style="list-style-type: none"> <li>- Does not assist this act of voluntary departure as third-country national independently returns</li> </ul>
Third-country nationals for which the form of Assisted Return may apply	<ul style="list-style-type: none"> <li>- Third-country nationals – refugee status and other forms of international protection (e.g. subsidiary protection)</li> <li>- Third-country nationals - residence / work permit not linked to a future decision</li> <li>- Third-country nationals – applicants for international protection</li> </ul>	<ul style="list-style-type: none"> <li>- Third-country nationals – first instance / appeal rejections</li> <li>- Third-country nationals – final return decision</li> <li>- Third-country nationals without valid permit/authorisation to stay in Member State</li> </ul>	<ul style="list-style-type: none"> <li>- Third-country nationals – first instance / appeal rejections</li> <li>- Third-country nationals – final return decision</li> <li>- Third-country nationals without valid permit/authorisation to stay in Member State</li> </ul>	<ul style="list-style-type: none"> <li>- Third-country nationals – refugee status and other forms of international protection (e.g. subsidiary protection)</li> <li>- Third-country nationals - residence / work permit not linked to a future decision</li> <li>- Third-country nationals – applicants for international protection</li> </ul>	<ul style="list-style-type: none"> <li>- Third-country nationals – first instance / appeal rejections</li> <li>- Third-country nationals – return decision</li> <li>- Third-country nationals without valid permit/authorisation to stay in Member State</li> </ul>

\*This could hence include the authorisation to stay during a pending asylum procedure.

While [Table 1](#) presents a *theoretical* distinction between the different forms of Assisted and Non-Assisted Return, *de facto* there will be overlaps. For example, third-country nationals who have received a negative first instance decision regarding their asylum application may decide to return to their country of origin on their own free will. Depending on whether the individual is perceived as lawfully residing in the country (e.g. because he/she can still file appeal) or not (a return decision accompanied the negative first instance decision), his/her Assisted Return can be perceived as Assisted Voluntary Return or Assisted Voluntary Departure.

The next Section explores the extent to which these different forms of Assisted Return are present in Member State policies and programmes, and, if this is the case, whether the official concepts are used.

### **2.3 Overview of different forms of Assisted Return and corresponding definitions**

Using the terminology outlined in [Section 2.1](#), [Table 2](#) below gives a comparative overview of the different forms of Assisted and Forced Return that exist in the Member States. A similar table, which gives each Member State's terminology in their national language(s), is given in the [Annex](#).

In view of the fact that a wide range of different terms/labels are used across the EU when referring to, for example, Assisted Voluntary Departure or Assisted Voluntary Return as defined in [Section 2.1](#), the more general term "Assisted Return" was used for this study when discussing the (different types of) assistance programmes or projects in the Member States, rather than the national concepts. Also a distinction between terms from [Section 2.1](#), which are underlined, and terms used in the Member States, which are given in "...", is used in the remainder of this report.

**Table 2: Overview of different forms of Assisted and Forced Return that exist in the Member States (see also [Annex](#) for terminology in national language(s) of the Member States)**

<b>Member State</b>	<b>Assisted Voluntary Return</b>	<b>Assisted Voluntary Departure</b>	<b>Forced Return</b>
<b>Austria</b>	<i>Voluntary Return</i> <i>Assisted Voluntary Return</i>	<i>Voluntary Return</i> <i>Assisted Voluntary Return</i>	<i>Removal</i>
<b>Belgium</b>	<i>Voluntary Return</i>	<i>Voluntary Return</i>	<i>Forced Return</i>
<b>Czech Republic</b>	<i>Assisted Voluntary Return</i> <i>Voluntary Return</i>	<i>Assisted Voluntary Return</i> <i>Voluntary Return</i>	<i>Judicial Expulsion</i> <i>Administrative Expulsion</i>
<b>Germany</b>	<i>Voluntary Return or Secondary Movement</i> <i>Assisted Return</i> <i>Assisted Voluntary Return</i>	<i>Voluntary Return</i> <i>Voluntary Departure</i> <i>Assisted Return</i>	<i>Forced Return</i> <i>Removal</i>
<b>Estonia</b>	<i>(Assisted) Voluntary Return</i>	<i>(Assisted) Voluntary Return</i>	<i>Expulsion</i>
<b>Spain</b>	<i>Assisted Return based on humanitarian grounds</i> <i>Assisted Return with reintegration</i> <i>Assisted Return for unemployed third-country nationals</i>	<i>Assisted Return based on humanitarian grounds</i> <i>Assisted Return with reintegration</i>	<i>Expulsion</i>
<b>Finland</b>	<i>Voluntary Return</i> <i>Assisted Voluntary Return</i>	<i>Voluntary Return</i> <i>Assisted Voluntary Return</i>	<i>Forced Return (Judicial and Administrative Expulsion)</i>
<b>France</b>	<i>Assisted Humanitarian Return<sup>10</sup></i>	<i>Assisted Voluntary Return</i>	<i>Forced Return</i>
<b>Greece</b>	-	-	<i>Deportation</i>
<b>Hungary</b>	<i>Assisted Voluntary Return</i>	-	<i>Removal</i>
<b>Ireland</b>	<i>Voluntary Return with Administrative Assistance</i> <i>Assisted Voluntary Return with IOM</i>	<i>Voluntary Return with Administrative Assistance</i> <i>Assisted Voluntary Return with IOM</i>	<i>Forced Return</i>
<b>Italy</b>	<i>Assisted Voluntary Return</i>	-	<i>Forced Return</i>
<b>Latvia</b>	<i>Voluntary Return</i>	<i>Voluntary Return</i>	<i>Forced Return</i>
<b>Lithuania</b>	<i>Voluntary Return</i> <i>Assisted Voluntary Return</i>	<i>Voluntary Return</i> <i>Assisted Voluntary Return</i>	<i>Forced Return</i>
<b>Malta</b>	<i>Assisted Voluntary Return</i>	<i>Assisted Voluntary Return</i>	
<b>Netherlands</b>	<i>Voluntary Departure facilitated by IOM</i>	<i>Voluntary Departure facilitated by IOM</i>	<i>Forced Return</i>
<b>Poland</b>	<i>Assisted Voluntary Return</i>	<i>Assisted Voluntary Return</i>	<i>Forced Return</i>
<b>Portugal</b>	<i>Programmes for Voluntary Return</i> <i>Support for Voluntary Return</i>	<i>Programmes for Voluntary Return</i> <i>Support for Voluntary Return</i>	<i>Forced Return</i>
<b>Slovak Republic</b>	<i>Voluntary Return</i>	<i>Voluntary Return</i>	<i>Forced Return</i>
<b>Slovenia</b>			<i>Forced Return</i>
<b>Sweden</b>	<i>Voluntary Repatriation</i>	<i>Assisted Voluntary Return</i>	<i>Forced Return</i>
<b>United Kingdom</b>	<i>Assisted Voluntary Return</i>	<i>Assisted Voluntary Return</i>	

<sup>10</sup> EU nationals are also eligible for Assisted Humanitarian Return.

Nearly all Member States, with the exception of **Greece** and **Slovenia**, provide for Assisted Voluntary Return. Additionally, most Member States assist Voluntary Departure, with the exception of **Hungary**, **Italy** and **Slovenia**. No national programmes regarding Assisted Return exist in **Estonia**, **Finland**, **Greece**, **Hungary**, **Latvia**, **Lithuania** and **Slovenia**.

With regard to the phenomenon of Assisted Voluntary Departure, it was found that national terminology not only differs but only rarely labels it as “Assisted Voluntary Departure.” In fact, it seems that only two Member States (**Germany**, **Netherlands**) sometimes refer to it as “Voluntary Departure” (but without explicitly qualifying it as assisted). In **Germany**, “Voluntary Return” is the more common term, but “Voluntary Departure” is also used, on a much less regular basis, particularly with regard to third-country nationals who do not (or no longer) meet the requirements for entry or residence. Other Member States use the terms “Voluntary Return,” “Assisted Voluntary Return,” “Assisted Return” or even others. As outlined in the Member State specific descriptions below, these concepts often also encompass Voluntary Departure and Assisted Voluntary Departure. With regard to the phenomenon of Assisted Voluntary Return, national legislation, policies and/or programme documents often use the term “Assisted Voluntary Return,” but also here national differences sometimes exist, not only with terms such as “Voluntary Return,” “Assisted Return” and “Assisted Humanitarian Return” being used. Finally, variation also exists *within* Member States (e.g. different programmes or projects), as to which groups of third-country nationals are eligible and/or ultimately benefit from a particular form of Assisted Return.

In **Austria**, even though the aliens’ legislation refers several times to “Voluntary Return,” no legal definition of the term is provided. In the *Memorandum of Understanding* between IOM Vienna and the Austrian Federal Ministry of the Interior, voluntary return means that “*a person returns in the country of citizenship by free decision; if a return like that is impossible or if the person is stateless, voluntary return means that the person returns to the country where he or she has usual residence respectively in the country which is prepared or obliged to host the person.*” This definition thus refers to both Assisted Voluntary Return and Assisted Voluntary Departure as considered in this study.

Although **Belgium**’s “Voluntary Return” (*de facto* Assisted Return) programmes have existed since 1984, no legal definition exists in the *Aliens Law*. However, the Act of 12 January 2007 on the reception of asylum seekers and some categories of third country nationals (known as the ‘Asylum Reception Act’) defines the legal obligations of Fedasil, the Belgian Agency in respect of voluntary return. The Act specifies that it is the task of Fedasil

to organise a voluntary return programme and set out the details of this. The provisional definition explicitly does not restrict the offer of Assisted Return to third-country nationals who are subject to a return decision (e.g. rejected asylum applicants; persons held in closed centres with a view to their removal). Hence, the aim is not only to assist Voluntary Departure, but also Voluntary Return provided that third-country nationals with a temporary (e.g. asylum applicants; destitute migrants) or permanent residence permit (e.g. refugees) relinquish their status and residence permit.

In the **Czech Republic**, national programmes are in place to assist illegally staying third-country nationals issued an administrative expulsion decision; plus applicants for international protection not yet having filed an application, awaiting a decision or having received a negative decision on their application within the officially set time limit; and victims of human trafficking. In addition to these more permanent programmes of Assisted Return, in 2009, temporary projects were set up to assist the return of (mainly unskilled) migrants who lost their job due to the economic crisis and illegally staying third-country nationals without a valid residence permit and an Expulsion Decision. In the national context, the concepts “Assisted Voluntary Return” or “Voluntary Return” are used when referring to these permanent and temporary projects of Assisted Return, this in spite of the fact that Voluntary Departure (e.g. of illegally staying third-country nationals) is assisted through both types of projects.

**Estonia** does not have a national programme or strategy for supporting the return of third-country nationals benefiting from international protection, those staying illegally or asylum applicants. First steps in this direction were the setting up of “(Assisted) Voluntary Return” projects through the European Return Fund (2005-2007; 2008-2013). As the position of the *Ministry of Interior* is to neither develop a national programme for Assisted Return nor to lay down definitions or provisions in law, assistance to what is defined in [Section 2.1](#) as Voluntary Return and Voluntary Departure, will continue to be carried out with the help of European Funds.

**Finland** has assisted the return of those benefiting from temporary protection holding temporary residence permits (e.g. “*evacuees from war zones in Kosovo and Bosnia*”) and of asylum applicants who decided to return voluntarily to their country of origin or to a third country after having withdrawn their application. In addition, the Voluntary Departure of those having received a negative decision on their asylum application was, in many cases, supported through financial assistance and the covering of travel costs, but they do not appear

to have benefited from other types of assistance (e.g. economic support) than those voluntarily returning did. In both scenarios, the terms used in relevant national documents were “Voluntary Return” and “Assisted Voluntary Return,” although as already indicated also Voluntary Departure was often assisted through national or EU projects, as well as “Remigration Support.”<sup>11</sup> The lack of consistent use of official terms, such as “Voluntary Return” and “Assisted Voluntary Return” (e.g. 2003 Report from the *Ministry of Interior* refers to “Self-Motivated Return”) is considered to derive from the absence of a national programme regarding Assisted Return.

In **France**, the *Inter-ministerial Circular* of 7 December 2006 provides for two forms of Assisted Return. Firstly, illegally staying migrants who have become subject to a removal measure (i.e. prefectural order for escort to the border (APRF) or obligation to leave the French territory (OQT)) accompanied by the refusal of a residence permit or expiry of a residence permit, are eligible for what is called “Assisted Voluntary Return” (AVR). Secondly, “*persons, including European Union citizens, who are destitute or in extreme difficulties, foreign unaccompanied minors by court order or, where applicable, for family reunification,*<sup>12</sup> and any other foreign persons who do not come under the scope of an AVR” can apply for “Assisted Humanitarian Return” (AHR). It has to be noted that AHR does not have to be preceded by an administrative removal measure.<sup>13</sup> As to the extent to which these national concepts in relation to Assisted Return correspond to official concepts, “Assisted Voluntary Return” (AVR) corresponds with Assisted Voluntary Departure, while “Assisted Humanitarian Return” (AHR) seems to be wider than the different forms of Assisted Return outlined in [Section 2.1](#), in that it, for example, also includes European Union citizens.

Whereas the definition of “Forced Return” is clear in the national legislation in **Germany**, the definition for “Voluntary Return” is not explicitly regulated under national law. The *Residence Act* make references to both “Voluntary Departure” and “Voluntary Return,” both with regard to third-country nationals who do not (or no longer) meet the requirements for legal residence, corresponding to Voluntary Departure defined under [Section 2.1](#). The target groups of the National Assisted Return policy are primarily refugees who cannot obtain

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<sup>11</sup> The *2001 Act on Integration* foresees “Remigration Support,” i.e. economic support through a subsidy supplied by the beneficiary’s municipality, for refugees with a permanent residence permit and those benefiting from temporary protection.

<sup>12</sup> Unaccompanied minors cannot be removed once they arrive on French territory. However, when it is considered in the best interests of the unaccompanied minors, the French authorities organise their return to their country of origin by attempting to retrace their family members in order for the return to be successful.

<sup>13</sup> In 2009, 36% of the AHRs were carried out without a prior removal measure.

permanent right of residence. However, those eligible to benefit from the main programme for Assisted Return include also asylum seekers with pending procedure, recognised refugees, civil war refugees, other illegally residing third-country nationals, victims of forced prostitution or human trafficking and other foreign nationals eligible for benefits pursuant to Section 1 of the *Asylum Seekers' Benefit Act* who willingly decide to voluntarily return to their country of origin or travel to an admitting third country.

In **Greece**, there are currently only few forms / programmes of Assisted Return in place but no official policy.<sup>14</sup> Not only is return a relatively new area of migration, the political and legal context also focuses almost exclusively on “Forced Return,” which is most often referred to as “deportation.” It is assumed that third-country nationals are forcibly returned to a third country by means of an Expulsion Decision followed by Removal Order. While theoretically, Voluntary Departure is possible, if the person complies with the removal order within the timeframe set (e.g. 30 days for rejected asylum applicants or illegally staying third-country nationals), in practice “Forced Return” constitutes the rule rather than the exception. However, Assisted Return programmes may be set up in the future as a product of bilateral meetings with other Member States with greater experience in the field of Assisted Return. At present, the terms “Assisted Voluntary Return” and “Voluntary Return” do not appear in the existing law and its practice remains, to a large extent, dependent on international or non-governmental organisations.

In **Hungary**, there is currently no legal framework for Assisted Voluntary Return programmes or actions; it leaves it up to the third-country national to organise and provide the financial means for his/her return. Also the assistance of Voluntary Departure is not mentioned in their *Asylum Act*. However, the implementing decree of the *Asylum Act* contains provisions for the “Assisted Voluntary Return” of asylum applicants, recognised refugees and persons granted subsidiary protection. The assistance is subject to an application and, if granted, consists of providing money for buying air tickets and covering other costs of the return in the form of a non-refundable grant. Here, the use of the term “Assisted Voluntary Return” in the national context is in line with the definition given in [Section 2.1](#).

**Ireland** discerns two types of “Assisted Voluntary Return” programmes for third-country nationals. For the first type, “Voluntary return with administrative assistance,” all non-EU

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<sup>14</sup> Assisted Voluntary Return programmes have been taken place since 2004 and primarily have been implemented by IOM and targeted refugees, asylum applicants and victims of trafficking.



nationals “*who do not have a clear legal right to be in the State*” may apply. While the return is self-funded, help is given to the returnee in terms of accessing necessary documents. For the second type, “Assisted Voluntary Return with IOM,” only asylum applicants with decisions pending on their case; rejected asylum applicants who have received a negative decision;<sup>15</sup> applicants for subsidiary protection; and vulnerable illegally staying migrants are eligible.<sup>16</sup> It has to be noted that the term “Assisted Voluntary Return” differs from the concept as set out in [Section 2.1](#), in that it not only covers those with a valid permit or authorisation to stay in the State (e.g. those awaiting a decision on their application for asylum or subsidiary protection), but also those who will ultimately have an obligation to leave the Member State (e.g. rejected asylum applicants; those with no legal right to be in the State). In fact, the majority of those who use “Assisted Voluntary Return” are unsuccessful asylum applicants and illegally staying migrants. The latter group would actually constitute Assisted Voluntary Departure. The former group falls into both Assisted Voluntary Return and Assisted Voluntary Departure depending on whether a removal decision would finally be issued.

In **Italy**, several groups of migrants may benefit from “Assisted Voluntary Return”: the holders of a subsidiary or temporary humanitarian protection permit, refugees, asylum applicants, persons who renounced their application or whose status of refugee was not granted and ex-Dublin Convention cases. Similar to **Ireland**, the following groups of third-country nationals may also use “Assisted Voluntary Return”: migrants in a state of vulnerability, victims of trafficking, “humanitarian cases,” stranded workers and unaccompanied minors. Here the national use of the term “Assisted Voluntary Return” is in line with official definitions as defined in [Section 2.1](#). Voluntary Departure is not assisted, as illegally staying is considered in legislation (*2009 Security Law*) to be a penal case and the return of illegally-staying migrants the consequence of a penal sanction.

In **Latvia**, there is presently no national programme for Assisted Return. Within the framework of the project “*Development of the System of Voluntary Return and Reintegration*,” co-financed by the European Return Fund, the IOM Riga office is

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<sup>15</sup> In the IE National Report, page 10, the conditions applicable to this group of third-country nationals are further refined (e.g. these persons have received a ‘15 day letter’, setting out the four options open to them in light of the negative decision which remain valid for 15 days, after which a removal order is issued).

<sup>16</sup> The following groups of vulnerable illegally-staying migrants were mentioned: unaccompanied minors and aged-out minors (until the age of 21 years), victims of trafficking, individuals with particular health needs, vulnerable family compositions, post-conflict returns and individuals who exhibit another specific vulnerability.

researching best practices in the field of Assisted Return in different EU Member States, mapping the situation in **Latvia**, and using this as a basis for developing a model for “*the management of voluntary return and integration.*” As this model is expected to cover “*persons who have no legal basis to reside in Latvia, as well as asylum seekers, refugees, persons granted [...] another type of international protection,*” a future programme is likely to consist of both Assisted Voluntary Return and Assisted Voluntary Departure, although, in the national context, the term “Voluntary Return” seems to prevail.<sup>17</sup>

Also in **Lithuania** no national programme for Assisted Return currently exists. Instead, the IOM Vilnius office has been engaged in both Assisted Voluntary Return and Assisted Voluntary Departure through short-term projects funded through the European Refugee Fund (2005-2008) and the Return Fund (2009-2013). It is emphasised that this has resulted in a lack of continuity and coherence in terms of practices and approaches to Assisted Return and, more importantly, in the IOM having to decline the offer of assistance to particular groups of returnees depending on which EU-funded project was in place at the time. Consequently, at different times, the IOM office in Vilnius has assisted third-country nationals residing legally; residing illegally due to, for example, the revoking or expiry of the residence permit or visa; in the process of applying for international protection; whose application for international protection was rejected; or benefiting from refugee status or subsidiary protection.<sup>18</sup> The term Assisted Voluntary Departure does not feature in the national context; but the terms “Voluntary Return” and “Assisted Voluntary Return” are used.

In **Malta**, rejected asylum applicants, those benefiting from international protection, trafficked migrants, stranded students, “*prohibited immigrants,*” qualified persons<sup>19</sup> and “*other migrants unable or unwilling to remain in the host country who volunteer to return to their countries of origin*” may use “Assisted Voluntary Return.” Here again, the offer of Assisted Return to the group of rejected asylum applicants and prohibited immigrants who (ultimately) are subject to an obligation to leave and the third-country nationals “*unable to remain in the host country [...]*” means that Malta is also engaged in Assisted Voluntary Departure in addition to Assisted Voluntary Return (e.g. refugees, beneficiaries of subsidiary protection, “*migrants unwilling to remain in the host country*”), as defined in Section 2.1.

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<sup>17</sup> Under this ERF project, the return of 14 persons had been assisted by the IOM Riga Office by August 2009. However, no further information is available as to which groups of third-country nationals these belong to (e.g. asylum applicants).

<sup>18</sup> On pages 9-10 of the National Report, an overview is given of which categories of returnees were eligible for assistance via which European Refugee Fund or European Return Fund project.

<sup>19</sup> Term used to describe persons with academic / professional skills and qualifications

In the **Netherlands**, both third-country nationals who lawfully reside and those who do not or no longer, may qualify for “Voluntary Departure facilitated by the IOM.” Examples of the groups of third-country nationals who legally reside in the Member State and are eligible for “Voluntary Departure facilitated by the IOM” are those with a permanent residence permit, with an ongoing procedure for an asylum residence permit or a permanent or temporary regular residence permit, or who are able to report on trafficking in human beings. This, as defined in [Section 2.1](#), in fact consists of Assisted Voluntary Return. As to Assisted Voluntary Departure, this may be offered to third-country nationals who do not or no longer lawfully reside in the Member State, including those who entered illegally; those who entered lawfully, but have exceeded the allowed term of stay or lost their residence rights; asylum applicants who have exhausted all legal remedies; and third-country nationals whose application for a residence permit has been rejected and do not leave the territory.

**Poland** originally foresaw the “Assistance in Voluntary Return” of third-country nationals who withdrew their application for international protection (*Act of 2003 on granting protection to foreigners within the territory of the Republic of Poland*), but extended this in 2005 to other groups through the setting up of an “Assisted Voluntary Return” programme on the basis of a cooperation agreement with the IOM. As a result, also for those applicants for international protection who received a negative decision, third-country nationals issued with an obligation to leave<sup>20</sup> may register for the programme. Hence, this “Assisted Voluntary Return” programme also comprises Assisted Voluntary Departure.

In **Portugal**, the terms “programmes for voluntary return” (*Asylum Law*) and “support for voluntary return” (*Foreigners’ Law*) are used to refer to different forms of Assisted Return. In fact, national legislation foresees that the State, in cooperation with the IOM, can organise both Assisted Voluntary Return and Assisted Voluntary Departure. Assisted Voluntary Return covers the Assisted Return of refugees, beneficiaries of temporary protection, third-country national residents in the Member State and asylum applicants with a pending application. These groups of third-country nationals have a valid permit or are authorised to stay in the Member State and express the wish to return voluntarily to their country of origin or to another country that is willing to receive them. Although not labelled as such, Portugal also provides Assisted Voluntary Departure to asylum applicants who wish to return to their country of origin after their application has been refused and “*foreign citizens in an irregular*

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<sup>20</sup> This excludes “decisions on expulsion with the order of immediate enforceability, with the exception of the situation where the decision was issued with regards to sound interest of a foreigner.”

*situation or who are in the process of appealing against the rejection of their applications for regularisation.”*<sup>21</sup>

In the **Slovak Republic**, the following categories of third-country nationals can register for the national “Voluntary Return Programme” run by the IOM: illegally staying third-country nationals and applicants for international protection who express a wish to return before a decision has been made on the application. For the former group, this covers those who are subject to an expulsion decision; those who were unknown to the authorities, but presented themselves at the IOM or police department on their own free will; and those who were apprehended by the police, served with an expulsion decision and detained. Hence, the use of the concept “Voluntary Return” comprises both Assisted Voluntary Return (e.g. asylum applicants) and Assisted Voluntary Departure (e.g. illegally staying third-country nationals subject to an expulsion decision), and even what would be considered in other Member States as Forced Return, as defined in [Table 1](#) (e.g. detained illegally staying third-country nationals, served with an expulsion order).

In **Slovenia**, there are currently no forms of Assisted Return. The “national return programme” describes how different groups of third-country nationals (e.g. illegally staying or entering migrants) are removed from the State by the Police.<sup>22</sup> The expenses of the return have to be paid for by the third-country national alone. If he/she has no means to do so, the expenses are paid for by the State. Reference is made to the “*the possibility for future cooperation*” between the government and the IOM in the field of Assisted Voluntary Return of third-country nationals.

In **Spain**, there are three types of “Assisted Voluntary Return Programmes”:

- 1) “Assisted Return based on humanitarian grounds.” This is applicable for third-country nationals regardless of their legal status, who, for different reasons, declare a wish to return to their country. This group covers refugees, displaced persons, asylum applicants, persons under the protection of the state for humanitarian reasons and illegally-staying immigrants or immigrants with residence and/or work permits. The

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<sup>21</sup> The latter include third-country nationals who have been notified to abandon the country voluntarily due to an illegal stay and/or have been served with an administration order for expulsion due to an illegal stay or entry. Dependent members of the family unit of an individual being expelled may, under certain conditions, also avail themselves of the said programmes.

<sup>22</sup> Deportation, as per Slovenian legislation, can be forced or voluntary. Forced expulsion is only possible if the decision (*sentence of expulsion*), with which it was ordered, is final and binding (Article 50/3 and 50/4 of the Aliens Act). The procedure of deportation of a foreigner is carried out by handing him/her over to the authorities of the country in question.

individuals must be in a socially vulnerable situation and have remained in Spain for more than six months;

- 2) “Assisted Return with reintegration in the country of origin.” This programme is for all third-country nationals who wish to return to their country, to carry on a sustainable economic activity. This requires the presentation of a business plan and an economic feasibility study;
- 3) “Assisted Return for unemployed third-country nationals.” This programme is aimed at benefiting unemployed third-country nationals from one of the countries with which Spain has entered into a bilateral social security agreement. Unlike the other two programs access to this programme is a right for those who meet the requirements.

These national programmes appear to be overall corresponding to the Voluntary Return, Voluntary Departure and Assisted Voluntary Return definitions in [Section 2.1](#).

In **Sweden**, the *Migration Board* has the mandate to assist in “Voluntary Repatriation,” i.e. *“refugees and other persons in need of protection who have permanent residence status and wish to return to their countries of origin.”* This responsibility corresponds to Assisted Voluntary Return as defined in [Section 2.1](#). In addition, the *Migration Board* assists persons who have applied for a residence permit, but either withdraw the application or become subject to a return/removal decision and choose to return to the country of origin, i.e. Assisted Voluntary Departure. However, in the national context, the term “Assisted Return” is used. It is emphasised that this form of Assisted Voluntary Departure, takes a holistic view, primarily consist of individualised measures, which are applied as far as possible in cooperation with the third-country national, and constitute an integrated component of the asylum and permit process.<sup>23</sup>

In the **United Kingdom**, “Assisted Voluntary Return” refers to a range of schemes that are available to third-country nationals who no longer have a legal right to remain and wish to return to their country of origin. This corresponds to Assisted Voluntary Departure as defined in [Section 2.1](#). The schemes also include asylum applicants who are in the asylum system and have temporary status, which would correspond to the definition of Assisted Voluntary Return in [Section 2.1](#). Assisted Voluntary Return is principally delivered through two

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<sup>23</sup> For example, in relation to asylum applicants who are denied a residence permit, it is explained in the National Report (pg. 14) that these *“are covered by a comprehensive motivational programme that includes counselling related to the situations of the individual and any children involved in the case, conditions in the country of origin including opportunities for assistance from NGOs, etc. The applicant is also informed of which documents he or she must show and have access to in order to leave Sweden.”*

programmes, both operated by the IOM: “The Voluntary Assisted Return and Reintegration Programme (VARRP)” and the “Assisted Voluntary Return for Irregular Migrants (AVRIM)” programme.

### **3. DATA ON ASSISTED RETURN**

As elaborated in [Section 2](#), the definitions, categories and concepts related to return are not fully comparable between the Member States, which naturally is also reflected in the different types of data on return available. Some Member States have even added categories or have changed them in the period 2004-2008. This said, in all Member States, some data are available giving indications on how return has developed over time. Factors influencing the flows of third-country nationals to the Member States and their return from the Member States include having an external EU border and points of entry, historical and cultural ties with third countries, the size of the diasporas, existence of readmission agreements and the success rate of implementing Assisted Return and Forced Return.

#### **3.1 Overview of Assisted Returns**

[Table 3](#) below provides an overview of Assisted Returns in Member States between 2004 and 2008. **Austria, France, Malta, Poland** and **Spain** show upward trends in the number of Assisted Returns. **Hungary** and **Slovak Republic** show stable trends, **Belgium, Ireland, Portugal, Netherlands** and **Sweden** have numbers that varied significantly, both increasing and decreasing, during 2004-2008. For **Greece, Italy, Latvia** and **Slovenia**, it is more difficult to identify trends regarding Assisted Return due to, for example, various “Assisted Voluntary Return” measures in place for specific groups of third-country nationals (**Italy**). Overall, therefore, it is difficult to identify any common trend, other than the developments mentioned above, at Member State level. Though annual statistics were not provided, **Latvia** had 241 persons benefitting from return schemes between 2004 and 2008.

**Table 3: Overview of numbers of third-country nationals using Assisted Return (2004 - 2008)**

	2004	2005	2006	2007	2008
	Total	Total	Total	Total	Total
<b>Austria</b>	1 158	1 406	2 189	2 164	2 737
<b>Belgium</b>	2 932 (IOM)	2 982 (IOM)	2 652 (IOM)	2 326 (IOM)	2 182 (IOM)
<b>Czech Republic</b>	700	641	573	206	172
<b>Estonia</b>	-	-	-	1	2
<b>Finland</b>	77	41	35	38	37
<b>France</b>	-	-	-	2 040	2 227
<b>Germany</b>	10 891	8 657	7 357	4 716	4 541
<b>Hungary</b>	-	212	225	212	-
<b>Ireland</b>	393 (IOM) 218 (AA)	210 (IOM) 125 (AA)	175 (IOM) 63 (AA)	255 (IOM) 161 (AA)	453 (IOM) 74 (AA)
<b>Italy</b>	222	222	222	222	222
<b>Lithuania</b>	-	35	3	12	15
<b>Malta</b>	-	-	1	1	52
<b>Netherlands</b>	700	3 100	3 100	1 100	1 700
<b>Poland</b>	58 (2003Act)	116 (2003 Act)	138 (2003 Act) 412 (IOM)	48 (2003 Act) 743 (IOM)	514 (2003 Act) 962 (IOM)
<b>Portugal</b>	226	321	163	278	347
<b>Slovak Republic</b>	148	119	128	153	96
<b>Spain</b>	1 176	928	958	1 184	1 821
<b>Sweden</b>	8 827	5 775	3 271	2 827	4 896
<b>United Kingdom</b>	2 715	3 655	6 200	4 155	4 295
<b>Total (lowest)</b>	<b>28 872</b>	<b>27 407</b>	<b>26 320</b>	<b>20 660</b>	<b>24 109</b>
<b>Total (highest)</b>	<b>30 441</b>	<b>28 335</b>	<b>27 865</b>	<b>22 442</b>	<b>27 345</b>

**Notes:**

1. For **Germany** the data combines foreign nationals availing of the REAG (Reintegration and Emigration Programme for Asylum-Seekers in Germany)/GARP (Government Assisted Repatriation Programme) Assisted Return Programme and those being referred to inexpensive flight options within the SMAP (Special Migrants Assistance Programme).
2. For **Ireland** the data are provided for IOM Assisted Return and Administratively Assisted (AA) Return Programmes.
3. For **Italy** the data is the average value for each year of this period.
4. For **Poland** the data reflects the number of participants of Assisted Return under both the provisions of agreement of 2003 Act (Article 70 and 75 of the Act of 2003 on granting protection to foreigners within the territory of Poland) and data provided by the IOM. The data provided by the IOM relates both to the number of participants who have been provided with support for voluntary return in accordance with the Agreement of 2005, as well as the number of participants who have been provided with support for voluntary return programmes through the implementation of the IOM projects co-financed under the financial support of European Funds, the Office for Foreigners and the Border Guard.
5. For **Spain** the data refers only to the Assisted Return Programme based on humanitarian grounds. These increased up to 3 549 in 2009 (as of 3rd December). The Assisted Return Programme for unemployed third-country nationals, that came into force in November 2008, was applied to 6 767 immigrants until the 30th November 2009.
6. For the **United Kingdom** the figure provided for 2008 is provisional.

**3.2 Disaggregation of Assisted Returns by Nationality, Age and Sex**

All Member States have a statistical breakdown of the nationality of returnees. For some Member States, only certain categories of returnees are broken down by country of return, e.g. **Greece** (apprehended persons) and **Latvia** (persons who received return assistance).



[Table 4](#) below shows the most prominent nationalities of third-country nationals using Assisted Return programmes. From this table, the most common nationalities using Assisted Return in the Member States are from: Brazil, China, Georgia, Iraq, Moldova, Nigeria, Russian Federation, Serbia Montenegro, Turkey and Ukraine.

**Table 4: Prominent Nationalities using Assisted Return during 2004 – 2008 (by decreasing order of number)**

<u>Member States</u>	<u>Nationalities</u>
<b>Austria</b>	Serbia and Montenegro, Russian Federation, Turkey, Moldova, Georgia, Ukraine, Kosovo, FYROM, Mongolia, Nigeria
<b>Belgium</b>	Brazil, Russian Federation, Ukraine, Armenia, Mongolia, Kosovo, Morocco, Turkey, Albania, Nigeria
<b>Czech Republic</b>	Russian Federation, Mongolia, Ukraine, Egypt, Moldova, China, Belarus, Vietnam, Georgia, Turkey
<b>Estonia</b>	Russian Federation, Ukraine, Belarus
<b>Finland</b>	Bosnia & Herzegovina, Iraq, Kosovo, Serbia
<b>France</b>	China, Algeria, Russian Federation, Serbia, Iraq
<b>Germany</b>	Former Serbia and Montenegro, Turkey, Iraq, Russian Federation, Iran, Vietnam, Azerbaijan, Afghanistan, Armenia, Bosnia-Herzegovina
<b>Hungary</b>	Serbia & Montenegro (Kosovo), Turkey, Mongolia
<b>Ireland</b>	Brazil, Nigeria, Moldova, South Africa, Croatia, Serbia, South Africa, Israel, Georgia, Russian Federation, Ukraine
<b>Italy</b>	Albania, Kosovo, Yugoslavia (Serbia-Montenegro), Bosnia-Herzegovina, Nigeria, FYROM, Turkey, Russian Federation, Ukraine, Moldova
<b>Lithuania</b>	Russian Federation, Nigeria, Pakistan, Georgia, Vietnam, Afghanistan
<b>Malta</b>	Ghana, Nigeria, Sudan, Mali, Morocco, Senegal
<b>Netherlands</b>	Angola, Ukraine, Brazil, Iraq, Afghanistan
<b>Poland</b>	Russian Federation, Georgia, Ukraine, Uzbekistan, Armenia, Mongolia
<b>Portugal</b>	Brazil, Angola, Ukraine, Russian Federation, Cape Verde
<b>Slovakia</b>	Moldova, China, Turkey, Russian Federation, Georgia, Iraq, Armenia
<b>Slovenia</b>	Serbia, Albania, Turkey, Bosnia and Herzegovina, Moldova, FYROM, Ukraine, Montenegro, Georgia
<b>Spain</b>	Bolivia, Argentina, Brazil, Colombian, Ecuador, Uruguay, Chile, Honduras, Paraguay, Venezuela
<b>Sweden</b>	Iraq, Serbia (minorities), Somalia and Lebanon, as well as Stateless persons (primarily from the Middle East). See Note 13
<b>United Kingdom</b>	Brazil, Iraq, Afghanistan, Iran, Pakistan, China, Sri Lanka, Serbia & Montenegro, Zimbabwe, South Africa

**Notes:**

1. A more detailed overview of the prominent countries of origin is given in each National Report.
2. For **Austria, Belgium, France and Sweden** the most prominent nationalities come from 2008 figures.
3. For **Finland**, the most prominent nationalities come from 2003-2009 figures.
4. For **Ireland**, the most prominent nationalities come from 2004-2009 (August) figure.
5. For **Italy** these nationalities represent the main 10 countries of origin for the following programmes offering Assisted Return in IT: Programme for Victims of Trafficking, and the SPRAR (Protection System for Asylum Applicants and Refugees) and PNA (National Programme for Asylum) programmes. The figures date from 1991-2009
6. For **Lithuania**, the most prominent nationalities come from 2005-2008 figures.
7. For **Malta**, the most prominent nationalities come from 2005-2009 (August) figures.
8. For **Poland**, the most prominent nationalities come from 2005-2009 figures.
9. For **Slovenia**, the most prominent nationalities come from 2005-2007 figures.
10. For **Spain**, the most prominent nationalities come from 2003-2009 figures on the Programme on Assisted Return based on humanitarian grounds. Data from the "Plan for Voluntary Return for unemployed workers" is not included as it only started at the end of 2008.



To some extent, the trends in relation to (all forms of) returns highlight some of the aforementioned factors influencing return statistics. With regard to historical and cultural ties, returnees from **Lithuania** are predominantly from the Russian Federation, likewise for Poland, with many returnees are from the Russian Federation (Chechen Republic). **Portugal** has high numbers of returns to Brazil and Angola, in **Spain** many returns (mainly voluntary) are to Central and South America, and for the **United Kingdom**, returnees are predominantly to Commonwealth countries. Having an external EU border is reflected in some of the statistics, e.g. **Italy** and **Greece** have high number of apprehensions and removals of nationals of Albania, whilst for **Spain** removals of nationals of Morocco account for more than 50% of the total.

The ending of conflicts and war influence especially the return of rejected asylum applicants (or beneficiaries of international protection whose status is then ended), which is shown in the returns to Iraq following the improved security situation from **Germany, Finland, France, Italy, Netherlands, Poland** and **United Kingdom**.

Concerning age disaggregation, **Austria, Czech Republic, Estonia, France, Germany, Latvia, Lithuania, Malta, Netherlands, Slovak Republic, United Kingdom** provided return statistics broken down by age, although the age group categories which Member States use are different. [Table 5](#) below provides an overview of the sex and age breakdown of returnees (i.e. between 15 and 65 years), by Member State, during the period 2004-2008. Most returnees are males of which the majority appears to be in the working age between 18 – 45 years.

**Table 5: Overview of sex and age breakdown of returnees by Member States**

Country	Year	Sex		Age (in years)																												
		Male	Female	0-13	14	15	16	17	18	19	20	21	22	23	24	25	26-30	31-34	35	36-40	41-44	45	46-49	50	51-59	60	61-62	63	64	65+		
Czech Republic	2004	108	39	1				4						9																	44	0
	2005	159	45	0				4						145																	53	0
	2006	153	52	0				7						119																	69	0
	2007	69	23	0				1						61																	30	0
	2008	48	10	0				2						37																	19	0
Estonia	2004	155	122	23				122												92												
	2005	100	116	31				104												81												
	2006	44	63	4				45												58												
	2007	42	70	17				43												52												
	2008	34	35	2				34												33												
France	2004	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	2005	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	2006	372	1,060	-	-	-	-	32	-	-	-	-	-	146	-	-	-	216	242	198	224	177	136	-	-	-	-	-	-	61	-	
	2007	497	1,185	-	-	-	-	37	-	-	-	-	-	162	-	-	-	277	266	252	224	170	175	-	-	-	-	-	-	119	-	
	2008	448	1,418	-	-	-	-	38	-	-	-	-	-	200	-	-	-	326	304	297	227	168	201	-	-	-	-	-	-	115	-	
Germany	2004	6,133	3,828	3,156				2,772												2589				872				302				
	2005	4,671	2,777	2,201				2,146												2231				675				195				
	2006	3,645	2,112	1,583				1,607												1796				587				184				
	2007	2,129	1,308	882				922												1092				397				144				
	2008	1,798	1,001	655				793												887				345				119				
Lithuania	2004	-	-	-				-												-				-								
	2005	26	9	-				-												-				-								
	2006	3	0	10				33												14				6				2				
	2007	10	2	-				-												-				-								
	2008	13	2	-				-												-				-								
Malta	2004	-	-	-				-												-				-								
	2005	-	-	-				-												-				-								
	2006	183	11	28				39												59				45				13				
	2007	-	-	-				-												-				-								
	2008	-	-	-				-												-				-								
Netherlands	2004	-	-	-				-												-				-								
	2005	-	-	-				-												-				-								
	2006	-	-	2,252	813				12,021												6,939				255							
	2007	-	-	-				-												-				-								
	2008	-	-	-				-												-				-								
Slovak Republic	2004	104	44	13				134												1												
	2005	90	29	10				109												0												
	2006	101	27	12				116												0												
	2007	107	46	1				152												0												
	2008	77	19	8				87												1												
United Kingdom	2004	-	-	-				-												-												
	2005	-	-	-				-												-												
	2006	-	-	-				-												-												
	2007	-	-	-				-												-												
	2008	3,170	1,095	365				670												1,670				1,245				325				

**Notes:**

1. Only the years for which figures have been provided are included, for each Member State.
2. The figures for **Germany** in the age group "<18" include those aged 18 (i.e. "18 and below").
3. The figures for **Czech Republic** only apply to one category of returnees (illegally staying ones); they do not include the most numerous group of returnees – rejected asylum seekers, who account for more than a half of all returnees in 2004-2008.

In **Austria**,<sup>24</sup> the biggest group of returnees (59%), between 2007 and 2009, was aged between 18 and 35 years, followed by the group of those aged 35 and 65 years (28%). The share of minors increased during the period (2007: 8%; 2009: 19%). The large number of returning minors in 2009 can be particularly attributed to returnees to the Russian Federation, of whom 41% were aged below 18 years. The share of persons older than 65 years in all three years was small (around 1 %). In the **Czech Republic**, for returns of illegally staying third-country nationals, the most frequent age category is 20 to 34 years, followed by 35 to 64 years. None of the returnees were over 65 years and there were always several third-country nationals younger than 19 years returned per year. In **Germany**, more than half of returnees were adults between 19 and 45 years, about 29% were less than 18 years old. However, disaggregated by nationality, there were some deviations from this average distribution. For example, in 2007 and 2008, nearly three-quarters of returnees to Iraq were between 19 and 45 years old, while the number of children and youths returning to China and Vietnam were comparatively low. In **Latvia**, of the 14 persons that received return assistance in 2009, one was less than 17 years; nine were between 18 and 35 years and four were between 36 and 59 years. Similarly in **Lithuania**, most of those using Assisted Return are 19 to 30 year olds (51%), with minors representing 15% of returnees. In the **Netherlands**, 18 to 34 year olds constitute the largest group of returnees, followed by 35 to 64 year olds. For minors, and in particular the category less than 13 year old, "Voluntary Return" is more frequent than Forced Return.<sup>25</sup> In **Portugal**, returnees were concentrated in economically active ages, especially between 20 and 29 years.

[Table 6](#) below also gives an overview of the Member States (**Austria, Czech Republic, Germany, Estonia, France, Ireland, Lithuania, Malta, Netherlands, Portugal, Slovak Republic, United Kingdom**) which have return statistics disaggregated by sex, this time presented as percentages. There is a tendency for male returnees to constitute the majority, around 60-70%, against 30-40% female returnees in **Austria, Czech Republic, Germany, Ireland, Netherlands, Portugal, Slovak Republic** and **United Kingdom**. In **Estonia** and **France**, women returnees were the majority.

<sup>24</sup> These observations on age groups refer only to returnees that were assisted by IOM Vienna.

<sup>25</sup> This concerns minors that form part of a family. This does not concern unaccompanied minors.

**Table 6: Percentage overview of sex of returnees (2004-2008)**

Member State	2004		2005		2006		2007		2008	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
<b>Austria</b>	80%	20%	-	-	80%	20%	81%	19%	-	-
<b>Czech Republic</b>	57%	43%	60%	40%	71%	29%	79%	21%	69%	31%
<b>Finland</b>	52%	48%	54%	46%	57%	43%	61%	39%	49%	51%
<b>Germany</b>	62%	38%	63%	37%	63%	37%	62%	38%	64%	36%
<b>Estonia</b>	45%	55%	45%	55%	45%	55%	45%	55%	45%	55%
<b>France</b>	-	-	-	-	26%	74%	30%	70%	25%	75%
<b>Ireland</b>	-	-	-	-	-	-	71%	29%	67%	33%
<b>Lithuania</b>	-	-	80%	20%	80%	20%	80%	20%	80%	20%
<b>Malta</b>	-	-	94%	6%	94%	6%	94%	6%	94%	6%
<b>Netherlands</b>	73%	27%	64%	36%	65%	35%	62%	38%	69%	31%
<b>Portugal</b>	69%	31%	63%	37%	70%	30%	67%	33%	66%	34%
<b>Slovak Republic</b>	70%	30%	75%	25%	79%	21%	70%	30%	80%	17%
<b>United Kingdom</b>	-	-	-	-	-	-	-	-	74%	26%

**Notes:**

1. For **Germany**, the figures concern participants of the Assisted Voluntary Return/Departure programme REAG/GARP
2. The figures for **Netherlands** concern Voluntary Return (including Assisted Voluntary Return). They also concern the whole period 2004-2008, i.e. not broken down per year.

In **Austria** different age patterns were recorded for single main countries of return: in 2009, the highest proportions of male returnees existed among Indian (98%) and Nigerian returnees (95%). For some other nationalities, a higher share of females prevailed. This was especially the case for returnees to the Russian Federation of whom 51% and returnees to Mongolia of whom 49% were female. In the **United Kingdom**, the breakdown differs between asylum and non-asylum cases, with a higher proportion of women amongst the latter. In 2008, 39% of non-asylum cases were female, and 60% were male. The comparable figures for asylum cases were 17% female and 82% male.

Data on the qualifications and employment of third-country national returnees are very scarce, at least on the national statistical level. Where Assisted Return includes individual counselling on, e.g. employment opportunities in the country of return, the information on qualifications and employment might be recorded at case level. **Latvia** and **Malta** provide some figures related to qualifications (schooling and education), but being very low they are not statistically significant to enable the identification of a general trend. In **Portugal**, it seems that recent returnees have higher educational levels than in the past.

### 3.3 Comparison with Forced Returns

In order to give an indication of the magnitude of Assisted Returns, many Member States also gave comparable data (on a yearly basis) of the number of Forced Returns. [Table 7](#) below provides an overview of Forced Returns in Member States between 2004 and 2008 with Member States providing comparable figures included.

**Table 7: Overview of Forced Returns of EU and third-country nationals in Member States (2004 – 2008)**

	2004	2005	2006	2007	2008
	Total	Total	Total	Total	Total
<b>Austria</b>	-	4 277	4 090	2 838	2 026
<b>Belgium</b>	6 367	6 565	6 629	4 311	3 644
<b>Czech Republic</b>	975	1 159	1 011	549	578
<b>Germany</b>	28 187	20 754	16 583	11 483	11 664
<b>Greece</b>	15 720	21 238	17 650	17 077	20 555
<b>Spain</b>	26 432	25 370	33 235	25 443	-
<b>Finland</b>	-	2 229	1 388	1 055	1 093
<b>Hungary</b>	865	725	748	481	-
<b>Ireland</b>	598	395	301	139	161
<b>Italy</b>	35 437	30 428	24 902	15 680	17 880
<b>Lithuania</b>	-	189	149	147	137
<b>Malta</b>	704	955	780	338	261
<b>Netherlands</b>	7 700	8 400	7 500	6 400	5 000
<b>Poland</b>	-	-	2,959	2,502	4 846
<b>Portugal</b>	514	784	919	715	785
<b>Slovak Republic</b>	-	-	-	-	1 311
<b>Sweden</b>	1 756	1 248	866	2 511	3 420
<b>United Kingdom</b>	22 225	23 950	21 320	21 180	21 305
<b>Total</b>	<b>149 808</b>	<b>148 666</b>	<b>141 030</b>	<b>112 849</b>	<b>94 666</b>

**Notes:**

1. *This table include the statistics of Forced Return of all aliens including EU nationals.*
2. *For **Slovak Republic** these statistics include the cases of aliens' expulsions – aliens physically expelled by the police exclusively due to their illegal entry or illegal stay in the Slovak Republic, including re-admission.*

Although there have been decreasing trends in Forced Return in some Member States, when compared to Assisted Return, Forced Return still occurs more frequently in many Member

States, most notably **Finland, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Malta, Netherlands, Slovak Republic, Spain and United Kingdom.**<sup>26</sup>

In other Member States, the numbers of Assisted Returns has surpassed the numbers of forced returns. This is, for example, the case in **Austria** where in 2008, for the first time, the annual number of Forced Returns (2 026) lay below the level of Assisted Returns (2 737) and in 2009, the number of Assisted Returns (4 088) exceeded the numbers of Forced Returns (2 418) by 39%.

#### **4. THE POLITICAL, LEGAL AND INSTITUTIONAL FRAMEWORK**

This Section provides a general overview of how the political, institutional and legislative framework in relation to Assisted Return is organised in the EU Member States. [Section 4.1](#) presents the political and legal framework in Member States, whilst [Section 4.2](#) goes on to describe the influence of European policy, legislation and funding in the (further) development of Member State policies, strategies and programmes in relation to return.

##### **4.1 The political and legal framework in Member States**

###### *4.1.1 The political framework*

For the majority of Member States (**Austria, Belgium, Czech Republic, France, Germany, Hungary, Italy, Malta, Netherlands, Poland, Portugal, Slovenia, Spain, Sweden and United Kingdom**), return policy was viewed as central for an effective asylum and immigration policy.

In **Austria, Belgium, Czech Republic, Germany, Hungary, Ireland, Italy, Malta, Netherlands, Poland, Portugal, Sweden**, Assisted Return was considered a preferable outcome in relation to Forced Return. The main reasons were its lower costs and the fact that it allowed the returnee to go back to his or her country of return in a more dignified and humane manner. These concerns were also reflected in the motivations of Member States for developing Assisted Return policies, as outlined in more detail in [Section 5.2](#). However,

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<sup>26</sup> The higher frequency of Forced Return does not necessarily mean that from a legal perspective Forced Return takes precedence over Voluntary Return. In fact, the Member State may consider Voluntary Return to be the preferred option.

within the framework of a global return policy, both Assisted and Forced Return constituted high priorities, with Forced Return representing an important tool for some categories of returnees and/or if the alternative, i.e. Assisted Voluntary Return or Departure, failed. There are several additional arguments justifying Member State preferences for Assisted Return. In **Lithuania**, for example, Assisted Return is seen as beneficial to the relationships between Lithuania and third countries, as returnees are not forced to return, but do so on a voluntary basis, thus creating a cooperative relationship between the Member State and the third country concerned.

In **Belgium**, the separation of Voluntary and Forced return is considered to allow room for a perspective, in which Voluntary Return is seen more as an instrument of social support than migration management and control. The main objective is to raise Voluntary Return to the level of a credible and feasible alternative migration project.

In the **Czech Republic**, changes to return policy were triggered by the financial crisis in 2008, in response to the concerns regarding the rising levels of unemployment. **Spain** also introduced a programme to assist the return of unemployed third-country nationals.

In **Italy, Netherlands** and **Sweden**, emphasis was placed in return policy on the role of Assisted Return in ensuring an effective migration policy. More specifically, in **Italy**, the Government expressed its concerns about the fact that, while there were an increasing number of persons with a removal decision, the number of effective removals remained small because of the difficulties to identify the immigrant's nationality. The matter was subsequently addressed through the *Security Law* of August 2009 which extended detention for 180 days.

In **Estonia, Greece, Latvia**, and **Lithuania**, there are currently no strategies or programmes in place in relation to Assisted Return. Nonetheless, in **Estonia**, a new strategy is being mapped as part of the [European Return Fund Multi-Annual Programme for 2008-2013](#)<sup>27</sup>. In **Latvia**, responsible institutions have set objectives for the management of return, which include making the necessary amendments to legislation to regulate provisions and procedures of return, as well as support the development and introduction of “*voluntary return and reintegration actions*.” In **Lithuania**, an agreement is being drafted between the IOM and the government concerning the provision of Assisted Return whilst, finally, in

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<sup>27</sup> Decision No [575/2007/EC](#). With subsequent amendments in accordance to the Irish Immigration, Residence and Protection Bill 2008 to be passed

**Finland**, a lack of political will was noted in regard to the development of a national Assisted Return policy.

In **Malta, Poland** and **Slovenia**, debates on return policy are of a relatively recent nature. In **Malta**, for example, the policy document '[Irregular immigrants, refugees and integration](#)' published in 2005 emphasised the importance of Assisted Return instead of Forced Return. In **Poland**, the *Working Group on elaboration of Polish Migration Strategy*, appointed in February 2009 by the *Interministerial Committee for Migration*, also discussed issues related to Assisted Return of third-country nationals.

In **Portugal**, Parliamentary discussions in the context of the approval of the Return Directive concluded that the national conditions for return were more favourable than those defined in the Directive. It nevertheless perceived the introduction of the Directive as a significant step forward for Member States where there was no relevant legislation at present.

In the **United Kingdom**, the focus of the debate on return policy recently shifted towards the importance of returning (by a removal order) national prisoners convicted of serious crimes. As a result of this debate, the *UK Border Agency* made strenuous efforts to address the situation and ensure the prompt removal of third-country national prisoners in the future. For this purpose, a new removal strategy was set up to assist third-country prisoners to return voluntarily to their country of origin upon release.

#### 4.1.2 *The legislative framework*

For the majority of Member States (**Austria, Belgium, Czech Republic, France, Hungary, Italy, Netherlands, Poland,**<sup>28</sup> **Portugal, Slovak Republic, Spain, Sweden, United Kingdom**), Assisted Return is regulated within the context of an existing national legal framework. Generally, the legal basis can be found in one of the following types of national laws:

- *Foreigners' Residence Act/Law* or *Aliens Act/Law* – This is the case for **Czech Republic, Hungary, Netherlands, Poland, Portugal, Slovak Republic, Spain** and **Sweden**;
- *Asylum Act/Law* – This is the case for **Austria, Czech Republic, Hungary, Portugal, Slovak Republic** and **United Kingdom**;

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<sup>28</sup> Attention is also drawn to the *Agreement of 12 July 2005 between the Minister of the Interior and Administration of the Republic of Poland and the International Organization for Migration on the Co-operation in the Field of Voluntary Return of Aliens Leaving the Territory of the Republic of Poland*.



- *Basic Welfare Support Agreement and Acts*-This is the case for **Austria**
- *Prison Administration Act* – This applies to **Austria** for sentenced non-nationals in prisons
- *Immigration Act/Law* – This is the case for **Italy** and **United Kingdom**; and,
- *Remigration Act* – This only applies to **Netherlands**.

Four Member States developed a specific legal framework for Assisted Return:<sup>29</sup>

- The *Act of 24 July 2006* establishing the return schemes and the *Circular of 7 December 2006* defining the various forms of assistance in **France**;
- *Return and Reintegration Regulation* in the **Netherlands**; and
- *The Programme Law of 2002* in **Belgium** appoints *Fedasil* as the body responsible for running the programme. Additionally, the organisation of the programme is outlined in the *Asylum Reception Act 2007* and the *January 2007 Act* stipulates that reception facilities can be prolonged for anyone who agrees to be part of the programme.
- *The Plan for Voluntary Return for non-EU workers* was approved in **Spain**. A Royal Legislative Decree 4/2008 allows for the advanced and accumulated payment of unemployment benefits to foreign, non-community workers who voluntarily return to their countries of origin.

Of those Member States with a legislative framework (either specific to return or as part of wider migration and asylum law), the legal basis of **Belgium** does not set out criteria and definitions for Assisted Return. Conversely, the legislation of **Austria** and **Czech Republic**, **Italy**, **Netherlands**, **Portugal**, **Slovak Republic** and **Spain** do set out criteria. In **Portugal**, for example, the *National Foreigners' Law* defines the general guidelines and the *Cooperation Protocol to Implement the Programme for Voluntary Return*, between the State and the IOM, includes concrete criteria for return.

There is no legal framework for Assisted Return in **Estonia**, **Greece**, **Finland**, **Ireland**, **Latvia**, **Lithuania**, **Malta** and **Slovenia**. According to the law in **Germany**, Voluntary Return takes precedence over Forced Return, but assistance of Voluntary Return is not explicitly regulated by law.

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<sup>29</sup> A *Return Assistance Act* in Germany has been put to force in 1983, targeted primarily at unemployed foreign workers of certain nationalities with a residence permit. As a sunset law, the Return Assistance Act was discontinued after 1984, with one exception being the possibility for foreign nationals willing to return to receive counselling on general conditions of return and on the options of occupational rehabilitation.

## 4.2 The European policy and legislation and its influence at Member State level

In this Section, European return policy and legislation is outlined, including comments and analysis as to whether and how these have been implemented and transposed and their impact at Member State level. Several of these European legal instruments (primarily) focus on Forced Return.

[Table 8](#) below gives an overview of the Member States that have implemented the following return-related Directives and Council Decisions.<sup>30</sup> In general, only a limited number of Member States provided comments on the implementation of the Directives and below a brief summary of the experiences of Member States with the implementation of the six Directives and Council Decisions in relation to return is given.

**Table 8: Overview of national implementation of Directives and Decisions related to Return**

Directives	Austria	Belgium	Czech Republic	Germany	Estonia	Greece	Spain <sup>3</sup>	Finland <sup>1</sup>	France	Hungary	Ireland <sup>2</sup>	Italy	Latvia	Lithuania	Malta	Netherlands	Poland	Portugal	Slovakia	Slovenia	Sweden <sup>4</sup>	United Kingdom	Total
Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third country nationals	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	18
Directive 2003/110/EC on assistance in cases of transit for the purposes of removal by air <sup>5</sup>	X	X	X	X	X	X	X	X	X	X	-	X	X	X	X	X	X	X	X	X	X	-	18
Decision 2004/191/EC on the setting out of criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third country national	X	X	X	X	X	X		X	X		-	X	X	X	X	X	X	X	X	X	X	X	17
Decision 2004/573/EC on the organisation of joint flights for removals from the territory of two or more Member States of third country nationals who are subjects of individual removal orders	X	X	X	X		X		X	X	X	X	X	X	X	X	X	X		X	X	X	X	17
Decision 575/2007/EC establishing the <i>European Return Fund</i> for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" and related Implementing Acts	X	X	X	X		X		X	X		X	X	X	X	X	X	X	X	X		X	X	16
Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals <sup>1</sup>			X			X	X	X			-			X	X		X	X	X			-	9

1. Directive 2008/115/EC is in the process of being transposed into national law. In the **Czech Republic** it was implemented by an amendment to the Act on the Residence of Foreign Nationals adopted by the Parliament in December 2010. In

<sup>30</sup> Situation up to end 2010.

- Finland*, it is expected that the legislation implementing the Directive will enter into force during the first half of 2011. *Ireland* and *United Kingdom* did not participate in the adoption of this Directive.
2. *Ireland* participates in Directive 2001/40 but no implementing mechanism exists for such mutual recognition. Ireland only partially transposed Directive 2004/573/EC and did not take part in the adoption of Decision 2004/191/EC.
  3. All three Directives will be implemented in *Spain* when the new Aliens Law will be passed in Parliament
  4. In *Sweden* these Directives all apply although no legislative implementation measures have been made
  5. *Ireland* and *United Kingdom* did not take part in the adoption of Directive 2003/110/EC and are not bound by it or subject to its application.

#### 4.2.1 Council Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third country nationals

In **Hungary**, **Netherlands** and **United Kingdom**, the transposition and implementation of the Directive did not require any significant changes to the national legislation, nor did they have a significant impact on the national practice in relation to the recognition of expulsion decisions. Conversely, in **Slovenia** and **Spain** (in the future) the transposition of the Directive required several changes to the national legislative framework. No specific details, however, were given in relation to the nature of these changes.

In the **Slovak Republic**, to date, the government only enforced one expulsion decision coming from the **Czech Republic**. The implementation of the Directive in **Sweden** is problematic, due to the absence of a well-developed system of communication between Member States about expulsion decisions. The cooperation between Member States concerning Expulsion Decisions was reiterated in the [European Pact on Immigration and Asylum](#).<sup>31</sup>

#### 4.2.2 Council Directive 2003/110/EC<sup>32</sup> on assistance in cases of transit for the purposes of removal by air.

In **Hungary**, the transposition and implementation of the Directive did not have a significant impact on the legal framework and the implementation of removals by air. Conversely, the transposition resulted in a number of amendments to the national legislation in **Malta**, for which a legal notice was prepared, and **Slovenia** (in the future). No specific details, however, were given in relation to the nature of these changes. In the **Netherlands**, this Directive was implemented by means of amendment to the *Aliens Act Implementation Guidelines*.

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<sup>31</sup> European Pact on Immigration and Asylum: *Commitment II d*: to develop cooperation between Member States, using, on a voluntary basis and where necessary, common arrangements to ensure the expulsion of illegal immigrants (biometric identification of illegal entrants, joint flights, etc.); and *Commitment II.h* to put into full effect the Community provisions pursuant to which an expulsion decision taken by one Member State is applicable throughout the European Union, and, within that framework, an alert for such a decision entered in the Schengen Information System (SIS) obliges other Member States to prevent the person concerned from entering or residing within their territory. Available at <http://register.consilium.europa.eu/pdf/en/08/st13/st13440.en08.pdf>.

<sup>32</sup> Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:321:0026:0031:EN:PDF>.

Furthermore, the *Treaty of Prüm*<sup>33</sup> contains agreements concluded with due observance of this Directive.

**Sweden** described the experience of implementing the Directive as positive, as it no longer required authorities to escort third-country nationals to a transit country and allowed third-country nationals to travel unaccompanied. On the contrary, in **Portugal**, the implementation of the Directive was perceived as problematic, as in some instances the transit between Member States was hindered by the requirement of an escort, even in cases in which the individuals who were being removed did not constitute a risk for the safety of people and properties and did not need to change airports in the country of transit.

4.2.3 *Council Decision 2004/191/EC on the setting out of criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals.*

Generally, this Decision seems to have been rarely applied to date. The **Czech Republic** and the **Slovak Republic** only applied it once, whereas **Lithuania** had not applied it to date. In the **Netherlands**, the implementation of this Decision did not lead to any changes in existing legislation and regulations. Furthermore, in **Sweden**, the administrative difficulties connected with the implementation of this Decision meant that they have never fully applied this Decision, in that there is no well developed mechanism to inform other Member States about expulsion decisions, and issues also arise in relation to the third-country national lacking the required travel documents, thus adding to the administrative burden. In **Austria**, before the adoption of the Council Decision, the compensation arrangements for financial imbalances were based on bilateral treaties with other EU Member States. The practice has been continued after the adoption of the Council Decision.

Finally, in terms of the impact of the transposition of the Decision, only **Malta** and **Slovenia** made significant changes to their national legislation. **Poland**, when introducing the Decision, as well as Directive 2001/40/EC, into national law, dedicated a full legislative chapter to the subject matter covered by these two Directives.<sup>34</sup>

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<sup>33</sup> This Treaty was originally concluded between the Netherlands, Germany, France, Spain, Belgium, Luxembourg and Austria and contains agreements concluded with due observance of Directive 2003/110/EC and Decision 2004/573/EC on joint repatriation and mutual support during repatriation.

<sup>34</sup> Chapter 8b of the Aliens' Act entitled "*Execution of the decision on expulsion of a foreigner issued by a body of another Member State.*"

4.2.4 *Council Decision 2004/573/EC on the organisation of joint flights for removals from the territory of two or more Member States of third-country nationals who are subjects of individual removal orders*

The return of third-country nationals is mentioned in the preamble of the FRONTEX Regulation as an important part of the effective control and surveillance of the EU's external borders. Article 2(f) and Article 9 require FRONTEX to provide the necessary assistance in organising joint return operations of Member States relating to the implementation of EU legislation.

**Austria** organised its first joint flight in 2006 to Armenia, together with **France** and **Poland**, during its Presidency of the European Council and has been amongst the most active Member States in participating in such operations. It participated in four charter flights with other EU Member States in 2006 and 2007, organised 11 joint charter flights in 2009 plus participated in a further eight. **Sweden** has both organised and participated in joint charter flight operations during the period.

**Italy, Latvia, Slovak Republic** and **Slovenia** have participated in a small number of joint air return operations, but have not yet organised an operation themselves. Conversely, **Lithuania** has not participated nor organised a joint air return operation to date.

**Ireland** has already organised this type of operation and considers that these operations were cheaper than if it had to act unilaterally. There was, therefore, a positive perception of this initiative by the government. The Border Guard in **Poland** organised joint charter flights with **Austria, Germany** and **France**<sup>35</sup> and noted that these also allowed for developing co-operation with Member States it had not collaborated with before, such as **Italy, Spain** and **United Kingdom**, as well as Switzerland. On the other hand, for **Hungary**, which has not yet participated, this option was not feasible, due to the very low numbers of migrants returning and due to the fact that most returnees originated from countries in the vicinity of Hungary, thus rendering flights unnecessary.

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<sup>35</sup> For example, in 2007 **Poland** participated in a project called *Performing joint charter flights for the purposes of the expulsion of migrants to West African states*. Partner states were: **Austria, Czech Republic, France, Italy, Luxembourg, Malta, the Netherlands, Poland Spain, Switzerland** and **United Kingdom**. **Germany** provided a physician and a nurse for each charter flight. A total of 121 foreigners were expelled to: Cameroon (64), Togo (31), the Republic of Guinea (9), Ghana (9) and Benin (8).

4.2.5 *Council Decision 575/2007/EC36 of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" and related Implementing Acts*

In terms of European funding assistance, the European Return Fund, for the years 2008 to 2013, has a total budget of €676 million. The general objective of the European Return Fund is to support the efforts made by the Member States to improve the management of return in all its dimensions through the use of the concept of integrated management, taking account of Community legislation in the field of migration and asylum.

All Member States fund (part of) their actions in relation to Assisted Return through the European Return Fund (ERF). In relation to the types of projects supported by European funding, two general trends can be discerned. On the one hand, some Member States (**Austria, Belgium, France, Germany, Italy, Netherlands, Poland, Portugal, Slovak Republic, Sweden, Spain, United Kingdom**) with established legislative frameworks and programmes for Assisted Return, use European financial programmes to strengthen their existing programmes on, for example, information campaigns, improved reintegration projects/packages and improved diplomatic relations. Financial support is also used to carry out studies, often in association with the IOM, in relation to the migrant communities in their territory. **Ireland** uses national and ERF funding for mapping exercises and research, which complement well established Assisted Voluntary Return programmes. **Ireland, Italy and Portugal** carried out a mapping of the main migrant communities, with **Portugal** focussing on its Brazilian migrant communities.<sup>37</sup> Additionally, the ERF support is used to develop other related initiatives, for example, the Facilitated Return Scheme targeted at third-country national detainees in the **United Kingdom**.

On the other hand, in **Estonia, Finland, Greece, Hungary, Latvia, Lithuania and Malta**, where a legislative framework is not yet implemented, or was of a recent nature and where there were no or few return programmes in place, use European funding to establish pilot projects. These are often set up and implemented with or by the IOM and focus primarily on

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<sup>36</sup> Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007D0575:EN:NOT>.

<sup>37</sup> The SuRRIA project "Assessment of Brazilian Migration Patterns and Assisted Voluntary Return Programme from selected EU Member States to Brazil," evaluated the living conditions of the Brazilian community and the reasons for return. The project also supported the voluntary departure of Brazilian citizens in an irregular situation. Co-financed by the European Return Fund in 2006, it contributed to the overall reinforcement of national return programmes.

facilitating Assisted Return, through the improvement of the conditions of return and additional counselling prior to return. Thus, it appears that less emphasis is placed on reintegration measures. Additionally, **Latvia** undertook steps to set up the framework for future programmes to be implemented, including participation of staff of State institutions competent in return policy in activities and operations organised by FRONTEX and EU Member States; foreign language training for border guards; exchange of experience regarding best practices in management of return; and seminars about legal and practical aspects of return actions. **Lithuania** re-established its Assisted Voluntary Return projects that were suspended due to the lack of funding.

Experiences with the implementation of this Decision ranged from referring to launching the first call for projects (**Czech Republic, Slovak Republic**) as part of the European Return Fund, to describing the types of projects that had been selected and which were being implemented (e.g. **Sweden** referring to its focus on Assisted Return,<sup>38</sup> enhancing knowledge and interagency cooperation in Assisted Return, Assisted Return and Reintegration, reunification), to listing the goals to be achieved with the implementation of this Decision, e.g. for **Slovenia** these goals were to strengthen diplomatic cooperation, ensure psychological support to third-country nationals, improve sustainability of return and include non-governmental organisations.

In **Germany**, a number of challenges were associated with the establishment of the European Return Fund (ERF), particularly with regard to budgetary procedures, including high administrative costs; comprehensive projects needing to apply for multiple budget-lines; the late disbursement of EU funding affecting Federal State financing (as, according to subsidy law, grants cannot be issued as long as the overall financing of the project does not appear to be secured); and small service providers having difficulties in competing for grants. Conversely, **Portugal** and **Lithuania** emphasised the central positive role played by the European Return Fund in the implementation of national programmes for Assisted Return.

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<sup>38</sup> This project focused on increasing the number of return through motivational counselling run by the *Migration Board Units*.

4.2.6 *Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals*<sup>39</sup>

According to Article 20 of the Directive, the transposition timescale is until 24 December 2010 with the exception of Article 13 (4) free legal assistance / aid where Member States are allowed to comply with this Directive by 24 December 2011. As the majority of the National Reports were carried out in 2009, little information was provided in relation to the implementation of this Directive. The Directive applies to all EU Member States, except Denmark, **Ireland** and **United Kingdom** who did not participate in its adoption. In the **Slovak Republic** and **Sweden**, changes were required to their national legislations.

4.2.7 *Re-admission Agreements*

In addition to the implementation of Directives, European policy has also had an influence in further developing Member States' legislative framework by EU and bilateral re-admission agreements. [Table 9](#) below provides an overview of the third countries with which Member States have developed bilateral readmission agreements.

The Treaty of Amsterdam, which entered into force on 1<sup>st</sup> May 1999, conferred explicit powers for the negotiation of such agreements with third countries to the European Union, whilst previously it was the competence of each Member State. Although EU re-admission agreements, once concluded and ratified, will supersede those bilateral agreements of the Member States (except for Denmark, **Ireland** and the **United Kingdom** which can exercise their right to not take part in the Community agreements), currently there are only 11 EU agreements. The Council has so far authorised the Commission to negotiate European Community Readmission Agreements (ECRA) with 18 third countries and the following 11 have entered into force: Albania (since 1<sup>st</sup> May 2006), Hong Kong (since 1<sup>st</sup> March 2004), Macao (since 1<sup>st</sup> June 2004) and Sri Lanka (since 1<sup>st</sup> May 2005), Russian Federation (since 1<sup>st</sup> June 2007), Serbia (since 8<sup>th</sup> November 2007), Montenegro (since 8<sup>th</sup> November 2007), Bosnia and Herzegovina (since 8<sup>th</sup> November 2007), FYROM (since 8<sup>th</sup> November 2007), Ukraine (since 29<sup>th</sup> November 2007) and Moldova (since 22<sup>nd</sup> November 2007). Furthermore, the European Commission is currently negotiating the content of a readmission agreement with Turkey.<sup>40</sup> Such re-admission agreements cover the reciprocal obligations on the Union

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<sup>39</sup> 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, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF>

<sup>40</sup> ECRE Weekly Bulletin, *Greece and Turkey sign new readmission agreement*, 21 May 2010



and the third country, giving the detailed administrative and operational procedures in order to facilitate the return and transit of illegally residing persons.

**Table 9: Overview of bilateral readmission agreements concluded to date**

Member States	Countries with which readmission agreements were signed (incl. EU Member States) <sup>41</sup>
<b>Austria</b>	Belgium, Luxemburg, The Netherlands, Germany, France, Italy, Estonia, Latvia, Lithuania, Poland, Slovakia, Slovenia, Czech Republic, Hungary, Bulgaria and Romania; and with the following third countries: Croatia, Switzerland, Liechtenstein, Serbia & Montenegro, Tunisia, Bosnia & Herzegovina and FYROM. Readmission agreements concluded with third countries do not contain clauses on assisted return.
<b>Belgium</b>	Readmission agreements concluded in a Benelux context: France, Austria, Germany, Bulgaria, Croatia, Estonia, Hungary, Lithuania, Romania, Slovenia, Slovak Republic, Serbia, Montenegro, Latvia, Switzerland, FYROM, Bosnia and Herzegovina, Armenia.
<b>Czech Republic</b>	Germany, Poland, Austria and Slovakia, Slovenia, Hungary, Bulgaria, Romania, Croatia, Moldova, Vietnam, Canada and France.
<b>Germany</b>	Albania, Algeria, Armenia, the Benelux states, Bosnia and Herzegovina, Bulgaria, Denmark, Estonia, France, Georgia, Hong Kong, Kazakhstan, Croatia, Latvia, Lithuania, Morocco, FYROM, Norway, Austria, Poland, Romania, Sweden, Switzerland, Serbia (agreement also applying to Montenegro), Slovak Republic, South Korea, Syria, Czech Republic, Hungary, Vietnam. Furthermore, transit and/or carry-through treaties for both voluntary and forced return were signed with Albania, FYROM, Poland, Croatia, Austria, Switzerland and Slovenia. These agreements typically ensure that foreign nationals without transit visas may travel or be transferred through partner states without additional requirements.
<b>Spain</b>	Algeria, Bosnia and Herzegovina (endorsed but not yet signed), Bulgaria, Colombia, Dominican Republic, Ecuador, Estonia, France, Ghana (endorsed but not yet signed), Guinea Bissau, Italy, Latvia, Lithuania, Former Yugoslav Republic of Macedonia, Mauritania, Morocco, Nigeria (not yet published in the Official State Gazette), Poland, Portugal, Romania, Slovak Republic, Switzerland and Ukraine (endorsed but not yet signed). <b>Spain</b> also has cooperation framework agreements on immigration (the second generation agreements) with Cape Verde, Gambia, Guinea, Guinea Bissau, Mali, Niger. These types of agreements deal with the phenomenon of immigration from a holistic point of view, according to the Global Approach to Migration, including aspects of voluntary return and reintegration, development and readmission.
<b>Ireland</b>	Opted in to the EU readmission agreement with Hong Kong. Bilaterally negotiated a readmission agreement with Nigeria which is considered to be a valuable tool despite the fact the agreement has not been ratified on Nigerian side
<b>Italy</b>	Albania, Algeria, Austria, Bosnia Herzegovina, Bulgaria, Croatia, Cyprus, Egypt, Estonia, Philippines, France, Georgia, Greece, Hungary, Latvia, Lithuania, FYROM, Malta, Morocco, Moldova, Nigeria, Poland, Romania, Serbia, Slovakia, Slovenia, Spain, Sri Lanka, Switzerland, Tunisia.
<b>Lithuania</b>	Armenia, Austria, Belgium, Croatia, Finland, France, Germany, Greece, Iceland, Italy, Latvia, Moldova, Poland, Portugal, Romania, Russian Federation, Slovenia, Spain, Sweden, Switzerland, Ukraine.
<b>Netherlands</b>	Readmission agreements concluded in a Benelux context. The Netherlands also referred to the European Community Readmission Agreement (ECRA), such as the re-admission agreements in place between the EU and Hong Kong, Macau, Moldavia, Montenegro, Ukraine, Russian Federation, Serbia and Sri Lanka. However the Benelux has not yet concluded an implementation protocol in this respect.
<b>Poland</b>	Bilateral readmission agreements: Ukraine, Moldova, Switzerland, Austria, Bulgaria, Lithuania, Latvia, the Federal Republic of Germany, Romania, the Czech Republic, Slovakia, Slovenia, Hungary, Greece, Ireland, Spain, FYROM, Sweden, Spain, Vietnam. Citizens from Russian Federation, Ukraine and Vietnam constitute the largest groups of persons entering Poland illegally. Poland has one of the highest shares of migrants with an irregular status. Multilateral agreement between Poland and the Schengen states, i.e. the Federal Republic of Germany, Belgium, France, The Netherlands, Italy and Luxembourg.
<b>Slovenia</b>	Austria, Benelux (Belgium, Luxemburg and The Netherlands), Bosnia and Herzegovina, Bulgaria, Czech Republic, Montenegro, Denmark, Estonia, France, Greece, Croatia, Italy, Canada, Latvia, Lithuania, Hungary, FYROM, Poland, Romania, Slovakia, Serbia, and Switzerland.

[http://www.ecre.org/resources/ECRE\\_weekly\\_bulletin](http://www.ecre.org/resources/ECRE_weekly_bulletin). Previously, **Greece** had problems in relation to enforcement of readmission agreements with Turkey, as a result of Turkey's failure to implement the Re-admission Protocol signed between the two countries in 2002. This issue particularly concerned the failure to apply Article 12 of the Protocol, which requires Turkey to designate six border posts, thus resulting in all transfers taking place at Evros leading to a backlog of pending cases, increased financial burden to Greece and, above all, to the detention, for a prolonged period of time, of persons awaiting return pending readmission. The new agreement was an important step to ensure a better implementation of the Protocol. The new agreement includes the commitment to implement the Re-admission Protocol through Turkey's engagement to accept a least 1,000 re-admission requests a year.

<sup>41</sup> This table also include bilateral re-admission agreements between Member States.

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Member States	Countries with which readmission agreements were signed (incl. EU Member States) <sup>41</sup>
<b>Slovak Republic</b>	<p>Twenty readmission agreements concluded at the bilateral level are currently in place and readmission agreements with Greece and Lebanon are currently being prepared.</p> <p>The Member States with which the Slovak Republic concluded readmission agreements include: Belgium, Bulgaria, Czech Republic, France, the Netherlands, Luxembourg, Germany, Hungary, Poland, Austria, Romania, Slovenia, Spain, Sweden and Italy.</p> <p>As for third countries, the Slovak Republic concluded readmission agreements with Croatia, Norway, Switzerland and Vietnam. Additionally, the Slovak Republic referred to the European Community Readmission Agreements (ECRA)</p>
<b>Sweden</b>	<p>18 bilateral agreements: Armenia, Bosnia and Herzegovina, Bulgaria, Cyprus, Estonia, France, FYROM, Croatia, Latvia, Lithuania, Montenegro, Poland, Rumania, Serbia, Switzerland, Slovakia, Germany and Vietnam.</p> <p>Memorandum of Understanding with Iraq.</p> <p>In addition 11 European Community Readmission Agreements (ECRA) with Serbia, Montenegro, Bosnia and Herzegovina, FYROM, Russian Federation and Ukraine, Albania, Hong Kong, Macao, Sri Lanka, Moldavia.</p>
<b>United Kingdom</b>	<p>The Council has so far authorised the Commission to negotiate European Community Readmission Agreements (ECRA) with 18 third countries. As of March 2010, United Kingdom has opted in to all mandates proposed, and has opted in to all 11 ECRA concluded to date.</p>

The **United Kingdom** has opted into all 11 European Community Readmission Agreements. **Ireland** has exercised its right to opt-out of the adoption of Council Decisions regarding the conclusion of re-admission agreements with Albania, Macao and Sri Lanka. This means that it is not bound by these agreements, but nevertheless it is not excluded from their scope of application. It has, to date, only opted into the Agreement with Hong Kong, and hence the impact of EU Readmission Agreements has been relatively small for them, as opposed to, for example, their bilateral agreement with Nigeria. The clear advantage of having any type of Readmission Agreement, whether an EU Readmission Agreement or a bilateral agreement with a third country, is that they allow for the development of a co-operative partnership with the relevant third country authorities, thereby facilitating the return process.

#### 4.2.8 ECHR and other relevant measures

In addition to EU policies and legislation on Assisted Return, the *European Convention on Human Rights (ECHR)*<sup>42</sup> is also an important binding instrument, which has an impact on Member States return policies. In **Austria**, the ECHR obligations, particularly Articles 2, 3 and 8 guarantees are very important for the asylum and alien law procedures. In the **United Kingdom**, the ECHR had a very significant impact on the national legislation, insofar as migrants could now claim the right to be treated in accordance with the ECHR. For example, in the context of return, asylum applicants who did not qualify for refugee status but whose return would contravene certain articles of the ECHR and thus breach their human rights, were usually granted *Discretionary Leave to Remain* for a limited period.

<sup>42</sup>Convention for the Protection of Human Rights and Fundamental Freedoms, available at <http://conventions.coe.int/treaty/>.

There are also a number of other *International and European measures and policies*, which add to the EU policies and legislation and may play an important role influencing Member States national return policies. These, inter alia, include principles on return in relation to respect of human rights adopted by the Committee of Ministers of the Council of Europe. Return is also a component within the EU's European Neighbourhood Policy and the Inter-Governmental Consultations (IGC) on Asylum, Migration and Policies.

Elsewhere, on 26<sup>th</sup> May 2010, a *Cooperation Agreement* was signed between the Fundamental Rights Agency (FRA) and FRONTEX,<sup>43</sup> *‘with the overall objective of strengthening the respect of fundamental rights in the field of border management and in particular FRONTEX activities.’*<sup>44</sup> With regard to the return of third-country nationals, Article 7 of this agreement provided for the collaboration of the parties *‘with a view to ensuring that forced removals are carried out in full respect of fundamental rights, as well as in humane and dignified manner.’* The parties' cooperation in the context of return also includes the creation or reinforcement of independent return monitoring mechanisms.<sup>45</sup>

## **5. OVERVIEW OF ASSISTED RETURN MEASURES**

This section provides information on the overall role that national governments and their implementing partners play in the organisation of Assisted Return programmes ([Section 5.1](#)), the motives and perceptions for organising and exercising Assisted Return ([Section 5.2](#)), the obstacles to Assisted Return ([Section 5.3](#)), and the organisation of Assisted Return measures ([Section 5.4](#)).

### **5.1 Overall role of National Governments and their Implementing Partners**

Before examining the motives and perceptions of Assisted Return, as well as the organisation of these programmes, it is important to outline the overall role that national governments and their implementing partners play in the organisation of Assisted Return. Here an overview of

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<sup>43</sup> Cooperation Agreement between the *European Agency for the Management of Operational Cooperation at the external borders of the Member States of the European Union* and the *European Union Agency for Fundamental Rights*, available at [http://fra.europa.eu/fraWebsite/attachments/Cooperation-Agreement-FRA-Frontex\\_en.pdf](http://fra.europa.eu/fraWebsite/attachments/Cooperation-Agreement-FRA-Frontex_en.pdf).

<sup>44</sup> Article 1 of Cooperation Agreement.

<sup>45</sup> Article 7(3) of Cooperation Agreement: *‘The Parties will collaborate in the creation or the reinforcement of independent return monitoring mechanisms, as an effective preventive guarantee to reduce the risk of fundamental rights violations during forced removals’.*

the divisions of tasks and duties between the national government bodies and their implementing partners in relation to Assisted Return is given.

In most Member States (**Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom**), the government, and its related institutional bodies, played a central role in the organisation of Assisted Return. With regard to funding, again for most Member States (**Austria, Czech Republic, Estonia, Germany, Greece, Italy, Lithuania, Malta, Poland, Slovenia, Slovak Republic, Spain, United Kingdom**) it is their respective governments who are the financial controlling body. In **Finland, Hungary, Slovenia** and **Sweden**, police authorities assist government bodies in implementing Assisted Return measures.

In relation to the implementation of Assisted Return measures, **France** is the only Member State where the government is the sole implementer of Assisted Return, via the *French Office for Immigration and Integration* (OFII). The role of implementing partners was deemed to be vital in the organisation, development and execution of Assisted Return programmes. In **Austria, Belgium, Czech Republic, Estonia, Finland, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Malta, Netherlands, Poland,**<sup>46</sup> **Portugal, Slovenia, Slovak Republic,**<sup>47</sup> **Spain** and the **United Kingdom**, the implementation of most aspects of Assisted Return was outsourced to an implementing partner.<sup>48</sup>

With regard to those Member States who rely on implementing partners for Assisted Return programmes, the IOM plays a key role. In **Austria, Belgium, Czech Republic, Italy, Latvia, Lithuania, Netherlands, Poland, Portugal** and the **United Kingdom**, the IOM co-operates with NGOs, as well as local authorities and organisations. For example, in the **Netherlands**, the ‘Platform for Sustainable Return’ organised co-operation between the IOM and nine other organisations, comprising of governmental institutions (i.e. *The Central Agency for Reception of Asylum Seekers*) and NGOs (e.g. the Foundation Restored Trust in the Future<sup>49</sup>) in order to implement return policy. This Platform aimed to achieve more unity in the several return initiatives in the Netherlands by bundling cooperation between the various organisations and

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<sup>46</sup> The government, via the *Office for Foreigners (UdSC)*, also takes an active part in the organisation of Assisted Return.

<sup>47</sup> With the government playing an important role in the process.

<sup>48</sup> The key implementing partners listed by Member States include the following: In most Member States, IOM is used as an implementing partner. Caritas is active in **Austria** and **Belgium** in addition to Fedasil in **Belgium**. Other implementing partners include: Red Cross (**Greece**), ACCEM, AESCO, RESCATE, Spanish Red Cross (**Spain**), Cordaid, Stichting Hersteld vertrouwen In de Toekomst (HIT) (**Netherlands**).

<sup>49</sup> Stichting Hersteld vertrouwen In de Toekomst (HIT).

by achieving coherence in assistance both in the Member State and in the country of return. This includes, for example, the use of experienced case managers and local experts, including ex-asylum-seekers, offering tailor-made support in the countries of return.<sup>50</sup> In **Spain**, the programmes are implemented, through grants, by different NGOs, essentially the CRE (Spanish Red Cross). Moreover, the *Ministry of Labour and Immigration* has signed an Institutional Collaboration Agreement, to be renewed annually, with the IOM.

In certain instances, agreements and Memorandums of Understanding were signed between the government and the IOM, regarding the division of roles in the implementation of Assisted Return policy (**Austria, Hungary, Poland, Slovak Republic, Slovenia**). In **Poland**, for example, the target groups of the programme, the sources of finance, the budget, the participating institutions, the tasks and the implementation phases of particular actions are all specified in the agreement signed with the IOM in 2005 and in the Action Plan, submitted yearly to the *Minister of the Interior and Administration* for approval. In the **Slovak Republic**, an international agreement was signed in 1998, which outlined the collaboration between the IOM and the *Bureau of Border and Aliens Police* of the *Ministry of the Interior*, and which provided the IOM with an implementing role in the Assisted Return measures. The Memorandum of Understanding signed between the *Ministry of Interior* and the IOM in **Hungary** in 1997 separated the tasks, responsibilities and obligations of the two parties concerned, with the scope of the possible beneficiaries being underlined (See [Section 5.4](#) below).

## 5.2 Motives and Perceptions of Assisted Return

Numerous motives for and perceptions of Assisted Return exist, whether they are government or migrant oriented, with Member States providing much information on the factors for Assisted Return. This Section outlines such motives and perceptions, by firstly outlining national government and implementing partners' motives for organising Assisted Return ([Section 5.2.1](#)) and then migrant's motives for taking part in Assisted Return ([Section 5.2.2](#)). Furthermore, the perception of Assisted Return may also constitute an obstacle to participating in relevant programmes and measures ([Section 5.2.3](#)).

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<sup>50</sup> The platform is now named '*The Foundation for Sustainable Return*' and includes nine organisations. The Foundation serves as a front-office and aims to improve co-operation in order to be able to achieve a coherent and high service level for former asylum applicants willing to return to their country of origin.

### 5.2.1 *Government and Implementing Partners' motives for Assisted Return*

Most Member States have identified several motives for Assisted Return:

- Cost-effectiveness (**Austria, Belgium, Finland, Germany, Greece, Ireland, Latvia, Lithuania, Malta, Netherlands, Poland,**<sup>51</sup> **Spain, Sweden, United Kingdom**);
- Humane and dignified return (**Austria, Belgium, Estonia, Finland, Germany, Hungary, Ireland, Italy, Lithuania, Malta, Poland, Spain, Sweden, Slovak Republic,**<sup>52</sup> **United Kingdom**); and
- Sustainability (**Austria, Italy, Lithuania, Malta, Slovenia, Slovak Republic,**<sup>53</sup> **Spain**).

With regard to relations with countries of return, **Italy, Lithuania, Spain** and the **United Kingdom** considered that Assisted Return programmes created better diplomatic relations with such countries. The **United Kingdom** argues that third countries tended to cooperate better with Member States which showed an overall policy preference for Assisted Return rather than for Forced Return, as this was a signal that removal constituted a last resort. A lower risk of breaching human rights represents an important motive for Assisted Return in **Italy, Lithuania** and **Spain**.

The IOM's key principles of return were outlined by **Greece, Ireland, Lithuania** and **Slovenia** as founding principles for organising their Assisted Return programmes. These principles are: voluntary, informed, dignified, cost-effective, sustainable, and by the most appropriate route.<sup>54</sup>

### 5.2.2 *Migrants' Motives for Assisted Return*

The information in this section is based on different sources, such as stakeholder interviews, and not based on qualitative research with migrants; therefore, the perspective of migrants and asylum applicants might differ from information presented here. A number of criteria need to be satisfied, depending on the migrant's situation, before return is at all contemplated

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<sup>51</sup> According to the Polish Border Guard, cost-effectiveness is one of the core motives for organising voluntary departure (see also Annex no 1 in the National Report).

<sup>52</sup> This motive is particularly stressed by the IOM Office in the **Slovak Republic**.

<sup>53</sup> This motive is particularly stressed by the government of the **Slovak Republic**.

<sup>54</sup> IOM Dublin, 2009b. Voluntary Assisted Return and Reintegration Programme for Non-EEA nationals: A Project Proposal of the International Organization for Migration. Unpublished document

by the potential returnee.<sup>55</sup> The inability to integrate in the Member State, due to legal status, social and logistical factors, is a powerful motive for return for many third-country nationals (**Austria, Italy, Lithuania, Malta, Netherlands**).

In **Ireland, Italy, Latvia, Lithuania, Netherlands, Portugal**, the economic conditions constitute a major factor, as migrants realised that if they did not use Assisted Return, they did not have many prospects available to them. In **Portugal**, unemployment seemed to be a motive for return for many third-country nationals. Additionally, the realisation that no possibility of legal residence was available, motivated participation in Assisted Return in **Latvia**.

With regard to family reunification in the country of return, **Austria, Latvia, Lithuania, Netherlands, Spain, United Kingdom** considered this to be a prevailing or additional motive for migrants to take part in Assisted Return measures. Furthermore, when the situation in the country of return was considered to have improved, this acted as a pull factor for third-country nationals wishing to make use of Assisted Return (**Austria, Lithuania, United Kingdom**). In **Austria**, for example, the expected political, economical and social stability due to the declaration of independence in Kosovo in 2008 motivated many persons to return.

The long duration of the asylum procedure was considered to be a motive for Assisted Return in **Lithuania**. Given that the asylum procedure could last up to six months and the asylum applicant was unable to work in the Member State during that period, third-country nationals had been attracted to participate in the Assisted Return programme, with many abandoning their asylum claims. The realisation that the opportunities available in Member States had been misrepresented (e.g. by human smugglers) and/or the failure of migrants expectations was also considered to be a motive for using Assisted Return in **Austria** and the **Czech Republic**.

The legality of Assisted Return programmes was deemed to be a motivating factor for third-country nationals in the **Czech Republic** and **Hungary**. The fact that third-country nationals could participate in Assisted Return in **Hungary** was considered to be a guarantee that no re-entry ban would be imposed on the individual in the future (see also [Section 6.2.4](#)), as well as the assurance that no removal order would be included in their passport. Similarly, in the

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<sup>55</sup> IOM Study entitled 'Health, hope and home' in the Netherlands investigated the possibilities and obstacles for return for asylum applicants from Africa and outlined that a number of conditions had been formulated which had to be satisfied before return could be seriously considered at all.



**Czech Republic**, a third-country national's awareness that Assisted Return programmes are a form of legal return, is a motive for them to take part in the programme. In this respect, however, **Hungary** noted that providing information was of paramount importance, since third-country nationals were sometimes unaware of the laws and regulations in the host country, which could have an effect on their situation.

### 5.2.3 *Perceptions of return*

Many Member States (**Austria, Belgium, Czech Republic, Estonia, Hungary, Ireland, Italy, Lithuania, Netherlands, Malta, Spain, United Kingdom**) provided information concerning the Member States' and third-country nationals' perceptions of return.

It is firstly important to note, as argued by **Belgium, Netherlands** and **Spain**, that return to the country of return is a "latent" option, which is in the mind of every third-country national and that the support offered has only a minor effect on the decision to return, since the ultimate decision to return or stay is the result of individual consideration, based on a number of factors (e.g. homesickness, prospects in the host country). **Austria** and **Spain** also considered that monetary incentives are not the prevailing factor in deciding upon Assisted Return, as the impossibility of integration in the host country due to legal stay, as well as circumstances in the country of return, are considered to be much more important factors contributing to a decision.

Many Member States considered that Assisted Return was a sustainable option, since, as previously mentioned, it was humane and dignified (see also [Section 5.2.1](#)) and since many third-country nationals wished to remain in their country of return, they, therefore, did not attempt to re-enter the host country. **Austria** and **Spain** considered that Assisted Return is particularly sustainable when good reintegration measures are included in this process.

As to the benefits which return can bring to the country of return, **Austria** and **Italy** considered that Assisted Return is increasingly becoming the preferred option, since this promotes a process which takes into account the needs and practical preoccupations of the individuals. Furthermore, the return could contribute to the countries of origin by increasing their human capital and offering the possibility to transfer technical and scientific experiences. Return thus offers the possibility to create economic, social, political and cultural exchanges and networks and to make productive investments.



In relation to third-country nationals' perception of return, in **Spain** the idea of returning mainly seems to be associated with situations of stress (isolation, fear, feeling worn down by the difficulties of integration, experiences with extreme situations) and the feeling that the immigration has failed. Such a negative perception could be considered to be a major hindrance in the promotion of the Assisted Return. The IOM conducted research into the perceptions of Assisted Return among nationals of Brazil in **Belgium, Ireland and Portugal**.<sup>56</sup> In the **United Kingdom**, Assisted Return seemed to be perceived well by third-country nationals, due to their desire to reclaim property in the country of return, as well as a political commitment to rebuild the country of return.

With regard to awareness raising and dissemination of information (see also [Section 5.4](#)), it seems that Assisted Return can easily be misrepresented, or misunderstood, as outlined by **Ireland and Netherlands**, if insufficient and unclear information is made available to third-country nationals. In **Ireland**, emphasis was placed on the dissemination of information, with a research study<sup>57</sup> outlining that nationals of Moldova and Georgia often operate in closed networks, preferring to seek advice from family and friends and mistrusting all 'official' service providers whether government or non-governmental. The IOM has, therefore, focused on providing information on Assisted Return to potential returnees which stressed that the service is non-governmental and by spending sufficient time with clients, making the drop-in centres a welcoming and friendly environment (see also [Section 5.4](#) below).

### 5.3 Obstacles to Assisted Return

Several obstacles exist which affect the effectiveness of the Assisted Return programmes, with most Member States (**Austria, Belgium, Czech Republic, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom**) experiencing similar obstacles on their respective territory. The obstacles to Assisted Return in this Section are presented in two sections: [Section 5.3.1](#) outlines policy and organisational obstacles at

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<sup>56</sup> Assessment of Brazilian Migration Patterns and Assisted Voluntary Return Programme for Selected European member States to Brazil, available at <http://www.belgium.iom.int/REAB/documents/Brazil%20Research%20report%20-%20final.pdf> This study indicated that 42 per cent of respondents in Ireland were aware of the existence of the IOM Assisted Voluntary Return programme, with a further 10 per cent indicating that they had in fact heard of the programme in Brazil. IOM Brussels was the leading office for this research.

<sup>57</sup> IOM Dublin, 2008a *Mapping Exercise: Georgia* and IOM Dublin, 2008b *Mapping Exercise: Moldova*, available at <http://www.iomdublin.org/>.

national level; with [Section 5.3.2](#) subsequently underlining personal obstacles affecting third-country nationals attempting to use Assisted Return.

### *5.3.1 Policy and organisational obstacles*

Many Member States (**Austria, Czech Republic, Finland, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Malta, Netherlands, Poland, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom**) encountered policy and organisational obstacles that diminished the effectiveness of the Assisted Return measures.

**Germany, Ireland, Lithuania** and **Poland** cited the limited public funding of Assisted Return measures as a major obstacle in (further) developing Assisted Return programmes. Such limitations were sometimes considered to be out of governmental control. In **Germany**, budgetary priorities have limited the possibility of expanding Assisted Return programmes. In **Poland**, delays in signing agreements between the state's institutions and organisations, i.e. with the IOM on co-financing of Assisted Return with regard to projects eligible for EU co-funding, resulted in the delayed transfer of financial resources.

**Austria, Czech Republic, Italy, Malta, Slovak Republic, Slovenia, Sweden** and the **United Kingdom** considered that the lack of cooperation between Member States and countries of return as a deterrent to Assisted Return, for example, when travel documents are difficult to obtain. Furthermore, in **Sweden**, some countries of return refused to admit their own citizens due to the uncertainty that surrounded the migrant's identity. The lack of documentation was also cited as an obstacle by **Belgium, Czech Republic, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta** and the **Slovak Republic**. In some cases in **Ireland, Latvia** and **Slovak Republic**, this related to countries of return refusing the issuance or prolongation of necessary travel documents. In this regard, the role of the IOM was considered fundamental due to the agreements entered into in other EU Member States concerning the issuance of necessary travel documents for returnees transiting via another EU Member State to their country of return.

In **Belgium, Italy, Netherlands** and the **United Kingdom**, rumours of an amnesty were considered to be a policy obstacle for Assisted Return, as migrants preferred to remain in the Member State with the hope of being offered amnesty in the future. In the **Netherlands**, this was particularly fuelled by the General Amnesty in 2007, awarded to between 26 000 and

30 000 third-country nationals who had exhausted all legal remedies.<sup>58</sup> This debate regarding General Amnesty was partly responsible for placing Assisted Return on the political agenda. The IOM report entitled '[Out of Sight](#)'<sup>59</sup> concluded that the hopes of a General Amnesty were an important stay factor for migrants after the 2006 General Elections.

The lack of political will to implement Assisted Return was considered to be a major obstacle in promoting this measure in **Finland**, whilst the quality of reintegration schemes was considered to be an obstacle in **Greece** and **Slovenia**. In **Greece**, even though rejected asylum applicants declared a willingness to return, the majority of migrants originated from areas with considerable problems in achieving sustainable return. The **Netherlands** identified confusion about who can qualify for what, due to the presence of several stakeholders/actors in the field each having their own set of conditions for participation in Assisted Return and target groups. In **Slovenia**, the absence of a reintegration component impeded the realisation of sustainable Assisted Return.

In **Germany**, financial incentives, as well as local integration services in the countries of return, were deemed insufficient in persuading higher numbers of third-country nationals towards Assisted Return. Furthermore, the lack of resources to address persons with special needs was considered another obstacle to return.

In **Spain**, the rapid increase in the number of immigrants in the last decade has meant that public authorities had to make a significant effort to devise migration policies. Assisted Voluntary Return measures were increasingly considered as the appropriate measures to take.

In the **United Kingdom**, an obstacle to the development of its Assisted Return policy was considered to be the negative perception of certain sectors of the press and public who misperceived Assisted Return as paying migrants to go home, rewarding illegality and incentivising opportunistic entry into the country.

### 5.3.2 *Personal Obstacles*

In **Belgium, Czech Republic, Germany, Greece, Ireland, Lithuania, Malta, Netherlands, Slovenia, Sweden** and the **United Kingdom**, the reluctance of individuals themselves to return constituted a major obstacle for implementing Assisted Return measures. In **Germany**,

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<sup>58</sup> The General Amnesty in the Netherlands led to asylum applicants who had exhausted all legal remedies and who had submitted their asylum application under the old Aliens Act (before 1 April 2001) to be granted a residence permit

<sup>59</sup> IOM report 2008 entitled '*Out of Sight, research into the living conditions and decision making process of irregular migrants in the main cities of The Netherlands, Germany and Austria*'

**Ireland** and **Malta**, some migrants were deemed to view return as a cultural and social loss of face, while in **Italy** and the **Netherlands**, the expectations of family in the country of origin was a deterrent, since many families in the country of origin rely on money sent by their relatives from the EU to support their livelihood. In the **Czech Republic**, according to the IOM, if illegally staying migrants find themselves in a precarious situation, they address this within their communities and do not readily accept return to their country of origin as a viable solution, regarding it as admitting defeat. The situation in the country of origin, particularly when considered dangerous, also acted as a deterrent for undertaking an Assisted Return programme (**Austria, Germany, Ireland, Italy, Spain, United Kingdom, Netherlands**), with **Germany** noting that the causes of migration persisted in some countries of origin, such as the continuation of civil wars. In the **United Kingdom**, the 2009 *Altai Report*,<sup>60</sup> which assessed the sustainability of return assistance provided by the IOM in Afghanistan, outlined that 74% of those returned were willing to leave Afghanistan again due to the political instability in this country.

Other factors, which were considered to be obstacles to the return of migrants, were:

- the fear of not being able to return to the EU (**Italy**);
- the presence of psychological illnesses in former civil war refugees or third-country nationals from regions ravaged by war and crises (**Germany**);
- the fear of having to do military service upon return to the country of origin (**Lithuania**); and
- outstanding loans in the country of return (**Ireland**).

In **Austria**, lack of reintegration prospects in the country of origin is considered to be an obstacle for Assisted Return by some stakeholders. This is particularly the case where an individual has given up everything in their country of origin to migrate, so that there are no resources for the reintegration process left.

In **Poland**, obstacles preventing third-country nationals who had been victims of human trafficking from participating in the Assisted Return programme were cited. In particular, individuals who had not expressed their willingness to testify against a person involved in

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<sup>60</sup> Altai Consulting (2009). Understanding the Return and Reintegration process of Afghan Returnees from the UK. Available at: <http://www.altaiconsulting.com/docs/migration/Altai%202009%20Return%20and%20Reintegration%20of%20Afghans.pdf>

human trafficking could not be included in the programme to help victims of human trafficking implemented by the *La Strada Foundation*.<sup>61</sup>

In **Italy**, the fears that pension contributions in the host country would not be recovered, as well as obstacles experienced regarding diploma and qualification recognition abroad, were determining factors in persons refusing to participate in an Assisted Return programme.

The limited proficiency of the migrant in the language(s) of the Member State and difficulties in accessing information on migration was considered to be a barrier to joining Assisted Return measures in **Ireland**. Hence, an information campaign entitled ‘Thinking of home?’<sup>62</sup> was launched, which provided leaflets for migrants in eight languages (Arabic, Chinese, English, French, Georgian, Portuguese, Russian and Urdu) with detachable cards.<sup>63</sup> In **Hungary**, the IOM Budapest introduced a homepage and toll-free telephone, available in five languages, in order to facilitate information sharing regarding their Assisted Return programmes. In the **Slovak Republic**, a reduced charge phone line was introduced by the IOM as a support mechanism for their information campaign. Interpretation for Chinese, Russian, Vietnamese and Arabic languages was made available.

Similarly in **Finland**, **Germany** and **Hungary**, the lack of knowledge of services also constituted an obstacle for return, since the migrants were not aware of the services and benefits available to them. Furthermore, in the **United Kingdom**, mistrust in the Assisted Return programme, as well as in the information provided on the situation in the country of return, were considered to be barriers to return.

#### 5.4 Organisation of Assisted Return Measures

This Section deals with the organisation of Assisted Return measures, whether undertaken by the Member State at national level or by an implementing partner. Assisted Return can be broken down into three stages, which are further outlined in the sub-sections below: the Pre-return stage ([Section 5.4.1](#)); the Transportation stage ([Section 5.4.2](#)); and the Post-return stage ([Section 5.4.3](#)).

All Member States reported on the organisation of Assisted Return measures. The careful organisation of these measures at the pre-return, transportation and post-return stage is

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<sup>61</sup> [http://www.strada.org.pl/index\\_en.html](http://www.strada.org.pl/index_en.html)

<sup>62</sup> See IOM Dublin website: <http://www.iomdublin.org/projectsVARP.html>

<sup>63</sup> See [Section 5.4](#) below for more information

fundamental for the successful implementation of Assisted Return, as well as for the sustainability of these programmes. It is important to note, at this stage, that the Member States and their implementing partners implemented both temporary and permanent projects within the framework of Assisted Return, with permanent projects, for example, including those implemented by the IOM regarding the day-to-day organisation of the Assisted Return programmes (e.g. information dissemination, counselling). Temporary projects comprised reports and studies undertaken in Member States regarding successful Assisted Return and reintegration programmes in particular countries of return. For example, in **Austria**, **Hungary** and **Ireland**, the IOM carried out studies on nationals of specific countries of return, before they returned.<sup>64</sup>

The duration of the Assisted Return programme varied among the Member States. In **Lithuania** and **Portugal**, from the first interview with the returnee to transportation, priority cases took an average of about twenty to thirty days, while other cases could take up to ninety days to complete. In **Lithuania**, non-problematic cases are handled within a week. In the **Slovak Republic**, starting from the day of registration for their Voluntary Return Programme, the stay of the third-country nationals is deemed as tolerated for 90 days during which the return is to take place. This period can, however, be extended in justified cases. In the case that a third-country national already possesses a travel document, their Assisted Return could be carried out within approximately two weeks. In the case of **Italy**, actions and measures vary depending on the timing, target and the specific project.

#### 5.4.1 *Pre-return stage*

In all Member States the pre-return stage consists of information dissemination and counselling on return, country of return specific information, health assistance (medical screening and documentation, health care), and transport assistance (pre-return assistance, travel allowances and reinstatement grants). As stated in [Section 5.1](#), all Member States, except for **France** where the government is the sole implementer, use either governmental or non-governmental bodies to implement such measures, or both in some cases.

Although Assisted Return measures differ, depending on the Member States' national structure, it is evident that all Member States consider counselling to be of great importance, whether it is organised by a government body or an implementing partner. Though it is apparent, as seen in [Section 5.2](#), that counselling and preparing the migrant for return will

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<sup>64</sup> IOM Studies in **Austria** (Russian Federation (Chechen Republic)), **Ireland** (Brazil) and **Hungary** (Kosovo).

not, on its own, be a sufficient condition for the migrant to return to his or her country of return, counselling can facilitate the successful return and reintegration of a third-country national.

Concerning counselling services offered by government bodies, many Member States (**Belgium, Czech Republic, Estonia, Finland, France, Germany, Italy, Netherlands, Poland, Portugal, Slovenia, Spain, Sweden**) provided such services. In **Estonia**, improvements to the existing counselling service were being considered, since currently only one individual was responsible for providing counselling to third-country nationals wishing to return, rendering individual counselling sessions impossible. In the **Netherlands**, the government body responsible for counselling services offers short training courses in the period preceding departure so that the third-country national can return to their country of origin equipped with ‘tools’ to begin their life upon return.

At the pre-return stage, in many Member States (**Austria, Belgium, Czech Republic, Germany, Hungary, Ireland, Italy, Lithuania, Malta, Netherlands, Poland, Portugal, Slovenia, Slovak Republic, Spain, United Kingdom**) implementing partners offered counselling services to prepare the migrant for their return. In addition to counselling, information on the Assisted Return procedure and on the documents needed for the return was provided to the third-country nationals. In **Belgium**, *Fedasil* has set up a network of return counsellors, who are active in the Federal and regional reception centres. In **Finland**, support was provided for social reintegration, in order to prepare persons mentally for return and to teach them skills for self-motivation and self-encouragement.

Concerning counselling offered to specific groups of migrants, some Member States (**Austria, Czech Republic, Germany, Italy, Poland, Sweden**) provided such services. In **Austria**, specific counselling is offered to different groups of migrants: e.g. to (former) asylum applicants, victims of human trafficking, persons in detention pending deportation and also non-national prisoners. In the **Czech Republic**, both illegally staying third-country nationals and rejected asylum applicants were able to use counselling services, while in **Sweden**, a programme was offered to rejected asylum applicants. In **Germany**, a wide range of counselling was offered depending on the needs of the individual and the finances available to them. However, availability of counselling services varied across regions and Federal States (*Länder*). With regard to vulnerable groups, such as trafficked victims and humanitarian cases, in **Italy** every single applicant was assessed by specially trained personnel, taking into account the voluntariness of the return, as well as the appropriateness

of the return in relation to eventual risks and the possibility for effective reintegration. Additionally, in **Austria**, **Netherlands** and **Poland**, the IOM exercised specific measures for more vulnerable groups. For example, individual support was provided to persons with health-related problems, with such support including cooperation with counsellors in the **Netherlands**. Furthermore, extra attention was offered to victims of human trafficking, who wished to return to their country of origin. In **Poland**, in particular cases, the first preparatory stage includes medical examinations, to determine whether there are any medical concerns to the migrant's travel (e.g. advanced pregnancy).

With regard to the number of counselling sessions provided to the returnee, in **Austria**, between three and five individual counselling sessions are offered nationwide. In the first counselling session, future perspectives in **Austria** and in the country of return are discussed, with the following counselling sessions focusing on the support of migrants through different interventions with authorities, doctors, legal counselling, etc. In **Malta**, return counselling consisted of regular meetings and interviews between the implementing partner and the potential returnee, in order to discuss all the aspects of return and to allow time to build the necessary trust and increase acceptance of Assisted Return. In **Poland**, the preparatory phase includes counselling on an individual basis, with regard to assisted return opportunities. This provides the beneficiary with objective information about their legal and social status in Poland, in their country of origin and about the Assisted Return programme. At a later stage, counselling also focuses on making sure that the decision to participate has been taken independently.<sup>65</sup> In the **United Kingdom**, most returnees had contact with their caseworker two or three times before departure.

**Belgium** and **Spain** created a system to implement Assisted Return programmes established and further developed over many years. This was considered a core strength of their programmes. For **Belgium**, next to the network of return counsellors managed by *Fedasil*, the network of *Return and Emigration of Asylum Seekers Ex Belgium (REAB)* partners, coordinated by the IOM, is in charge of Assisted Return. Since this constitutes an extremely diverse network, made up of 60 organisations, migrants are provided with diverse information on the Assisted Return option, and with assistance in processing their files and submitting their application to the IOM. For **Spain**, a system for social support was set up so

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<sup>65</sup> Support provided in **Poland** also consists of assistance with regard to travel documents, mostly in relation entering data of a child who was born in the territory of the Republic of Poland or of another third country into the parent's passport; less often with regard to the preparation of travel documents due to a lack of a valid passport.



that the returnee could adapt emotionally and psychologically to the Assisted Return measures.

Regarding training provided to potential returnees, in **Greece**, a pilot project included the following areas of training before return: introduction to democratic institutions; human rights and gender equality; introduction to nursing and first aid; introduction to information technology; and teaching of English language.

In **Ireland**, the IOM provided each applicant, for the *IOM Voluntary Assisted Return and Reintegration Programme (VARRP)*, with counselling in order to correctly inform them on their decision to return. Additionally, applicants who had not received legal advice, prior to making an application, were advised to do so. Interpreters were also used, where necessary, to ensure that individuals make an informed decision.

Support provided in **Italy**, throughout all the phases of Assisted Return, not only included financial assistance, but also psychological and logistical assistance, as well as diplomatic actions of mediation between the States involved. Such diplomatic action between the States involved was considered effective in addressing one of the obstacles outlined by **Italy, Lithuania, Poland, Spain, United Kingdom** in [Section 5.1](#), concerning the importance of strengthening relations between the Member State and the country of return.

Information dissemination is also vital for the development of Assisted Return measures. In **Austria, Belgium, Finland, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Poland, Sweden** and **Slovak Republic**, information was available to potential returnees in different languages. In the **Slovak Republic**, registration through the IOM was provided in several languages, with translation provided in Chinese, Russian, Vietnamese and Arabic. In **Hungary** and **Latvia**, the return counselling consisted of outlining the possible risks that the migrants could face, based on the IOM's extensive country of origin database. The application form to be filled out by the migrant was available in 12 languages, with questions concerning the identity of the migrant and the legal status of stay (**Hungary**). In **Germany**, a central *Information Centre for Voluntary Return (ZIRF)* was established in order to coordinate and link the voluntary return assistance on the different levels and between the different sponsors. The project *ZIRF-Counselling* provides country-specific information on the current situation in various countries of return ("Country Fact Sheets"). **Poland**, especially for nationals of China or Vietnam, collaborates with interpreters, who usually contact the third-country national by phone, to provide them with information on the project

in a language that they understand. Information material as part of the promotional campaign is also made available in several languages (including Armenian, Bengali, Chinese, Georgian, Mongolian, Russian, Thai and Vietnamese).

With regard to national information dissemination in **Austria, Lithuania, Portugal** and the **Slovak Republic**, measures were undertaken to ensure that information could be provided to third-country nationals living in all areas of their territory. For **Portugal**, the *SuRRIA project* put in place a decentralised network for services and counselling, operating throughout the Member State, to ensure that migrants had closer points for assistance. To disseminate information on the existence of the “Voluntary Return Programme” and related legislation, an information campaign was organised in the **Slovak Republic** comprising advertising, the dissemination of brochures and posters, a phone line and actions taken by on-site operational IOM staff.<sup>66</sup> In **Austria, Lithuania** and **Slovak Republic**, a phone line was set up in order for information to be disseminated to those third-country nationals who could not visit the counselling offices in the main cities.

Concerning additional assistance provided to potential returnees, in the **United Kingdom**, return plans could also provide the third-country national with, among other things, three months temporary accommodation and childcare assistance for up to a year.

Many Member States (**Austria, Belgium, Finland, Hungary, Italy, Latvia, Lithuania, Netherlands, Poland, Malta, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom**) offered schemes, at the pre-return phase, to third-country nationals for the future development of a business in their country of return. In **Hungary** and **Lithuania**, the application for the Assisted Return programme included the submission of a business plan, which could be completed up to thirty days after the return to the country of return. The intention of the business plan was to support the third-country national and their family in the long term. In **Lithuania**, priority was given to nationals belonging to Mobility Partnerships (e.g. Moldova and Georgia).<sup>67</sup> In **Latvia**, the assistance provided by the IOM was stated to be: (1) assistance to start farming activities; (2) procurement of second-hand computers for

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<sup>66</sup> For the **Slovak Republic**, the information campaign for the target group included a phone line at reduced charges, a website as well as billboards; city-lights; advertising boards on the railways, in public city transport vehicles and in shopping centres; and posters and information brochures. The printed campaign outputs – information brochures and posters – were distributed in the facilities of the *Ministry of Interior*, police detention facilities for aliens, *Aliens Police Department of the Police Corps*, *Border Police Department of the Police Corps*, asylum facilities of the Migration Office MoI SR, non-governmental organisations which come into contact with the target group, and diplomatic offices of the countries of origin.

<sup>67</sup> Pilot reintegration projects which were launched in 2010 for Moldova and Georgia.

opening an internet cafe; and (3) procurement of goods for starting a small clothing business sale in a market in the country of return. For more information on these business plan schemes, see [Section 6.1](#) below.

#### 5.4.2 *Transportation stage*

All Member States provided information on measures implemented during the transportation stage. These include transport (movement coordination, transit assistance, escort assistance, unaccompanied baggage, documents and formalities) and health-related assistance (pre-embarkation medical checks and medical escorts).

In all Member States using the IOM as their implementing partner, the visa waiver agreements between the IOM and transit countries were considered very helpful for the facilitation of return through transit countries, particularly when the returnees possessed temporary travel documents only.<sup>68</sup> In relation to vulnerable groups, in **Ireland**, returnees were sometimes accompanied by a doctor or nurse throughout the entire journey when medical needs required this. Unaccompanied minors were always escorted. In fact, the escorting of unaccompanied minors was deemed to be a principle measure in all Member States working with the IOM as their implementing partner (**Austria, Belgium, Czech Republic, Estonia, Finland, Greece, Ireland, Italy, Latvia, Lithuania, Malta, Netherlands, Poland, Portugal, Slovenia, Slovak Republic, Spain, Sweden, United Kingdom**).

With regard to the costs of Assisted Return, many Member States (**Austria, Belgium, Czech Republic, Finland, France, Hungary, Ireland, Italy, Malta, Netherlands, Poland, Portugal, Spain, Sweden, United Kingdom**) provided information on financial support for Assisted Return and travel costs.<sup>69</sup> In **Belgium**, the national budget foresees a structural annual funding of about €5 200 000 for the implementation of the Assisted Return programmes. In **Ireland**, the cost of Assisted Return measures decreased from €1 147 per person in 2007 to €944 per person in 2008, with Assisted Return (including reintegration payments) costing a total of €483 063 in 2008. In **Sweden**, travel costs in connection with Assisted Return were approximately €4.9 million in 2008 and had been estimated at €5.8 million for 2009. The *National Audit Office (NAO)* in the **United Kingdom** compared, between 2003 and 2004, the unit cost of Assisted Return with the unit cost of Forced Return,

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<sup>68</sup> Such schemes were in place in all Member States using IOM as their implementing partner.

<sup>69</sup> These figures must be distinguished from financial contributions made for reintegration, as given in Section 5.

with Assisted Return costing £1 100 (approximately €1 330) compared to £11 000 for Forced Return (approximately €13 300). In 2008/2009, the *NAO* calculated that the unit cost of Assisted Return was less than Forced Return, costing £100 (approximately €150) for Assisted Return, compared to £3 400 (approximately €4 000) for forced return for a single adult.

In **Finland**, the IOM charged the government €90 for each case they implemented. The travel costs to the country of return were also paid either by the police or the reception centre where the returnee had been staying. Alternatively the costs were shared depending on the status of the returnee. In **Poland**, the IOM initially covers all administrative and personnel costs incurred, also in the transit countries and the countries of origin. On the basis of the agreement of 2005, these costs are reimbursed by the *Office for Foreigners* or the *Border Guards* and by EU funding in the event that the activities are part of an EU project.

#### 5.4.3 *Post-return stage*

With regard to measures exercised at the post-return stage, almost all Member States, except for **Greece**, provide assistance to migrants upon return. This stage consisted of measures such as reception, inland transportation, health-related support, and provision of reintegration grants and further reintegration assistance outlined in [Section 6.1](#) below.

## **6. REINTEGRATION AND SUSTAINABILITY OF RETURN**

This Section outlines the reintegration measures implemented by the national governments, as well as their implementing partners ([Section 6.1](#)) and goes on to analyse the sustainability measures put in place by Member States in the countries of return ([Section 6.2](#)).

### **6.1 Reintegration measures**

As outlined in [Section 5.4.3](#), reintegration measures play a vital part in activities undertaken by Member States, both as part of pre-return measures (e.g. training, information on the labour market situation, etc) and at the post return stage. Reintegration measures are often implemented by both governments and their implementing partners in the country of return. All Member States, except for **Greece** and **Hungary**, outlined the systems in place to provide reintegration measures for the returning migrant. Factors which have played a contributing

role in reintegration are: financial contributions ([Section 6.1.1](#)), counselling facilities ([Section 6.1.2](#)), training and development ([Section 6.1.3](#)) and material support ([Section 6.1.4](#)).

### 6.1.1 *Financial Contributions*

With regard to financial contributions provided to third-country nationals taking part in Assisted Return programmes, it is important to note that two different types of contributions exist in the Member States – post-return contributions and reintegration contributions. The main difference between these two types concerns their duration. Whilst post-return contributions mainly appear to focus on providing one-off or short-term support directly following arrival, reintegration contributions provide longer-term financial assistance (typically up to 12 months) covering access to housing, healthcare and (self-) employment. Also the sums involved for reintegration are usually more substantial than those allocated to post-return contributions.

[Table 10](#) below gives an overview of the financial assistance provided to returnees in relation to the initial stages of return. **Austria, Belgium, Germany, Latvia, Lithuania, Netherlands, and Portugal** provide allowances to third-country nationals to assist them in the initial stages post return.<sup>70</sup> In **Austria**, a person can receive up to €370 start-up aid, while minors under 14 years may each receive up to €200. In the **Czech Republic**, as part of a specific project, €500 for an adult and €250 for a minor were provided in the first phase of the return process (and €300 for an adult and €150 for a minor in the second phase).<sup>71</sup> Within the general return scheme REAG/GARP in **Germany**, start-up payments are based on a sliding scale, with the list of return states and the according amounts being determined annually, ranging between €300 and €700 per adult in 2009. In **Latvia**, a single allowance of €400 is provided to cover the costs of return during the first few months. In **Lithuania**, the reinstallation grant is currently €405 and covers in-land travel and immediate needs of migrants during the first days after arrival.

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<sup>70</sup> These monetary contributions should not be confused with the reintegration contributions provided by many Member States, which will be discussed below.

<sup>71</sup> This only applied to one specific project for legally staying foreign nationals (adults) affected by the economic crisis in 2009. Whether and at which rate financial contributions are provided to other returnees very much depends on the type of the return and the current projects for returns.

**Table 10: Financial assistance provided to returnees in relation to the initial stages of return**

Member State	Category of Person	Sum	Additional Information
<b>Austria</b>	Adult	€370	Maximum amounts
	Minor (Minor under 14)	€200	
<b>Belgium</b>	Adult	€250	
	Minor	€125	
<b>Czech Republic</b>	Adult	€500 / €300	First / second phase of special return project <sup>72</sup> .
	Minor	€250 / €150	
<b>Germany</b>	Adult	€300 - €700	Depending on country of origin/return; rates are for 2009
	Minor	€150 - €375	
<b>Latvia</b>	Adult/Minor	€400	Covers the costs of return for and expenses incurred during the first few months in the country of return.
<b>Lithuania</b>	Adult/Minor	€405	Covers in land travel and immediate needs of returnee during the first days after arrival.
<b>Netherlands</b>	Adult/unaccompanied minor (lawful stay)	€500	-
	Accompanying minor (lawful stay)	€100	
	Adult/unaccompanied minor (illegal residence)	€200	
<b>Poland</b>	Adult/Minor	€85-€200	One-off reintegration allocation, the amount of money depending on the IOM project.
<b>Portugal</b>	Adult/Minor	€50	Aimed at paying for transport and other expenses that might be incurred upon arrival at the country of return.

In the **Netherlands**, the financial contribution to bridge the initial period after return was €500 per adult or unaccompanied minor and €100 per accompanying minor (who had a legal residence permit), or €200 per adult or unaccompanied minor who no longer had the right to reside lawfully. In **Poland**, a one-off payment for reintegration was provided amounting to the equivalent of €85 within various IOM projects co-financed by the EU. In the 2004-2005 pilot projects on voluntary return and reintegration assistance, the equivalent of €250 per person was provided. In **Portugal**, returnees received a sum of €50, which was primarily aimed at paying for transport and other expenses that might be incurred upon arrival at the country of return.

As illustrated from [Table 11](#) below, most Member States (**Austria, Belgium, France, Ireland, Italy, Lithuania, Netherlands, Poland, Spain, Sweden, United Kingdom**)

<sup>72</sup> Idem.

provided financial support to assist in the reintegration of the returnees in their country of return. Such financial assistance ranges from €700 per adult person (**Belgium**) to €5 000 (**Spain**).<sup>73</sup> In **Austria**, reintegration support is granted in the framework of country-specific projects (currently Kosovo, the Russian Federation (Chechen Republic), Nigeria) or for returnees of specific federal provinces. Depending on the project, up to €3 500 are spent in kind per project participant on reintegration measures (training, business start ups, material support, etc.). For vulnerable persons, additional funds are available. Next to this, several federal provinces provide cash financial reintegration assistance to returnees on a case-by-case basis of up to €1 500. In **Belgium**, each adult person receives €700 with no maximum per household. Furthermore, vulnerable groups are eligible to receive an additional €500. In **France**, the reintegration assistance (referred to as ‘settlement’ assistance scheme) includes assistance to start up a project, with the maximum amount being €7 000. In **Italy** the financial assistance is around €900, with the possibility of increasing this to €1 650 per family. **Lithuania** only provides reintegration assistance in kind, at a maximum value of €1 500. In the **Netherlands**, regulation provides for €1 750 per adult, though this was limited to asylum applicants who are still residing lawfully or who applied for asylum prior to 1 April 2001. In the **United Kingdom** in 2006, the package for assisted voluntary return rose from £1 000 (approximately €1 210) to £3 000 (approximately € 3 630).

As to total costs, in **Ireland**, the total cost of reintegration programme was €71 307 in 2008. In **Sweden**, the cost of re-establishment support provided for return migration was estimated to be approximately € 1.3 million in 2008.

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<sup>73</sup> In Spain, reintegration costs can vary between 1 500 euro and 5 000 euro per person.

**Table 11: Financial assistance provided to returnees for reintegration upon return**

Member State	Type of Reintegration Assistance	Sum	Additional comments
<b>Austria</b>	Individual assistance	up to €3 500 per person in kind	For participants in country-specific reintegration projects or returnees of specific federal provinces
<b>Belgium</b>	Individual assistance	€700 per adult €350 per minor (no maximum per household)	Vulnerable groups can receive an additional €500. Further increases are possible in projects under the European Return Fund.
<b>Czech Republic</b>	Individual assistance	-	Since 2008 limited to rejected asylum applicants who meet vulnerability criteria
<b>France</b>	Individual assistance	€7 000 maximum	Includes assistance to start-up project
<b>Ireland</b>	Total reintegration support	€71 307	Total spent on reintegration support in 2008
<b>Italy</b>	Individual assistance	€900 per person €1 650 (household maximum)	Possibility to increase up to €1 650 per family
<b>Lithuania</b>	Individual or family assistance	€1 500	Assistance in kind
<b>Netherlands</b>	Individual assistance	€1 750 per adult	Limited to asylum applicants who meet certain criteria. Depends on country of return, maximum of €2 000 provided for returnees to Sierra Leone
	Individual assistance	€3 500 per chronically ill returnee	-
<b>Poland</b>	Individual assistance on the basis of a business plan	From €1 000 up to €2 000, depending on the IOM project	Applicable since 2008 within projects co-financed by the EU.
<b>Portugal</b>	Reintegration subsidy	€1 100 maximum	Granted on a case-by-case basis
<b>Slovak Republic</b>	Individual assistance	€2 300 maximum	Applicable April 2009 – April 2010 Direct payments to service providers and contractors
	Individual assistance	€900	From April 2010 Direct payments to service providers and contractors
<b>Spain</b>	Individual assistance	€1 500 - €5 000 per project	-
<b>Sweden</b>	Individual assistance	€3250 per adult €1600 per minor	Maximum €8000 per family
<b>United Kingdom</b>	Assisted Return Package	€3 630	Rise from €1 210 in 2006



In **Portugal**, an instalment system is in place with reintegration subsidies always provided in two instalments, with the second instalment depending on the prior presentation of proof corroborating how the first instalment was spent. In the **Slovak Republic**, returnees receive the allocated resources in the form of direct payments to service providers and contractors, with the maximum amount of reintegration assistance reaching €2 300.<sup>74</sup> Financial assistance in the **Slovak Republic** is dependent on the client's needs, with material support, including the acquisition of tools and equipment to ensure the basic necessities of life after return, provided in particular circumstances.<sup>75</sup>

Some Member States placed limits on those who could access reintegration support. Since 2008, the **Czech Republic** only allows vulnerable rejected asylum applicants to draw on the financial reintegration support. However, in 2007, all rejected asylum applicants were offered a choice between financial support in cash and reintegration services free of charge in the country of origin. Since 2009, the reintegration programme changed in **Ireland**, with illegally staying migrants not meeting the vulnerability criteria, being excluded from assistance. In **Germany**, whilst no comprehensive public grant scheme particularly aimed at reintegration is in place, some Federal States (*Länder*) provide personal return and reintegration assistance, which, for example in the case of Baden-Wuerttemberg, can reach a maximum sum of €1 500 per adult or €6 000 for families with underage children. Furthermore, some municipalities and non-governmental organisations provide for reintegration assistance, often in the form of training or education measures (see [Section 6.1.3](#) below). In **Estonia**, **Finland** and **Slovenia**, practically no reintegration measures were implemented. In **Slovenia**, the contribution of a petty cash grant, implemented by the *Centre for Foreigners*, was presently the only reintegration element of the Assisted Return system. This grant is given to returnees to cover initial post-return costs.

Concerning the provision of monetary assistance directly to the returnee, in order to better integrate into their country of return, practices are diverging between the **United Kingdom** and **Hungary**. In the **United Kingdom**, both the IOM and the *UK Border Agency* believed that a financial incentive for return and reintegration, provided that it was reasonably substantial and given in a targeted manner, built the returnee's confidence in returning and so facilitated the return process. However, in **Hungary** the financial incentive is not provided to

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<sup>74</sup> This amount was applicable to the period April 2009-April 2010. From April 2010 onwards, the reintegration assistance is EUR 900 per single reintegration scheme.

<sup>75</sup> The amount is not fixed, as the support varies with the availability of funds. Flexibility also exists in changing the amount, for example, when it is directed to a family (e.g. increase in funds made available).

the returnees directly, but assistance is provided in kind by services which help them in setting up a business.

With regard to chronically ill returnees, the **Netherlands** introduced a reintegration package which allowed a maximum of €3 500 per individual to be invested. This package promoted the ability to generate income, so that the third-country national could personally and independently pay for medical care. Furthermore, the reintegration programme varies depending on the country of return, with a maximum of €2 000 provided for returnees to Sierra Leone, including the cost of services for temporary sleeping facilities, as well as transit to the place of destination and social reintegration. For return to Afghanistan, part of the services is provided in kind and part in cash (€800). This combination was favoured by the IOM, and there was a great demand for it.

#### 6.1.2 *Counselling services*

Some implementing partners of Assisted Return measures in **Austria, Finland, Germany, Italy, Lithuania, Malta, Poland, Portugal, Slovenia** and the **United Kingdom** provide counselling services, in particular with regard to post return, to (particular groups of) returned migrants in their country of return.<sup>76</sup> Furthermore, **Belgium, Finland, France, Germany, Netherlands, Poland** and **Spain** continued some of their national counselling services post-departure.<sup>77</sup> It was evident, however, that post-return counselling was not regularly implemented by the Member States.

In **Belgium**, Caritas has been involved in voluntary return since 1984. In 2004, Caritas implemented a number of projects with co-funding from the European Return Fund (see [Section 3](#)), through which it sought ways of providing reintegration support through its international network. Caritas had a structural involvement in implementing the reintegration programme since 2007. Like the IOM, it delegated support and assistance after return to its local branches in the country of return. In **France**, social support was provided on the arrival in the return country, with support services adapted to individual needs, particularly families.

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<sup>76</sup> For example, **Lithuania** provides such counselling only to migrants who are eligible for reintegration assistance and need to discuss their reintegration plans with local IOM offices.

<sup>77</sup> For example, in **Germany**, only selected programmes continue with counselling services in the post-return stage.

### 6.1.3 Training and development

In order to reintegrate the returnees in their country of return, many Member States (**Austria, Finland, France, Hungary, Italy, Latvia, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom**) have measures in place to provide these individuals with training and other vocational development opportunities.

Sixteen Member States (**Austria, Belgium, Finland, Germany, Hungary, Ireland, Italy, Latvia, Netherlands, Malta, Poland, Portugal, Slovak Republic, Slovenia, Spain, United Kingdom**) provide migrants with the opportunity to develop their own business in their country of return. In **Austria**, training and development is offered to ensure successful and sustainable reintegration in the framework of specific projects. For example, the reintegration project in Nigeria carried out by the IOM offers occupation-orientation counselling before return, as well as support in finding a job through cooperation with Austrian and local enterprises in Nigeria. In **Finland**, the *Drita III project* included the support of employment schemes in Kosovo, to enable proper vocational reintegration, such as the provision of business grants for nationals of Kosovo wishing to return. In **Germany**, several beacon projects funded by selected Federal States (*Länder*), municipalities or semi-/non-governmental organisations provide entrepreneurial start-up assistance and training or direct monetary/material aids to returnees in order to start a business. In **Malta**, discussions on a reintegration package, approximately two to three weeks upon departure, also covered the possibility of constructing a business plan, which would be tailor-made for the prospective returnee. In **Ireland**, where support is only available via funding, 49% of the 134 requests between January and June 2009 concerned the starting up of a business in the country of return.

In **Poland**, financial support is granted to third-country nationals who present a business plan before their departure or upon return. The business plan is evaluated by the IOM Warsaw Office, in co-operation with the IOM office in the country of return, in terms of its viability. This includes an assessment of the “implementation capacity” of the beneficiary, of the impact the project would have on the situation of the beneficiary and his/her family, on the extent to which it would ensure a regular source of income, etc.<sup>78</sup>

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<sup>78</sup> IOM employees usually monitor and assess the reintegration assistance provided after six to eight months from the day a third-country national started the implementation of the business plan.

In **Lithuania** and **Slovenia**, as an alternative to a business plan support, the IOM can grant financial and referral assistance for education or training in a school, university or other institute, where relevant, in the country of return.

Training programmes offered to returnees in the **Netherlands** were beneficial to the reintegration of the third-country national. Such programmes also included assistance in starting a business. The NGO *Restored Trust in the Future (HIT foundation)*, in its Innovation Pilot Project *Angola Conexcao*, offered vocational training to returnees, which included the development of skills required to draw up a business plan and to set up a business. The *Ministry of Foreign Affairs* is an important financier of projects and programmes in the field of reintegration for asylum applicants who voluntarily returned and whose statutory term for departure had not expired. However, one problem with regard to reintegration assistance was that the asylum applicants had to come from the 40 +3<sup>79</sup> partner countries with which the Netherlands has a development-cooperation, in order for them to benefit from these reintegration facilities.

When looking at the proportion of third-country nationals who benefitted from reintegration assistance when taking part in Assisted Return programmes in **Ireland** in 2008, the IOM provided reintegration assistance to 40% of returnees, as not all of them made use of the assistance most had originally applied for. In order to improve take-up rates, IOM Dublin planned to improve the quality and timeliness of information provided to all eligible returnees.

#### 6.1.4 *Material support measures*

Seven Member States (**Austria**,<sup>80</sup> **Belgium**, **France**, **Ireland**, **Lithuania**, **Spain**, **Sweden**) provide material support to third-country nationals returning to their country of return under the Assisted Return programmes. In **France** and **Lithuania**, the assistance scheme includes providing the returnee with the support of a technical operator for the setting up, completing and monitoring an economic project, corresponding to an average amount of €1 200 in **France** and €1 500 in **Lithuania** with the possibility, depending on the individual concerned, to add to this assistance, additional special support and vocational training. In **Ireland**, the

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<sup>79</sup> The **Netherlands** has a development co-operation with 40 countries. Three countries are added to this list for the Migration and Development programme.

<sup>80</sup> In **Austria**, material support measures are provided in the framework of country-specific reintegration projects.

provision of tools and materials to allow returnees to re-establish themselves in trades, such as the mechanical trade, represented 49% of requests.

## 6.2 Sustainability

It is evident that sustainability measures, i.e. measures specifically focusing on ensuring that return is of a lasting nature, do not constitute a standard element of Assisted Return programmes in many Member States. Four important types of actions to promote sustainability can be deduced from Member State policies in this area. Firstly, cooperation with implementing partners ([Section 6.2.1](#)) is deemed to be extremely important, because of the networks these implementing partners maintain in the countries of return. Providing counselling services in the country of return is also considered to be an important approach in guaranteeing the sustainability of the Assisted Return measures ([Section 6.2.2](#)), since these services allow for the returnee to receive on-site and ongoing assistance. Additionally, monitoring and evaluation ([Section 6.2.3](#)) is considered to be fundamental as these practices enable the Member State to not only ensure that their return and reintegration measures are sustainable, but also to identify best practices and lessons learnt, which will help in the future development of Assisted Return and reintegration measures. Finally, [Section 6.2.4](#) deals with re-entry bans imposed by some Member States on returnees who are participating in Assisted Return measures.

### 6.2.1 Cooperation with Implementing Partners

With regard to sustainability measures, cooperation between implementing partners, both in the Member States and in the countries of return is undertaken in most Member States (**Austria, Belgium, Czech Republic, Estonia, Germany, Ireland, Italy, Finland, France, Hungary, Lithuania, Netherlands, Poland, Portugal, Slovak Republic, Spain, Sweden**).

In **Germany**, a wide network of NGOs and international organisations operate between the Member State and the countries of return, in order to ensure a sustainable return policy. In **Hungary**, it was perceived that a joint effort between the Member State and the country of return was needed for reintegration to be successful and sustainable. Therefore, organisations dealing with the development of the returnees' business plans in the country of return are obliged to liaise with IOM Budapest, in order to maximise the efficiency of the interventions. Additionally in **Italy**, the bilateral approach based on readmission agreements and joint

operational measures is considered to be a strategy to ensure a sustainable return policy, as it was in the case of migration flows from Albania.

In the **Netherlands**, the *Platform for Sustainable Return*, which is currently being developed, intends to stimulate cooperation between governmental and non-governmental organisations, in order to create unity in return initiatives. One of the plans concerns the formation of a joint front office in which 10 organisations<sup>81</sup> will be working together, so that returnees can be better assisted according to their individual needs and to improve coordination and linkages pre-return and post-return assistance. This Platform<sup>82</sup> should also help to ensure that Assisted Return and reintegration measures are properly implemented and monitored. In **Estonia**, the *AVR II Project* included initial plans for reintegration measures, such as establishing contacts with countries and organisations competent in reintegration policies, including local municipalities and authorities of other countries, in order to ensure the sustainability of the proposed reintegration measures.

#### 6.2.2 *Counselling Services in Country of Origin*

Some Member States provide counselling services in the country of origin, as outlined in [Section 5](#) and [Section 6.1.2](#). Counselling measures were identified as a key measure to ensure sustainability of return. **Belgium** considered that better counselling for reintegration would make return more sustainable and would therefore reduce the chances of persons coming back to them or another Member State. Counselling services in the country of return enable such reintegration, as returning migrants, facing difficulties or having questions, are offered access to advice and support also once they have arrived in their country of return. In **Germany**, counselling services were perceived as an important tool to ensure sustainability. The counselling services organised in the countries of return varied significantly, depending on the programme being implemented, but in general these services could consist of social and psychological counselling, financial aid, professional training and employment promotion measures.

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<sup>81</sup> COA, Cordaid, IOM, Nidos, Samah, Pharos, Healthnet, stichting Hersteld vertrouwen In de Toekomst (HIT), stichting Mondiale Samenleving, and the Dutch Council for Refugees (VWN).

<sup>82</sup> The Platform is now named 'The foundation for sustainable return' and includes 9 organisations. The foundation serves as a front-office and aims to improve co-operation in order to be able to achieve a coherent and high service level for ex-asylum seekers willing to return to their country of origin.

### 6.2.3 Monitoring and evaluation

Thirteen Member States (**Austria, Belgium, Finland, France, Hungary, Ireland, Italy, Netherlands, Malta, Portugal, Slovak Republic, Slovenia, Spain, United Kingdom**) undertook steps to monitor and evaluate return measures. As explained below, part of this consists of the standard (limited) monitoring that the IOM carries out, such as on-site visits or phone calls.

**Austria, Belgium, Finland, Ireland, Malta** and **Spain** maintained contact with returnees throughout the monitoring process. In **Austria**, the IOM and other institutions responsible for implementing Assisted Return and re-integration procedures, receive monitoring reports compiled by the organisations in charge in the countries of origin or carry out telephone monitoring. If funds are available, they also carry out monitoring trips to the countries of return, which include liaison activities with local stakeholders and visits of returnees. In **Finland**, though monitoring was included in projects undertaken, it was not considered to be a general practice. Often questionnaires were sent to returnees in order to determine whether they had successfully re-integrated into their society.<sup>83</sup> In **Ireland**, the monitoring of reintegration payments included the completion of a detailed questionnaire, which could be filled through a telephone interview with the returnee or in person. In **Malta**, monitoring done by the IOM, for example, comprised of verifying the business established by the migrants through on-site visits or phone calls. These IOM monitoring visits serve to follow-up on, and evaluate, the reintegration activity on-site at various intervals and for different durations of time, depending on the activity being undertaken by the returnee, as well as the requirements of the project itself. Additionally, in **Spain**, in cases where the returnee is provided with money to start their own business, checks are made within a few months of return, whereas checks in **Belgium** are made within a year of reintegration.

In the **Netherlands**, the evaluation of some of the Assisted Return projects took place as well, although an overall evaluation had not been undertaken. By contrast, **Belgium, Hungary, Spain** and **United Kingdom**, undertook an evaluation of their Assisted Return programmes. In **Hungary**, a monitoring mission was undertaken in Kosovo in 2007, in order to assess the results of the reintegration programme. The evaluation concluded that the reintegration grants were a very effective means of assisting illegally staying third-country

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<sup>83</sup> One of the projects in **Finland** which was reported as undertaking monitoring was the *Drita III project*, which included monitoring activities such as the support of employment schemes in Kosovo to ensure proper occupational reintegration on the project, with business grants and employment assistance grants developed.

nationals wishing to start a new life in their country of return. A relatively small investment by the Member State, combined with the abilities and efforts from the returnees' side, could lead to success in the country of return even in the short term. In **Hungary** and **Spain**, the business development plans for migrants helped to make the return process sustainable: through the creation of a business, returnees were motivated to stay in their country of return and to succeed in their businesses. In **Spain**, evaluation is mainly undertaken by non-governmental organisations which exhaustively document the monitoring process.<sup>84</sup> In the **United Kingdom**, the *UK Border Agency* evaluates the Assisted Voluntary Return programme on an annual basis, by examining data regarding the take-up of reintegration assistance.

**Portugal** and **Slovenia** were in the process of developing their monitoring arrangements. In **Slovenia**, an IOM project focused on developing an additional monitoring tool, in the form of a field trip undertaken by the project manager to assess the effective use of the funds. In **Portugal**, since the implementation reports on their Assisted Return programme did not presently cover the monitoring of post-return and reintegration, it was considered a priority that these aspects should be monitored in the coming years. Similarly, **Lithuania** considered that it is necessary to carry out the monitoring of Assisted Return projects, given that countries, causes and categories of migrants in need of assistance are constantly changing. Therefore, it is increasingly necessary to exchange experiences and information with other countries and strengthen cooperation with the countries of return. This would help to organise lasting returns, which could better accommodate the needs of the migrant and their country of return and hence reduce barriers to return.

The IOM procedure for monitoring and evaluation was outlined by **Hungary**, **Italy**, **Ireland**, **Malta** and **Slovenia**. This procedure includes monitoring the use of the grants provided to the returnees, through regular checks of the returnees' business, to ensure that funding is being correctly used, as well as monitoring social reintegration, by undertaking on-site visits and interviews with the returnee. In **Malta** and **Hungary**, once the returnee arrived in his or her country of return, the IOM mission in this country assisted him or her in drafting a business plan and in setting up the business and subsequently monitored the development of this business. For **Ireland**, the IOM monitors the destination of the reintegration funds after six months, in order to ensure that the funds have been correctly spent. In **Hungary**, the IOM

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<sup>84</sup> This was observed through the Spanish Catholic Mission for Migration's (ACCEM) *RN Latam* project where a practice tool was developed that enabled non-governmental organisations working in this area to implement sustainable Assisted Return programmes.



enables the procurement of necessary equipment for starting a business. This is always documented by local organisations, with evidence sent to IOM Hungary in order to correctly monitor the reintegration process (See also [Section 6.2.1](#)).

Among the findings of an evaluation of the Assisted Return programmes in **Belgium**, was the conclusion that the introduction of support for reintegration could potentially act as a “pull factor” for migrants to come to the Member State. Therefore, it was recommended that to control this risk, the target group had to be more strictly defined. An Expert Report, by IOM Prague, on Assisted Return in the **Czech Republic** identified its main weaknesses as the non-systemic nature of legal counselling services, and a certain degree of fragmentation of the programmes. With regard to the former, as such services were provided by different NGO’s and the IOM, the information provided was not always consistent and sometimes confusing for beneficiaries. The fragmentation derives from the different categories of returnees targeted by the programmes and the varied sources of financing. The fragmentation in turn causes an unbalanced amount of administrative operations and renders the system of Assisted Return difficult to understand for third-country nationals.

#### 6.2.4 *Re-entry bans*

**Austria, Czech Republic, Malta, Portugal, Spain and United Kingdom** impose re-entry bans on third-country nationals who have made use of their Assisted Return programmes. In **Austria**, a residence ban is imposed on non-national prisoners if they make use of Assisted Return measures. In the **Czech Republic** a large part of those migrants who participate in Assisted Return programmes will also be issued with a re-entry ban where they cannot return to the Czech Republic for the period defined in the relevant decision. For **Portugal**, in accordance with the *Foreigners’ Law*, migrants benefiting from Assisted Return are banned from re-entering for a period of three years after having left. However, during this period the returnees could re-enter if they reimburse the money received, plus interest. The ban could also be derogated for humanitarian reasons, and, if necessary, a special visa could be issued on an exceptional basis. In the **United Kingdom**, changes to the immigration rules in 2008, effective as of October 2008, resulted in the introduction of re-entry bans for assisted returnees. The length of the ban depends on how the individual leaves. Those who leave voluntarily, but at the public expense, are refused entry for five years. This includes individuals returning on any Assisted Return scheme. The IOM has expressed its concerns

regarding this policy, arguing that if a ban was imposed, it could act as a deterrent for those wishing to use the Assisted Return scheme.

In **Hungary**, the entry ban only applies to Forced Return and not to migrants participating in Assisted Return. In **Italy**, unlike expulsion, which is accompanied by a re-entry ban for a period of up to ten years, Assisted Return does not give rise to any re-entry ban. Additionally, in **Belgium**, where no re-entry ban had been imposed, a third-country national had to repay the travel costs of Assisted Return if they returned to Belgium within five years.

## **7. BEST PRACTICES AND LESSONS LEARNED**

This Section presents some of the identified best practices and lessons learnt in relation to Assisted Return and Reintegration measures. With regard to Assisted Return measures ([Section 7.1](#)), the main themes which have been identified by Member States are clarity assurance in policy measures ([Section 7.1.1](#)); individual circumstances and considerations to participate in Assisted Return programmes ([Section 7.1.2](#)); dissemination of information on Assisted Return programmes ([Section 7.1.3](#)); counselling needs ([Section 7.1.4](#)); needs for differentiated incentives ([Section 7.1.5](#)); awareness raising and outreach activities ([Section 7.1.6](#)); organisation of Assisted Return within Member States ([Section 7.1.7](#)). Additionally, though many of the above themes also relate to best practices and lessons learned with regard to Reintegration measures ([Section 7.2](#)), some other points of importance which are outlined concern bilateral cooperation with third states ([Section 7.2.1](#)) and sustainability measures ([Section 7.2.2](#)).

### **7.1 Assisted Return measures**

#### *7.1.1 Clarity Assurance in Policy Measures*

The necessity for policy measures to be presented as clearly as possible, to avoid any misunderstandings and misinformation on Assisted Return by (potential) beneficiaries, was highlighted. In **Lithuania** and **Netherlands**, for example, it was observed that a lack of clarity concerning policy measures could obstruct the success of Assisted Return programmes, in that third-country nationals refrain from participating in Assisted Return because they have the impression that they can still obtain a residence permit somehow and

hence do not wish to sign up for voluntary return, or because they are not clearly informed about the exact content and procedures of Assisted Return programmes.

### *7.1.2 Individual circumstances and considerations to participate in Assisted Return programmes*

The success of Assisted Return programmes is highly dependent on the individual returnee and his or her personal circumstances, views and outlook, as these influence both the individual's decision to sign up for a programme and the extent to which he or she fully commits to the return process. **Belgium, Italy** and **Spain** noted, for example, that the individual's circumstances and considerations were key factors in the ultimate decision to return and to participate in an Assisted Return programme. Studies and evaluations in **Belgium**<sup>85</sup> demonstrated that a decision to return or stay is based on a combination of factors, such as the returnee's integration prospects in the Member State and their perception of the situation in the country of return (as outlined in [Section 5.2](#)). Material and financial support are often only contributing factors in the decision to return. **Italy** noted studies underscoring the importance of the freedom to choose to return in relation to (the success of) the reintegration process and of developing individually tailored reintegration plans. **Spain** referred to studies indicating that migrants have an underlying wish to return to their country of return, if conditions were acceptable for them to do so.

### *7.1.3 Dissemination of information on Assisted Return programmes*

Overall, Member States agree that clear and well-disseminated information on Assisted Return programmes is vital for the success of the Assisted Return programmes, because it facilitates reaching the widest potential target group possible. Through the European Return Fund, several Member States are able to offer a more complete range of services in this area. With the **Czech Republic**, for example, these funds have enabled the amelioration of information campaigns and awareness-raising activities which attract beneficiaries to the programmes. Providing information on Assisted Return programmes in the most prominent languages of returnees is also considered to be a best practice for promoting Assisted Return programmes. In **Austria** and **Hungary**, for example, a multilingual hotline, where potential returnees could receive further information on the programmes available to them, has been

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<sup>85</sup> See for example: FOBLETS, M-C en VANBESELAERE N., *Asielzoekers en terugkeer: een kwalitatief en kwantitatief onderzoek*, KUL, 2006, available from: <http://www.diversiteit.be/diversiteit/files/File//studies/2006/2006-04%20Asielzoekers%20en%20terugkeer.pdf>

established. **Ireland** observed that the lack of knowledge of the English language acted as a barrier for migrants who wished to receive information on Assisted Return programmes. The need for improved dissemination of information and outreach activities became clear from the findings of a 2008 IOM mapping exercise of Moldovan and Georgian communities in Ireland. This research indicated that nationals of Moldova and Georgia often operated in closed communities, preferring to seek advice from family and friends, rather than from public services. Information campaigns in **Italy**, usually related to a single project, are increasingly using the Internet. In the **Slovak Republic**, the information campaign about the Assisted Return programme has, since 2004, formed an inseparable part of their Voluntary Return Programme.

#### 7.1.4 *Counselling needs*

As outlined in [Section 5](#), counselling can be implemented through many different approaches which differ depending on the Member State and the type of Assisted Return programme. Most Member States consider the counselling services to third-country nationals provided by the IOM as a best practice. In the **Slovak Republic**, for example, since the implementation of the Assisted Return Programme in 1998 with the IOM, the provision of information on Assisted Return was strengthened and now includes regular contact with migrants on site, individual and group consultations in the facilities of the *Ministry of Interior*, the provision of up-to-date information through an IOM telephone line at reduced charges, the IOM website and regular distribution of information materials to facilities attended by the target group.

Several Member States also emphasised the need to streamline the organisation of counselling. In this context, **Belgium**, **Germany** and **Spain** considered that the more counselling focused on the individual's needs and potential, the better it would work. In **Austria**, the development of guidelines for minimum standards on counselling on Assisted Return, particularly in detention pending deportation, has been identified as a major future need. A roundtable has been established to elaborate on this matter. **Spain** stressed the need for more trained staff and specific measures to reach the thousands of potentially socially excluded and vulnerable migrants and their communities. In **Finland**, the IOM has identified that the planning of projects is made easier when the needs of returnees have first been carefully analysed. Furthermore, a previous six months post-voluntary return monitoring mission, carried out by the *Ministry of Labour*, revealed that more concrete and detailed information should have been given to support the individual and family-specified decision

making. Concerning the relationship between the NGOs and the returnee, as stressed by **Malta**, Member States need to understand the importance of building trust between the two parties involved in the post-return phase, particularly through the counselling process.

#### 7.1.5 *Need for differentiated incentives*

As highlighted by several Member States, notably **Belgium, Czech Republic, Germany, Italy, Netherlands, Spain, United Kingdom**, different migrant groups have different needs and the incentives provided to them should, therefore, be adapted accordingly. It is, for example, evident that the needs of vulnerable groups, such as third-country nationals with health problems, victims of trafficking, violence and trauma, unaccompanied minors, elderly, handicapped, etc., are very different and thus require a different, tailored, approach in terms of outreach activities, counselling and type of return contributions provided.

In the **Netherlands**, there has been an expansion and diversification of return measures. Groups, such as minors, often need additional assistance, such as education, accommodation or assistance in finding accommodation and work and therefore programmes and projects offer additional assistance to specific groups. In **Germany**, there were indications that tailor-made and targeted incentives and programmes are more sustainable. It has become apparent, for example, that there is a need for those Assisted Voluntary Return programmes that not only involve financial support, but also differentiated and sustainable reception and reintegration structures in the target regions – be it with regard to occupation, education, health or society.

#### 7.1.6 *Awareness-raising and Outreach activities*

Various Member States emphasised the need to strengthen outreach measures to a diverse target group. The IOM's experience shows that the earlier information on Assisted Return programmes is given to asylum applicants, the more effectively these programmes can operate.

Overall, Member States agree that outreach activities, including awareness-raising and information campaigns, should take account of the many factors which influence the individual's decision to return. This implies that they should, for example, focus on a specific target group and / or be made available in different languages. The possibilities available to the returnee in the host country, the conditions in the country of return and the prospects of return and self-reliance, are vital elements to be addressed in outreach activities. In **Ireland**, the *Department of Justice, Equality and Law Reform* requested that the IOM focused their

efforts on providing assistance to illegally resident migrants and the most vulnerable asylum applicants. However, considering the subsequent high number of applicants turned away by the IOM, the criteria for determining the vulnerable groups were considered to be perhaps too restrictive.

In **Italy**, the *W.A.R.M.* project (*Welcome Again: Reinsertion of Migrants*)<sup>86</sup> from 2006 to 2008, gained much appreciation by the government of Albania which proposed it, within the Council of Europe, as an example of “best practice” for the reintegration of migrants. The project supported the return of Albanian immigrants, be it expelled or rejected, or on the basis of a voluntary decision, through various training courses, employment assistance and/or assistance for the creation of micro-enterprises in the country of origin.

In **Portugal**, with the implementation of the *SuRRia* project, the decentralised organisation of the counselling services for assisted return has proven to be very effective, as it has reached migrants from different areas of the Member State. A 2008 report concerning Assisted Return concluded that: “The management of the decentralised counselling network was an interesting challenge and (...) it proved to be an excellent mechanism to support *Voluntary Return*, both from the institutional point of view as well as in terms of enabling returnees to access information.”<sup>87</sup>

#### 7.1.7 Organisation of Assisted Return within Member States

In **Finland**, the dispersion of responsibilities and tasks for different categories of returnees amongst the Finnish Police, municipalities, and reception centres according to the legal status of the person, is considered to have inhibited the systematic development of Assisted Return and the overall promotion of the Assisted Return programme. This sentiment is supported by the *Ministry of Interior*. It was thus considered important to ensure that their internal organisation of Assisted Return does not hinder the development of these programmes, by providing, for example, one organisation with a leading and coordinating role, or by ensuring that the responsible bodies implementing these measures are clearly presented and made visible.

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<sup>86</sup> See Devole Rando, Pittau Franco, Ricci Antonio, Urso Giuliana (eds), *Gli albanesi in Italia*, Idos, Rome, 2008.; or <http://www.migration4development.org/content/warm-%E2%80%9Cwelcome-again-reinsertion-migrants%E2%80%9D-programme-aeneas-2005>.

<sup>87</sup> IOM Mission in Portugal (2006) *Relatório de Execução e Avaliação do Programa de Retorno Voluntário (PRV)*. Lisbon: IOM, p. 25.

To improve the organisational aspects of Assisted Return in **Italy** the *NIRVA* project, funded by the European Return Fund, aims to develop a network of reference-level authorities, NGOs, social workers and diplomatic missions.

In **Sweden**, the *Migration Board* has made qualitative improvements to their case management procedures, which resulted in shortened processing times. In turn, this has reduced the time applicants spend in the asylum system and the related costs for asylum reception. The *Migration Board* has also carried out major initiatives to convince applicants to accept Assisted Return after their application has been rejected.

## 7.2 Reintegration measures

Though many of the best practices and lessons learned ([Section 7.1](#)) can also be considered relevant when discussing reintegration measures, some specific best practices in this area have been identified. These relate in particular to bilateral cooperation between Member States and third countries ([Section 7.2.1](#)), as well as to Sustainability measures, which ensure that Assisted Return and Reintegration are durable ([Section 7.2.2](#)).

### 7.2.1 *Bilateral cooperation with third states*

In many Member States, it has been observed that the relations with the country of return are fundamental in organising effective assisted return. The **Slovak Republic** considered that such relations could help, for example in the case of a third-country national not possessing a travel document, to speed up the Embassy's procedures and hence ensure that the return could be undertaken in the desired period. Good cooperation with Embassies and Consulates from the countries of return can, therefore, be of great use for the effectiveness and timeliness of return programmes.

In the **Czech Republic**, capacity building in the countries of return helped in mitigating the causes of illegal migration. **Italy** gives strategic importance to bilateral agreements of readmission ([Table 9](#)), as well as cooperation agreements between police forces.

In **Sweden** the Migration Board and other agencies involved are committed to continued development of interagency cooperation, and to cooperation with NGOs and other relevant national actors and the countries of return, for example, through reintegration agreements.

### 7.2.2 Sustainability measures

Effective return and reintegration implies that returnees will successfully settle back in their country of return, becoming self-reliant. Measures improving the sustainability of Assisted Return have previously been identified in [Section 6.2](#) above.

In **Spain**, bilateral agreements with third countries were considered a useful way to monitor and evaluate the effectiveness of return. **Germany** and **Lithuania** considered it important to have good monitoring of Assisted Return projects to improve current and future return measures. The **Czech Republic** underlined the importance of increasing the collection of information and statistical data to monitor the sustainability of return measures. **Germany** noted that it would be desirable to collect statistics according to uniform criteria across the various programmes in Federal States and municipalities.

Access to employment, or becoming self-employed, is considered by many Member States (**Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Malta, Portugal, Slovenia, Slovak Republic, Spain, United Kingdom**) as an important part of the reintegration process, with all of them providing some form of employment assistance/finance or business development support. In the **United Kingdom**, for example, a cross-cutting governmental objective is to link migration with development. In addition, **Spain** has developed an integral approach to asylum and migration policies which are strictly interlinked and also referred to the *European Pact on Immigration and Asylum* which encourages synergies between migration and development with the countries of origin and transit, through the Global Approach to Migration. Although Assisted Return is primarily concerned with the individual returnee, it is widely accepted that this can also help to achieve developmental aims in the country of return.



## 8. CONCLUSIONS

This EMN Study has mapped the different forms of Assisted Return that are in place in the EU Member States, thereby facilitating comparative analysis and providing a basis to support discussions upon which any further policy development at national, EU<sup>88</sup> and international level might be undertaken. Overall, the Study shows that a growing number of Member States consider Assisted Return as a valid, and often preferable, alternative to Forced Return.

Comparison of policy and practice in the Member States was, to some extent, hindered by the different terms and concepts that are used. This is evident from [Table 1](#) and [Section 2.3](#), which gives an overview of the different concepts and definitions used by Member States, and in [Annex](#), which gives the national terminology used in the language(s) of the Member State. As [Section 2](#) also identifies, these different terms include Assisted Voluntary Return; Assisted Voluntary Departure; Assisted Forced Return; Independent Voluntary Return; and Independent Voluntary Departure, reflecting the different concepts, policies and programmes in relation to Assisted Return in the Member States.

National legislation, policies and/or programme documents often use the term “Assisted Voluntary Return,” but also here national differences exist with terms such as “Voluntary Return,” “Assisted Return” and “Assisted Humanitarian Return” being used and hence the understandings of these terms vary. Finally, variations not only exist *between* Member States, but also *within* Member States (e.g. different programmes or projects), depending on which groups of third-country nationals are eligible and/or ultimately benefit from a particular form of Assisted Return. Given all this, the more general term “Assisted Return” was thus used in this EMN study when discussing the (different types of) assistance programmes or projects in the Member States, rather than the national concepts.

These differences also hindered the cross-national comparison of statistical data with regard to the different forms of Assisted Return, as shown in [Section 3](#). Whilst the Migratory Statistics Regulation<sup>89</sup> will make relevant statistics more comparable, improving the quality of its collection and analysis, as well as a sufficient level of disaggregation, would better facilitate being able to correctly assess the effectiveness of approaches to return, in view also of the increased level of cooperation between Member States.

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<sup>88</sup> In this regard it may serve as a reference for the foreseen Commission Communication on Return in 2011.

<sup>89</sup> Regulation 862/2007, available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007R0862:EN:NOT>.

Nearly all Member States provide for Assisted Return. The extent to which these forms of Assisted Return are available in Member States differs, however, with some Member States having full-fledged programmes often for many years, others having set up (pilot) projects with the help of the European Return Fund, and others still exploring the possibility to embark on such projects and how to organise this (e.g. through studies, cross-national exchanges or partnerships).

As a result of the growing consideration of Assisted Return as a valid, and often preferable, alternative to Forced Return, steps have been/ are being undertaken to make these forms of return a credible and feasible return option. In fact, [Section 4](#), in which the political, institutional and legislative framework regarding Assisted Return was outlined, indicated that in almost half of the Member States (**Austria, Belgium, Czech Republic, Finland, Germany, Hungary, Ireland, Italy, Malta, Netherlands, Poland, Portugal, Sweden**), Assisted Return was considered by policy- and decision-makers as a preferable outcome in relation to Forced Return. The main reasons were its lower costs and the fact that it allowed the returnee to go back to his or her country of return in a more dignified and humane manner. Member States nevertheless emphasised that, within the framework of a comprehensive migration policy, both Assisted and Forced Return constituted important measures, with Forced Return representing an important tool for some categories of returnees and/or if the alternative was not viable.

An increasing awareness that the willingness to (participate in) return (projects) depended on multiple, often intertwined, factors was demonstrated among several Member States, as outlined in [Section 5](#). Next to reasons to return, such as reunification with family members and friends or a longing to contribute to the rebuilding of the country of return, and challenges met in the respective Member State, such as unemployment, the inability to integrate or the long duration of asylum procedures, Member States also identified individual obstacles to return, such as the risk of cultural and social loss of face, of no longer being able to provide for the household or extended family through the sending of remittances or fear for what awaits the person (e.g. military service, outstanding loans).

It is within this context that several Member States emphasise the value of an Assisted Return programme or project, because of its potential to address the fears and stress that third-country nationals may experience in relation to the idea of returning (e.g. by providing correct country of origin information), to tailor the different stages of the return process to the

individual needs, concerns and interests of the returnee and, last but not least, because it constitutes a dignified form of return.

As a result, many Member States organise Assisted Return programmes or projects comprising measures to overcome these obstacles during the different phases of return, i.e. pre-return (e.g. information dissemination; country of origin information; counselling), transportation (e.g. assistance with arranging travel and obtaining necessary travel documents; coverage of travel costs; escort assistance) and post-return.

Furthermore, in several Member States, the focus has also shifted from organising Assisted Return measures (solely) regarding the pre-return and transportation phase, to the post-return phase ([Section 6](#)). These include, among others, development and training; help with the set up of a business (plan) through financial resources and/or business advice; and counselling. The pursuit of the successful reintegration of the returnee, in particular, and the sustainability of return, in general, is at the heart of these post-return measures. In spite of the significant steps taken by Member States and their implementing partners to turn Assisted Return into a credible and feasible option with sustainable outcomes, this Study identified, however, that there still is a need for more comprehensive and coherent Assisted Return “packages” or programmes spanning the different phases of return. The extent to which Assisted Return is truly cost-effective, sustainable and provides returnees with a humane and dignified avenue to return, depends not solely on the individual measures organised in the pre-, transportation- or post-return phases, but also, and especially, on the extent to which these build on one another to form a coherent and holistic package.

Any set up, or more systematic provision, of comprehensive and coherent Assisted Return “packages” or programmes spanning the different phases of return would imply the necessity for a more systematic monitoring and evaluation of projects and, especially, overarching strategies for Assisted Return in Member States. To date, it seems that this is not done systematically and often limited to particular projects rather than the (national) strategy as a whole.

The best practices and lessons learnt ([Section 7](#)), constitute a useful step in that direction. Further national and cross-national analyses of what works where and for whom could present national and EU policymakers and other stakeholders with an important basis for any further elaboration and improvement of Assisted Return measures and strategies in the Member States.

**ANNEX: NATIONAL TERMINOLOGY ON THE FORMS OF ASSISTED AND FORCED RETURN IN EU MEMBER STATES**

<b>Member State</b>	<b>Assisted Voluntary Return</b>	<b>Assisted Voluntary Departure</b>	<b>Forced Return</b>
<b>Austria</b>	<i>Voluntary Return (freiwillige Rückkehr)</i> <i>Assisted Voluntary Return</i> <i>(unterstützte freiwillige Rückkehr)</i>	<i>Voluntary Return (freiwillige Rückkehr)</i> <i>Assisted Voluntary Return</i> <i>(unterstützte freiwillige Rückkehr)</i>	<i>Removal (Abschiebung)</i>
<b>Belgium</b>	<i>Voluntary Return (begeleide vrijwillige terugkeer /</i> <i>retour volontaire assisté)</i>	<i>Voluntary Return (vrijwillig vertrek /</i> <i>depart volontaire)</i>	<i>Forced Return (Gedwongen</i> <i>Terugkeer / Retour forcé)</i>
<b>Czech Republic</b>	<i>Assisted Voluntary Return (Asistovaný</i> <i>dobrovolný návrat)</i> <i>Voluntary Return (Dobrovolný návrat)</i>	<i>Assisted Voluntary Return (Asistovaný</i> <i>dobrovolný návrat)</i> <i>Voluntary Return (Dobrovolný návrat)</i>	<i>Judicial Expulsion (Soudní vyhoštění)</i> <i>Administrative Expulsion (Správní</i> <i>vyhoštění).</i>
<b>Germany</b>	<i>Voluntary Return or Secondary</i> <i>Movement (“freiwillige Rückkehr oder</i> <i>Weiterwanderung”)</i> <i>Assisted Return (“unterstützte</i> <i>Rückkehr,” “Rückkehrunterstützung,”</i> <i>“Rückkehrförderung”)</i> <i>Assisted Voluntary Return</i> <i>(“unterstützte freiwillige Rückkehr”)</i>	<i>Voluntary Return (“freiwillige</i> <i>Rückkehr”)</i> <i>Voluntary Departure (“freiwillige</i> <i>Ausreise”)</i> <i>Assisted Return (“unterstützte</i> <i>Rückkehr,” “Rückkehrunterstützung,”</i> <i>“Rückkehrförderung”)</i>	<i>Forced Return (“zwangsweise</i> <i>Rückführung,” “erzwungene</i> <i>Rückkehr”)</i> <i>Removal (“Abschiebung”)</i>
<b>Estonia</b>	<i>Assisted Voluntary Return (toetatud</i> <i>vabatahtlik tagasipöördumine)</i>	<i>Voluntary Return (vabatahtlik</i> <i>tagasipöördumine)</i> <i>Voluntary Departure (vabatahtlik</i> <i>naasmine)</i>	<i>Expulsion (Väljasaatmine)</i>

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<b>Member State</b>	<b>Assisted Voluntary Return</b>	<b>Assisted Voluntary Departure</b>	<b>Forced Return</b>
<b>Spain</b>	<p><i>Assisted Return based on humanitarian grounds (Retorno voluntario por causas humanitarias)</i></p> <p><i>Assisted Return with reintegration (Retorno voluntario por reintegración en el país de origen)</i></p> <p><i>Assisted Return for unemployed third-country nationals (Programa de abono anticipado de la prestación por desempleo)</i></p>	<p><i>Assisted Return based on humanitarian grounds (Retorno voluntario por causas humanitarias)</i></p> <p><i>Assisted Return with reintegration (Retorno voluntario por reintegración en el país de origen)</i></p>	<i>Expulsion (Expulsión)</i>
<b>Finland</b>	<p><i>Voluntary Return (.vapaaehtoinen paluu...)</i></p> <p><i>Assisted Voluntary Return (avustettu vapaaehtoinen paluu ....)</i></p>	<p><i>Voluntary Return (vapaaehtoinen paluu.....)</i></p> <p><i>Assisted Voluntary Return (avustettu vapaaehtoinen paluu ....)</i></p>	<i>Forced Return (Pakkoon perustuva paluu)</i>
<b>France</b>	<i>Assisted Humanitarian Return<sup>90</sup> (aide au retour humanitaire)</i>	<i>Assisted Voluntary Return (aide au retour volontaire)</i>	<i>Forced Return (Retour forcé)</i>
<b>Greece</b>	-	-	<i>Deportation</i>
<b>Hungary</b>	<i>Assisted Voluntary Return(támogatott önkéntes hazatérés)</i>	-	<i>Removal (Kitoloncolás)</i>
<b>Ireland</b>	<p><i>Assisted Voluntary Return with IOM (Voluntary Assisted Return and Reintegration Programme (VARRP))</i></p> <p><i>Voluntary Return with Administrative Assistance, INIS</i></p>	<p><i>Assisted Voluntary Return with IOM (Voluntary Assisted Return and Reintegration Programme (VARRP))</i></p> <p><i>Voluntary Return with Administrative Assistance, INIS</i></p>	<i>Forced Return (Filleadh éigeantach)</i>
<b>Italy</b>	<i>Assisted Voluntary Return (Ritorno Volontario Assistito)</i>	-	<i>Forced Return (Ritorno Forzato)</i>

<sup>90</sup> EU nationals are also eligible for Assisted Humanitarian Return.

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<b>Member State</b>	<b>Assisted Voluntary Return</b>	<b>Assisted Voluntary Departure</b>	<b>Forced Return</b>
<b>Latvia</b>	<i>Voluntary Return (brīvprātīgas atgriešanās pasākumi)</i> <i>Assisted Voluntary Return (atbalstīta brīvprātīga atgriešanās)</i>	<i>Voluntary Return (atgriešanās pienākuma izpilde brīvprātīgi)</i> <i>Assisted Voluntary Return (atbalstīta atgriešanās pienākuma izpilde brīvprātīgi)</i>	<i>Forced Return (Piespiedu izraidīšana)</i>
<b>Lithuania</b>	<i>Assisted Voluntary Return (Savanoriško grįžimo pagalba)</i>	<i>Assisted Voluntary Return (Savanoriško grįžimo pagalba)</i>	<i>Expulsion (Išsiuntimas)</i>
<b>Malta</b>	<i>Assisted Voluntary Return (Ritorn Volontarju Assistit)</i>	<i>Assisted Voluntary Return (Ritorn Volontarju Assistit)</i>	
<b>Netherlands</b>	<i>Voluntary Departure facilitated by IOM (Zelfstandig vertrek gefaciliteerd door IOM)</i>	<i>Voluntary Departure facilitated by IOM (Zelfstandig vertrek gefaciliteerd door IOM)</i>	<i>Forced Return (Gedwongen Terugkeer)</i>
<b>Poland</b>	<i>Assisted Voluntary Return Programme (Program dobrowolnych powrotów)</i> <i>Assistance in Voluntary Return (Pomoc w dobrowolnym powrocie)</i>	<i>Assisted Voluntary Return Programme (Program dobrowolnych powrotów)</i> <i>Assistance in Voluntary Return (Pomoc w dobrowolnym powrocie)</i>	<i>Forced Return (Powrót przymusowy)</i>
<b>Portugal</b>	<i>Programmes for Voluntary Return (Programas de retorno voluntário.)</i> <i>Support for Voluntary Return (Apoio ao retorno voluntário.)</i>	<i>Programmes for Voluntary Return (Programas de retorno voluntário)</i> <i>Support for Voluntary Return (Apoio ao retorno voluntário)</i>	<i>Forced Return (Afastamento Coercivo)</i>
<b>Slovak Republic</b>	<i>Voluntary Return (dobrovoľný návrat)</i>	<i>Voluntary Return (dobrovoľný návrat)</i>	<i>Forced Return (Nútený návrat)</i>
<b>Slovenia</b>	<i>Voluntary Return or Secondary Movement (“Vračanje ali sekundarno priseljevanje”)</i> <i>Assisted Return (“pripravljeno vračanje,”</i>	<i>Voluntary Return (“prostovoljno vračanje”)</i> <i>Voluntary Departure (“prostovoljni odhod”)</i> <i>Assisted Return (“organizirano vračanje,” “vračanje s pomočjo nekoga,” “organiziran povratek”)</i>	<i>Forced Return (“prisilno vračanje,” “prisilni povratek”)</i> <i>Removal (“Odstranitev Deportacija”)</i>

Member State	Assisted Voluntary Return	Assisted Voluntary Departure	Forced Return
	<p><i>“organizirano vračanje,”</i></p> <p><i>Assisted Voluntary Return</i>  <i>(“organizirano prostovoljno vračanje – pripravljeno prostovoljno vračanje”)</i></p>		
<b>Sweden</b>	<i>Voluntary Repatriation (Frivilligt återvändande)</i>	<i>Assisted Voluntary Return (Frivilligt återvändande)</i>	<i>Forced Return (återvändande med tvång)</i>
<b>United Kingdom</b>	<p><i>Assisted Voluntary Return (Voluntary Assisted Return and Reintegration Programme (VARRP). Applicable for asylum cases (persons who had sought asylum at some stage);</i></p> <p><i>Assisted Voluntary Return for Irregular Migrants (AVRIM). Applicable for non-asylum cases.</i></p> <p><i>Facilitated Return Scheme (also known as the Voluntary Return and Reintegration for</i></p> <p><i>Detained Migrants programme). Applicable for non-EEA foreign national prisoners).</i></p>	<p><i>Assisted Voluntary Return</i>  <i>(Voluntary Assisted Return and Reintegration Programme (VARRP). Applicable for asylum cases (persons who had sought asylum at some stage);</i></p> <p><i>Assisted Voluntary Return for Irregular Migrants (AVRIM). Applicable for non-asylum cases.</i></p> <p><i>Facilitated Return Scheme (also known as the Voluntary Return and Reintegration for</i></p> <p><i>Detained Migrants programme). Applicable for non-EEA foreign national prisoners).</i></p>	