



International Organization for Migration

Newsletter on AVR Policies and Programmes in Europe

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This second Newsletter intends to provide IOM offices across Europe and their national counterparts active in Assisted Voluntary Return (AVR) with a broad up-to-date overview of the activities and developments in the field of Return from March until beginning of October 2008.

In this second edition, you will find a general outline of return-related developments at the EU level.

The first section of the Newsletter is dedicated to the the second EU AVR Consultation, organized on 1-2 October 2008 in Brussels, and its outcomes, are presented.

In the last part one will receive more information on the state of play of IOM Return-related projects at the EU level.



Second Assisted Voluntary Return and Reintegration Consultation, Brussels, 1-2 October 2008



EU AVR Consultation 1-2 October 2008, From left to right: Mr Andreas Beckmann, European Commission; Mr Andreas Höger, Frontex Brussels; Mr Claus Dechert, Frontex Warsaw

This second Assisted Voluntary Return and Reintegration consultation has been organized to build on the concrete steps identified during the first EU AVR Consultation held in Brussels last year on the 6th and 7th of September 2007.

The main aim of the consultation was to give the possibility to IOM EU Missions and their national governmental counterparts to identify possible synergies amongst those currently involved in return activities. In total, 24 EUMS were present or represented and both Norway and Switzerland were present as interested parties.

Participants received direct input from the EC related to the latest return-related developments at the EU level (EU Return Directive,

Return Management Community Actions, Return Management National Actions). FRONTEX also provided an overview of the FRONTEX EU Agency and of FRONTEX tasks in Return matters.

The Belgian Immigration Office presented the EU Return Fund from the Belgian perspective.

Furthermore IOM presented an overview of the current AVR practices and the latest trends in the various EU MS.

In the afternoon, thematic roundtables were organized to give the possibility to the participants to share expertise and practices.

Roundtable 1—*Synergies and partnerships between various return stakeholders (EU Member States, International Organizations, NGO's etc.)* : existing networks on return can be identified. Exchange of information of planned and existing projects and programmes is seen as necessary. A platform could be used to exchange possible changes and developments on AVR approaches at national level.

Roundtable 2—*Partnerships with third-countries: initiatives that foster partnerships for effective AVR and reintegration or related issues*: There is a need for (1) enhanced cooperation with various institutions in the Countries of Origin, (2) partnership with the civil society as well as the local administration on Countries of Origin, (3) regular consultation among EU MS in view of defining joint interests/activities/geographical areas where reintegration can be addressed.

Roundtable 3- *Training activities in support to Reintegration*: Trainings are an important tool in the reintegration process of returnees for migrants themselves, for staff in the host countries and counterparts in the countries of origin, Trainings as any other reintegration measure need to be tailor-made to the needs of migrants, bearing in mind country of origin and situation.

Roundtable 4—*Reintegration linked to assistance to local communities/ Capacity Building initiatives* : In order to reach an European common ground and to build further synergies on policy dialogue in different EU MS, it could be useful to meet on a regular basis and exchanging on common interests through the creation of a large “market place”, “a matrix” where IOM and EU MS Governments could meet. On this basis, funding instruments should be explored to finance reintegration / development initiatives.



EU AVR Consultation 1-2 October 2008, Roundtable 1

Outcomes of the Second Assisted Voluntary Return and Reintegration Consultation, Brussels, 1-2 October 2008

As mentioned by Mr Bernd Hemingway, Regional Representative of IOM Brussels, in his closing remarks, this second Consultation has been a good momentum to have the EC, 24 Member states, FRONTEX and IOM around the table to discuss and work towards a possible integrated approach on return as mentioned in the Return Directive developed by the EC.

In terms of the upcoming European Return Fund - with a call for proposals at community level in spring 2009 and with the Member States in the process of finalizing their annual and multiannual programmes - there is the need to exchange information on:

- already existing platforms, projects and AVR approaches both at national and community level
- the planned/envisaged projects and common interest between all stakeholders (between different Member States, between Member States and civil society, NGO's, International Organizations etc)

For this necessary exchange of information, a platform should be developed to exchange possible synergies, developments and changes on AVR approaches at national and community level.

The cooperation between the Member States needs to work on two levels: the policy level and the practitioner's level.

This also ties in with the need for additional and regular consultations amongst all stakeholders involved (Member State officials, civil society and International Organizations), as highlighted in the different workshops.

By better exchanging on the programmes being developed and on already existing practices on both levels and in preparation of future Call for Proposals at community level, these consultations will allow an integrated return approach. Synergies among various available budget lines (Return fund, thematic programme etc) of the Community will consequently be enhanced.



EU AVR Consultation 1-2 October 2008, Closing Remarks. From left to right: Mr Sacha Chan Kam, IOM Geneva; Mr Richard Danziger, IOM Geneva; Mr Bernd Hemingway, IOM Brussels; Mr Pascal Reyntjens, IOM Brussels

Results of IOM Projects submitted to the European Commission in the field of Return 2005-2007

2005 "Return - Preparatory Actions for Return Management in the area of Migration"

The EC accepted 5 projects submitted by IOM. All of those projects have been finalised:

- Assisted Voluntary Return for Irregular Migrants with a Reintegration Fund for Vulnerable Returnees AVRIM
- Assisted Voluntary Return Programme of Irregular migrants to the Democratic Republic of Congo
- Enhancing Mechanisms and Harmonizing Standards in the Field of Voluntary Return of Irregular Migrants in EU Central European Member States
- Information on Return and Reintegration in Countries of Origin IRRiCO
- Assisted Voluntary Return and Reintegration Programme for Irregular Vulnerable Nigerian Nationals in Ireland and the Netherlands VARRP-VINN

2006 "Preparatory Action: Migration Management - Solidarity in action"

This new budget line finances a number of actions in the area of migration which are complementary to the general framework programme entitled 'Solidarity and Management of Migration Flows' for the period 2007-2013, but which have the potential to provide additional answers to the challenges posed by migratory flows.

In April 2007, the European Commission has accepted another 5 projects submitted by IOM under this budget line.

Most of these projects are still ongoing while one finished on 31 March 2008:

- Assisted Voluntary Return for Irregular Migrants with a Reintegration Fund for Vulnerable Returnees AVRIM II
- Return Initiative for irregular migrants residing in the main cities of the European Union
- PHASE II: Enhancing Mechanisms and Harmonizing Standards in the field of Voluntary Return of Irregular Migrants in Central European Member States
- Assessment of Brazilian Migration Patterns and Assisted Voluntary Return Programme from selected European Member States to Brazil
- Assisted Voluntary Return from Detention centres

2007 "Preparatory Action: Migration Management - Solidarity in Action"

In September 2007, IOM submitted 3 project proposals to the European Commission under the call for proposals:

- Enhancing Mechanisms and Harmonizing Standards in the field of Voluntary Return of Irregular Migrants in the Central European Member States (Phase III)
- Enhanced and Integrated Approach regarding Information on Return and Reintegration in Countries of Origin" (Follow-up of the IRRiCO Project: Information on Return and Reintegration in Countries of Origin)
- Counselling, return and Reintegration of (ex) Unaccompanied Minor Migrants

The three projects have been retained for funding and should likely start by 1 November 2008.

The general objective of the Return Fund is to support the efforts of Member States to improve the management of return in all its dimensions through the use of the concept of integrated return management, with a preference to voluntary return and with a view to supporting a fair and effective implementation of common standards on return



The European Commission launches wide-ranging public consultation to define future priorities relating to Freedom, Security and Justice

One of the European Union's core objectives is to provide its citizens with an area:

- of Freedom, Security and Justice without internal borders
- in which citizens enjoy protection as individuals, the respect of their fundamental rights and freedom of movement
- in which citizens' security and their collective protection are guaranteed by appropriate measures
- in which a judicial decision from one Member State can be applied in another and in which citizens have easier access to justice
- that requires concerted management of immigration and asylum

In this frame, Jacques Barrot, Vice-President of the European Commission responsible for Freedom, Security and Justice, launched a wide-ranging public consultation on 25 September 2008: «Freedom, Security and Justice: What will be the future? ».

This initiative is part of the discussions that will result in the definition of priorities for the next five years (2010-2014).

As the creation of an area of Freedom, Security and Justice is still in process, the European Commission has decided to involve the citizens.

The objective of this consultation is to look at the future to define the European Union's priorities in the area of Freedom, Security and Justice.

Deadline for submitting contributions is 20 November 2008.

Read the corresponding Press Release:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1405&format=HTML&aged=0&language=EN&guiLanguage=en>

To submit a contribution and to have a look at the Consultation Document:

http://ec.europa.eu/justice_home/news/consulting_public/news_consulting_0001_en.htm

One of the European Union's core objectives is to provide its citizens with an area of freedom, security and justice without internal borders



Return-related developments at the EU level, with specific focus on the “EU Return Directive”

The European Parliament adopts the Directive on the Return of Illegal Migrants

On 18 June 2008, the European Parliament approved the so-called EU Return Directive (Proposal for a Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals—COM (2005) 391, 1 Sept 2005).

This draft directive was first proposed by the European Commission in 2005 and has since been the subject of negotiations between the European Parliament (EP) and the Council - the proposal is subject to the ‘co decision’ procedure, and so therefore must be jointly agreed between the EP and the Council.

The general objective of the Return Directive is to achieve common standards for a reliable return policy with speedy and efficient return procedures and in full respect of the human rights of the returnees.

On 27 October 2008, the Council should adopt the Directive and by the end of 2008, the text should be published in the Official Journal. By the end of 2010, the Directive should be transposed into national laws.

Amongst the most contentious aspects of the draft directive was the issue of detention of illegal nationals, and their condition of detention.

A maximum detention period of six months has been established. This may be extended to 18 months in specific cases where immigrants refuse cooperation. At all stages of the process, the illegal immigrant has the right to an independent judicial review of the reasons for the detention.

Other issues agreed include:

- The directive does not affect current asylum legislation.
- Immigrants may only be returned to their countries of origin or to countries with which the EU has concluded a bilateral return agreement.
- Each immigrant has the right to leave the country on voluntary basis. For this purpose Member States shall determine a period of 7 to 30 days within which the migrant may return voluntarily.
- The access of non governmental organisations to the detention centres is guaranteed
- Specific rights for families and children have been laid down. Unaccompanied minors have for example the right to legal assistance.

The Directive, as amended by the European Parliament and the Council, aims to encourage the voluntary return of illegal immigrants by harmonising the return conditions and by establishing certain safeguards.



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