



**Assisted Voluntary Return and**  
**Reintegration -**  
**EU Year Report 2010**

**MRF Brussels**  
**2010**

Countries which have submitted the report<sup>1</sup>:

AUSTRIA

BELGIUM

BULGARIA (only QR 1 – no cases for QR 2-3-4)

CZECH REPUBLIC

DENMARK

ESTONIA

FINLAND

FRANCE

GERMANY

GREECE (QR 1-3-4, no cases for QR 2)

HUNGARY

IRELAND

ITALY

LATVIA

LITHUANIA

LUXEMBOURG

MALTA

NETHERLANDS

NORWAY

POLAND

PORTUGAL

ROMANIA

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<sup>1</sup> Please note that the figures for the above mentioned countries are as complete as possible. Not all figures might have been available at the time of submission of the AVR QR. As the online format requires a number to be filled in, in some cases a 0 might mean that statistics were not available at the time of submission rather than that no activity has taken place.

SLOVAKIA

SLOVENIA

SPAIN

SWEDEN

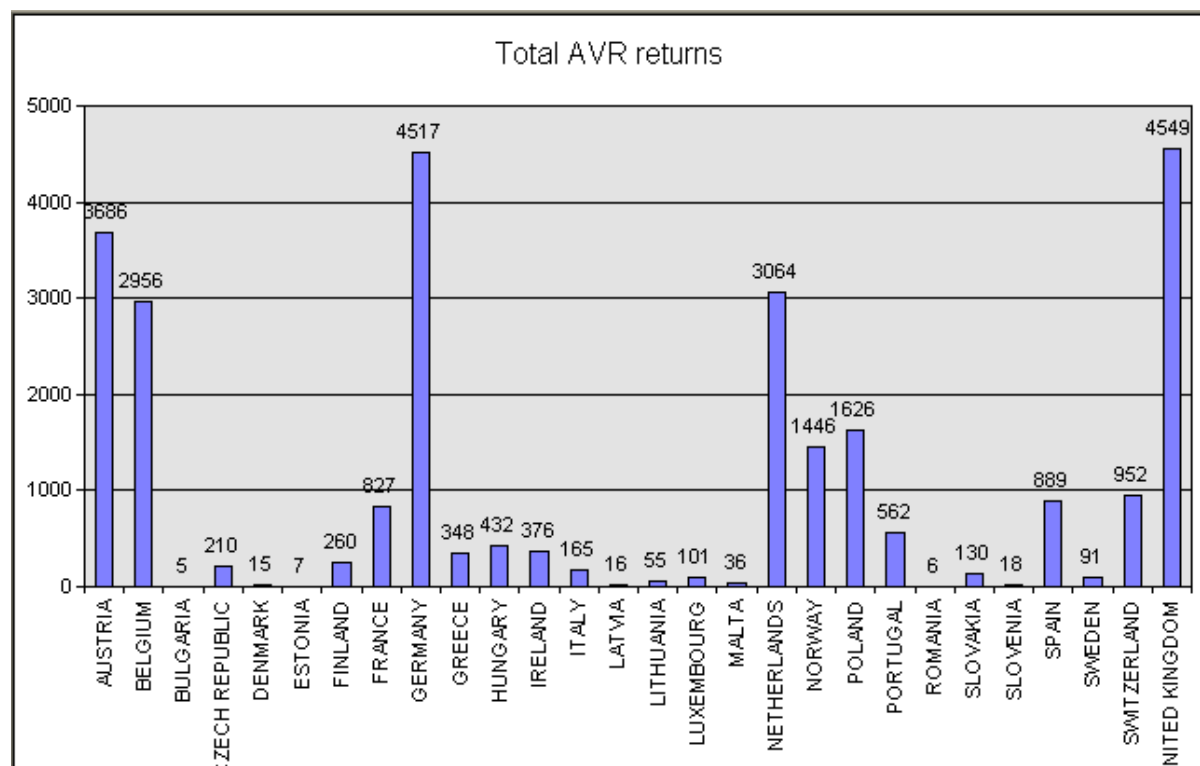
SWITZERLAND

UNITED KINGDOM

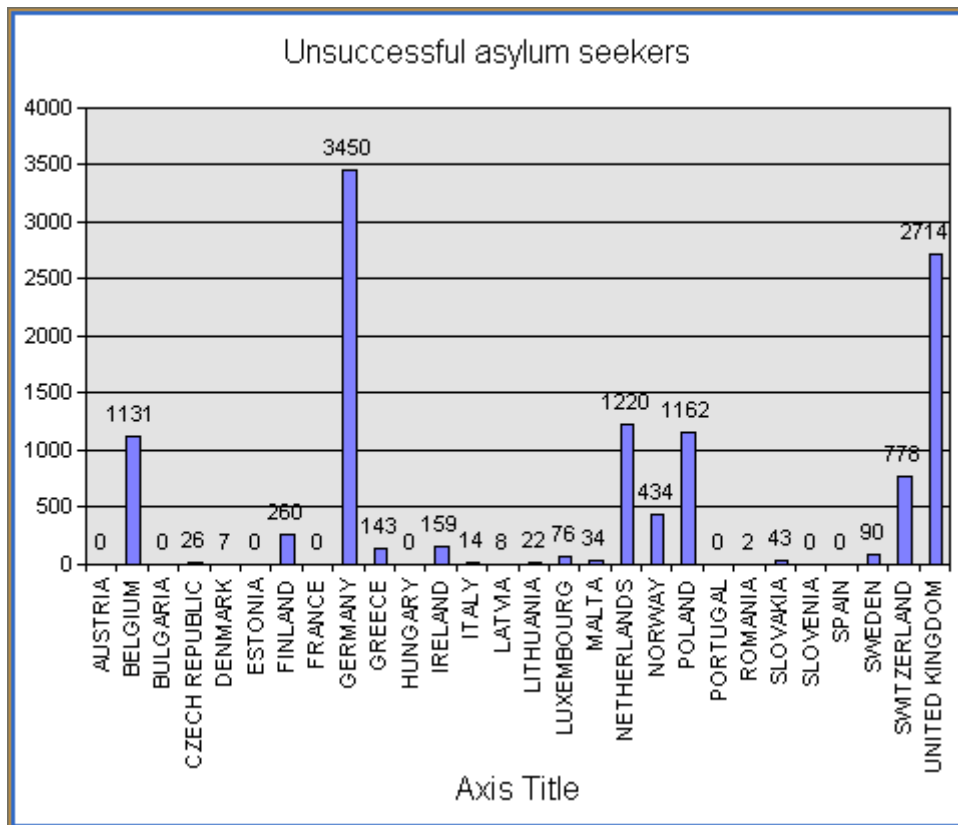
## I. Trends in IOM AVR programmes (period January 2010 – December 2010):

### I.1. Assisted Voluntary Return:

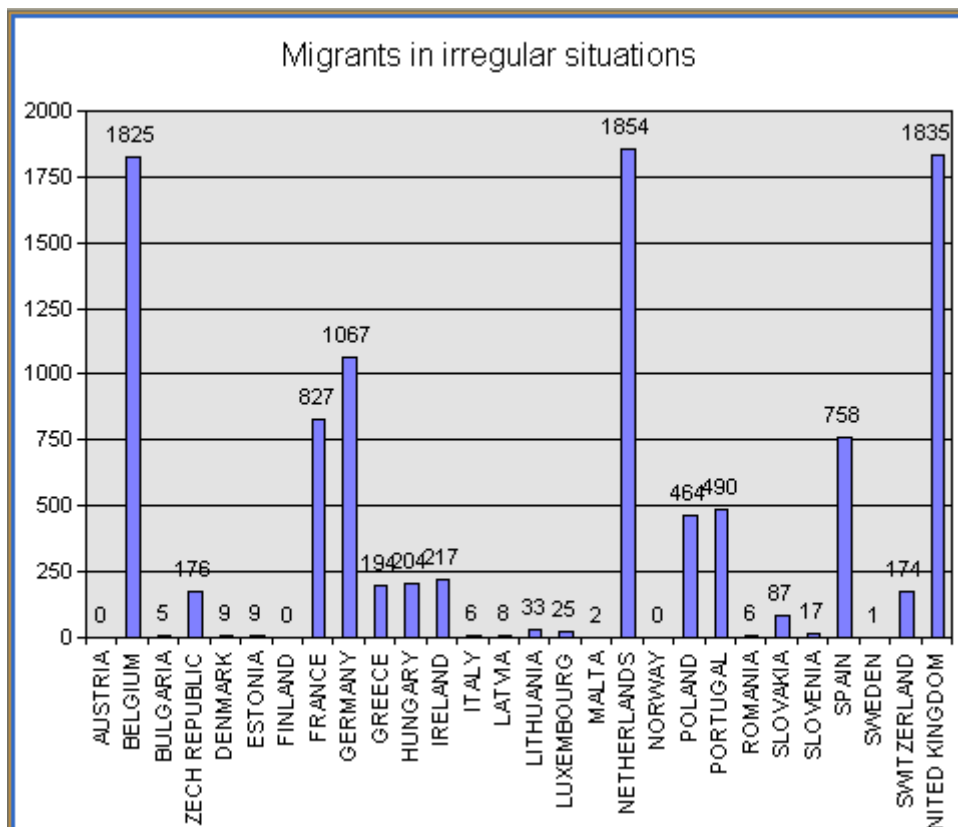
- Total of Assisted Voluntary Returns: **27.345**



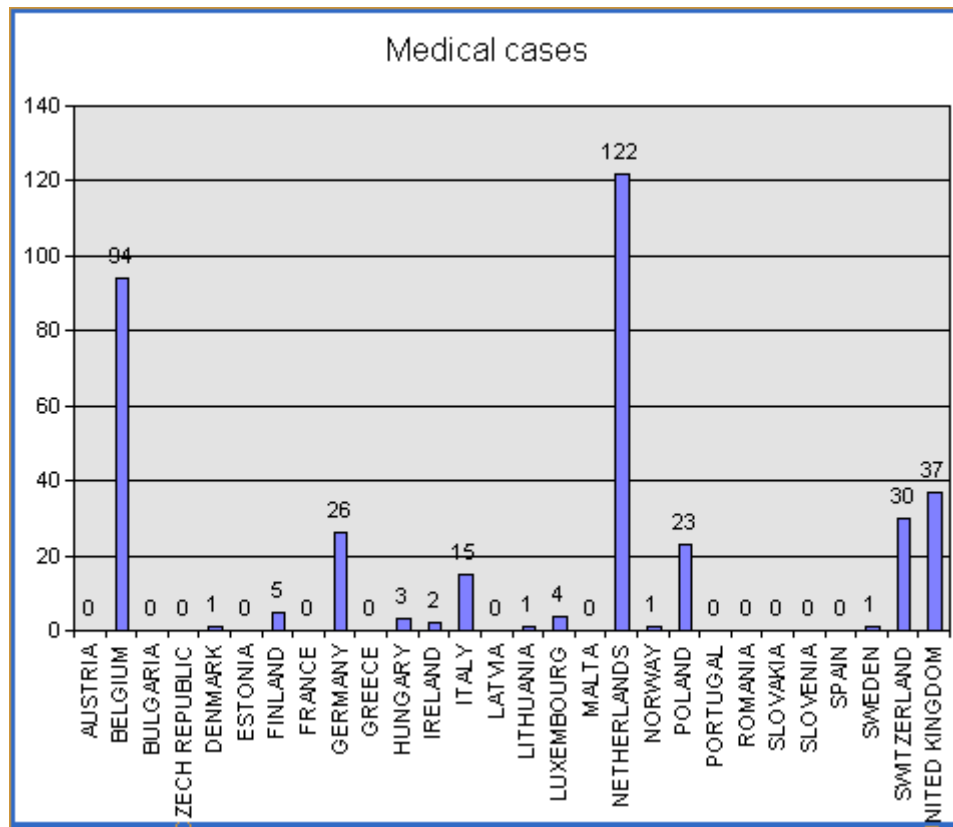
- Number of unsuccessful asylum seekers (rejected or in process) assisted with AVR: **11.773**



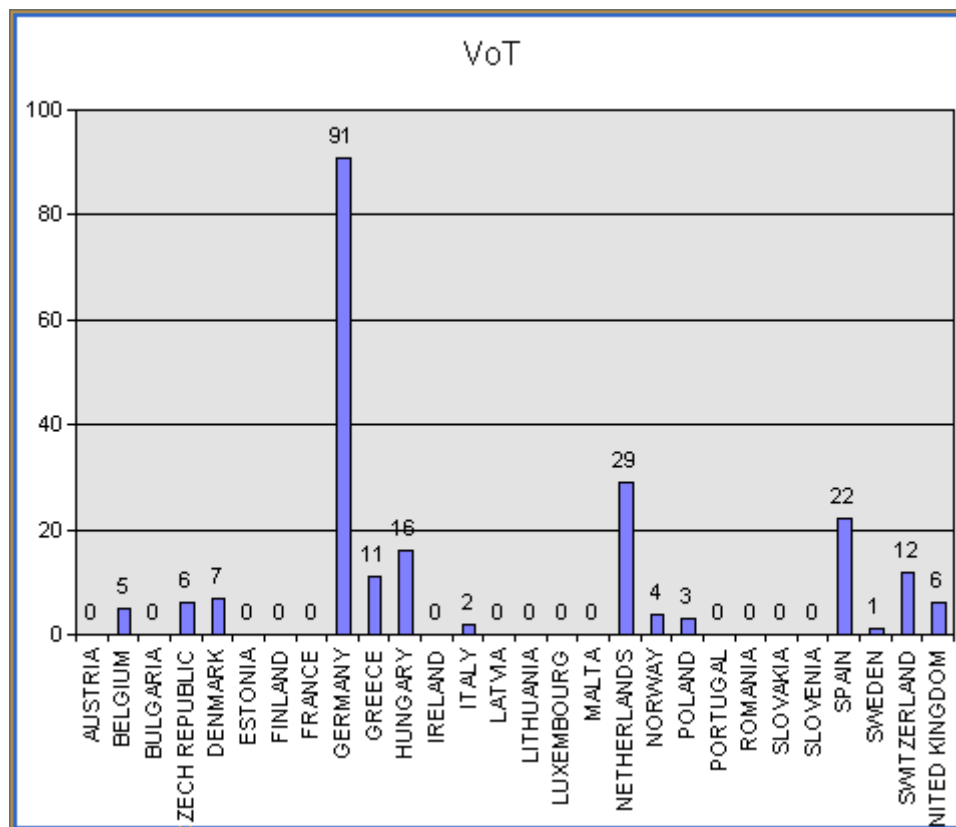
- Number of migrants in an irregular situation assisted with AVR: **10.293**



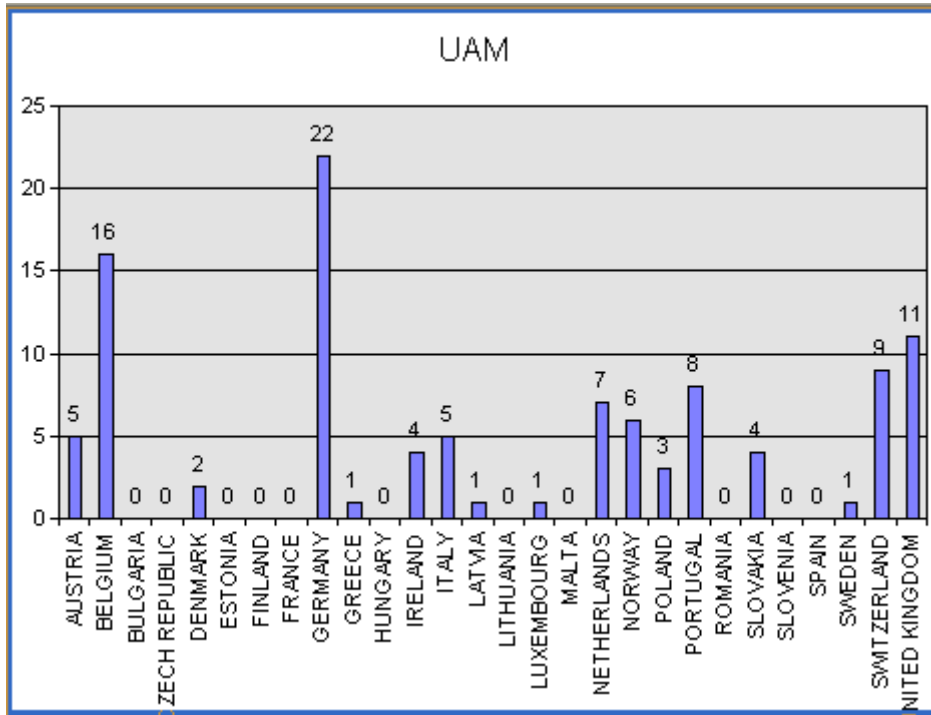
- Number of assisted medical cases: **365**



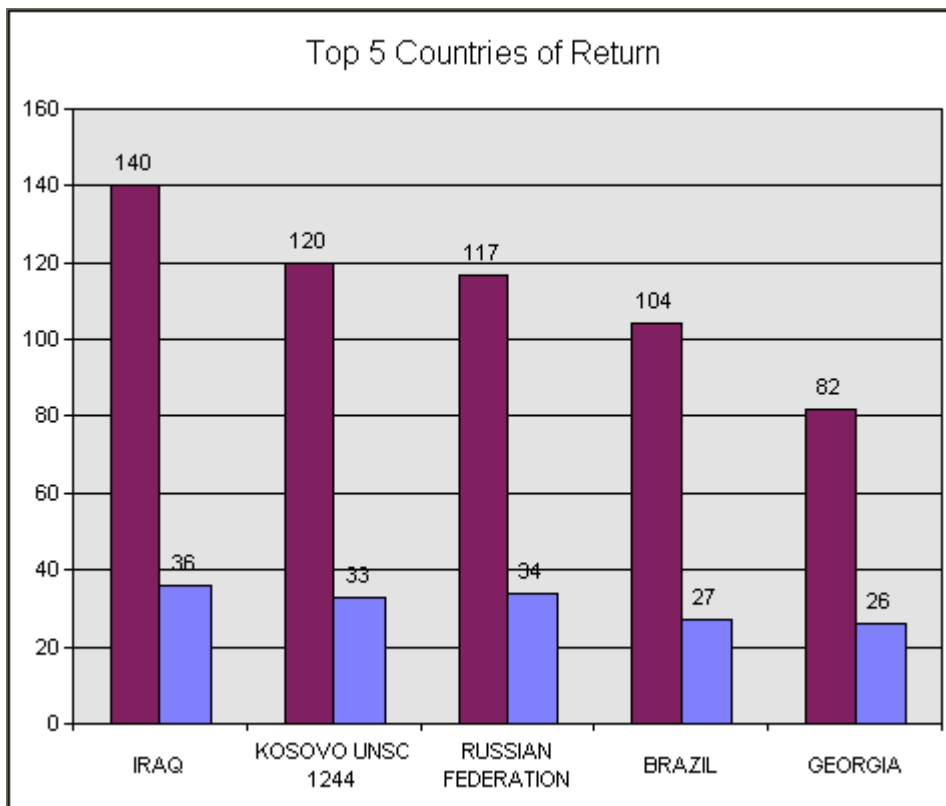
- Number of assisted Victims of Trafficking: **215**



➤ Number of assisted Unaccompanied Minors: **106**



➤ Top 5 countries of return<sup>2</sup> :



<sup>2</sup> Please note that the overall ranking of the countries of return has been weighed according to the ranking given by each EU MS (1<sup>st</sup> column), and the number of times (2<sup>nd</sup> column) the country of return is listed in the top 5 of all the EU MS

➤ **Highlights on the changes to AVRR programmes in 2010**

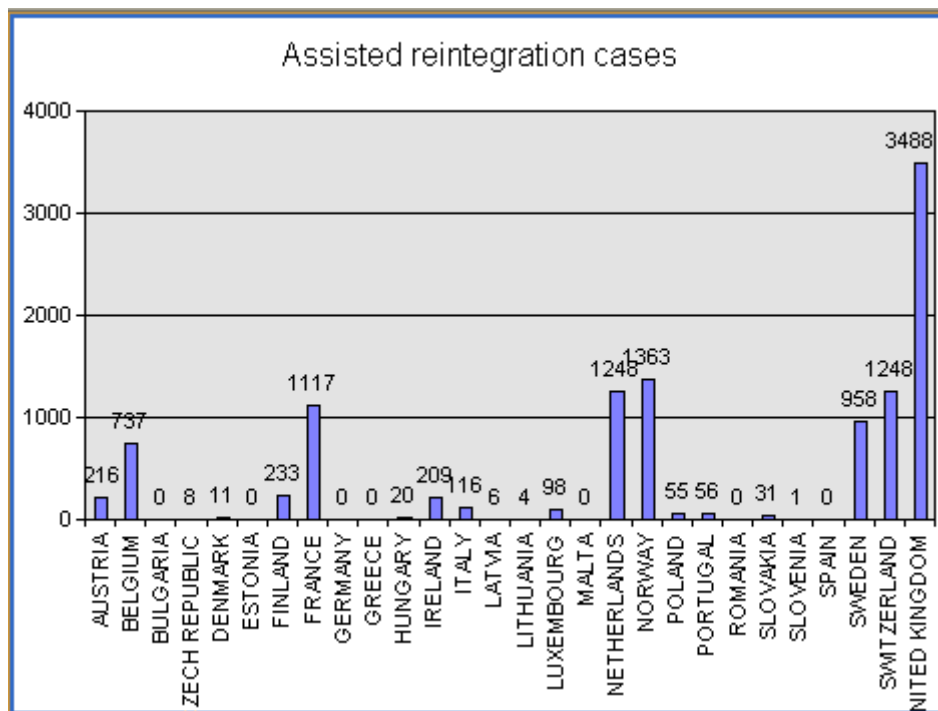
Most IOM offices in the EU Member States have taken the opportunity to apply for funding under the national level of the European Return Fund (amongst others Belgium, The Netherlands, Finland, Hungary, Latvia, Ireland ...). As a result in 2010 IOM offices in the EU Member States have been implementing AVRR programmes under the national level of the Return Fund.

The top 5 countries of return are: Iraq, Kosovo (UNSC 1244), Russian federation, Brazil and Georgia. The AVRR programmes are diversifying even more in 2010 addressing an increasing number of migrant beneficiaries outside the asylum system living in an irregular situation with a further focus on migrants in a vulnerable position as well as on families with children. Furthermore more sophisticated mechanisms and materials in pre-departure counseling and information tools are used. In some EU Member States particularly in Ireland and Spain the difficult economic climate results in an increased uptake of AVRR in general and in particular an increase in vulnerable migrants approaching the IOM offices for assistance.

Also in 2010, Belgium, the Netherlands, Luxembourg and Germany noted an increased number of applications from Serbia, FYROM and Kosovo (UNSC 1244). After the visa-liberalization<sup>3</sup>, a large number of migrants originating from FYROM and Serbia reached some of the EU Member States (notably Belgium, the Netherlands and Germany) to find out that they can not benefit from the asylum process and thus seeking to return to their countries directly afterwards.

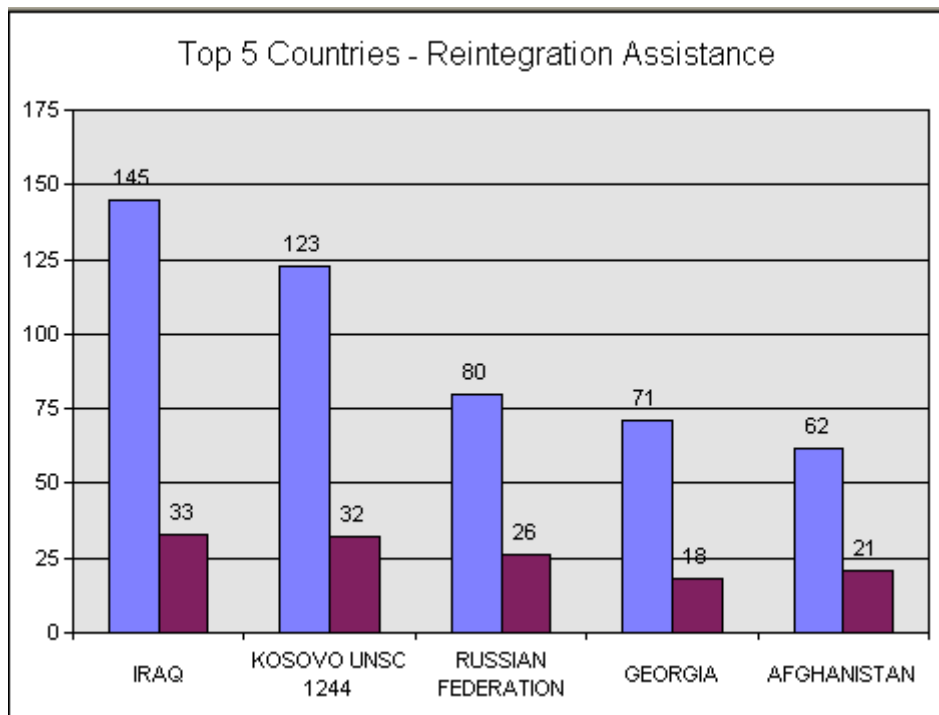
**1.2. Reintegration assistance:**

➤ Total number of assisted reintegration cases: **11.223**



<sup>3</sup> The Council decided to grant visa free travel to and throughout the Schengen area for citizens of the former Yugoslav Republic of Macedonia, Montenegro and Serbia. It did so by adopting amendments to regulation No 539/2001. The visa waiver will apply from 19 December 2009 to holders of biometric passports. The amended regulation also makes a reference to Kosovo under UNSCR 1244/99 with the result that persons residing in Kosovo require a visa when travelling to the EU.

- Top 5 countries<sup>4</sup> where reintegration assistance has been given:



- **Information on relevant developments related to reintegration assistance over the year 2010**

AVR programmes continue to be further strengthened with Reintegration assistance packages, in cash or in-kind and are increasingly tailor-made to address individual needs. The amount linked to the reintegration assistance package differs from EU Member State to EU member State. In some countries financial amounts linked to the reintegration assistance packages have increased slightly (f.e. Belgium, Denmark, Hungary, Malta, Norway (increased and graded), Switzerland) while in other countries the grants remained stable or decreased (f.e. UK, Slovakia, Lithuania).

The reintegration assistance provided is of a more flexible nature targeting the individual needs of returnees and most often consist of increased grants for vulnerable returnees (medical cases, unaccompanied minors, aged out minors and victims of trafficking) or specific target groups (returnees to certain Countries of Origin notably Iraq). Specific and tailored reintegration packages are being designed for families with children, unaccompanied and aged out minors and other vulnerable categories of returnees.

The top countries where reintegration assistance was delivered are: Iraq, Kosovo (UNSC Resolution 1244 Administered Kosovo), Russian federation, Georgia and Afghanistan.

In 2010 small business set up remained the preferred option chosen by returnees and this throughout the different EU Member States (from France, UK, Switzerland to Slovenia, Slovakia, Poland, Hungary...).

Monitoring of the reintegration assistance given to returnees in the Countries of Origin/Return remains an important component within the AVRR programmes. Regular monitoring has proved to

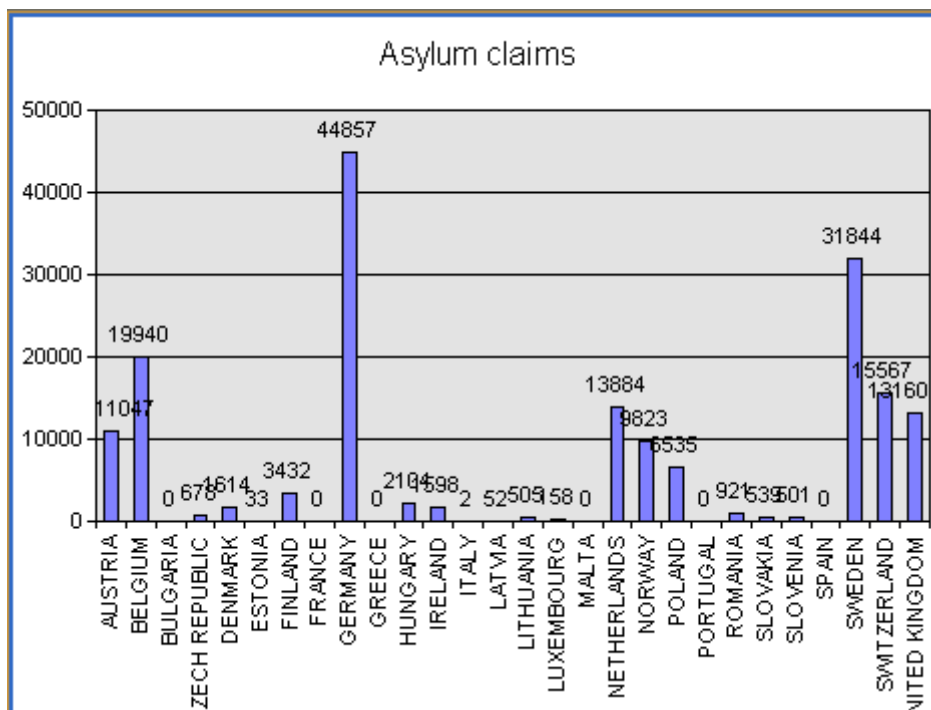
<sup>4</sup> Please note that the overall ranking of the countries, where reintegration assistance has been given, has been weighed according to the ranking given by each EU MS (1<sup>st</sup> column), and the number of times (2<sup>nd</sup> column) the country is listed in the top 5 of all the EU MS

be effective in assessing the impact and appropriateness of return and reintegration assistance, by identifying best practices and addressing any unforeseen obstacles encountered in order to offer more appropriate solutions in making returns more sustainable.

IOM has conducted a number of specific monitoring activities such as monitoring questionnaires and visits in countries of origin/return to analyze the impact of specific AVRR programmes (amongst others Ireland, Belgium, Switzerland, the Netherlands...).

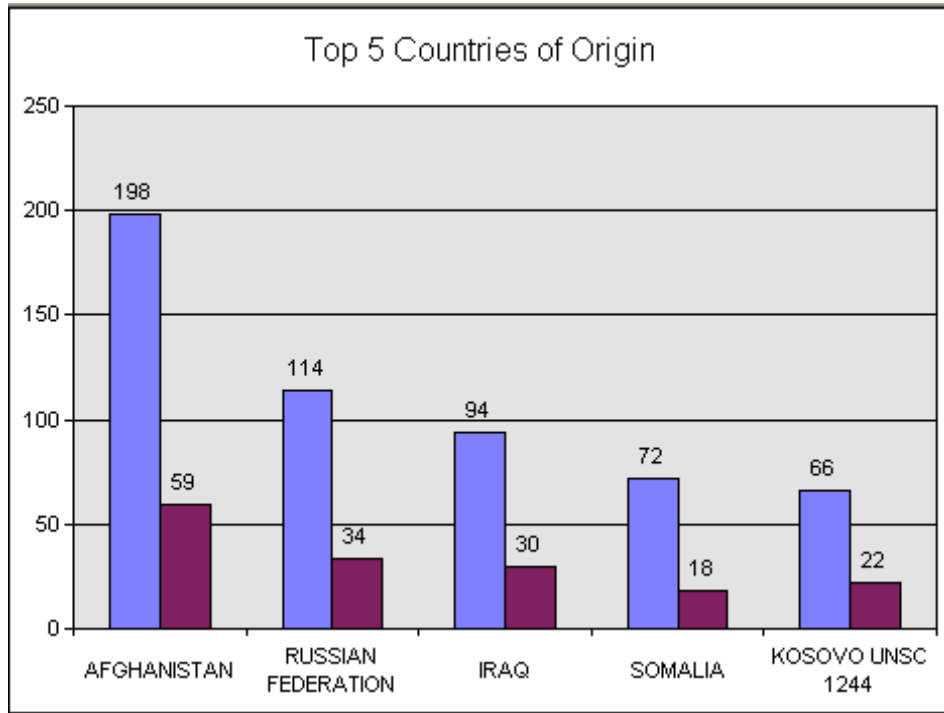
## 2. Relevant trends - other relevant statistical information<sup>5</sup>

- Total number of asylum claims: **178.794**

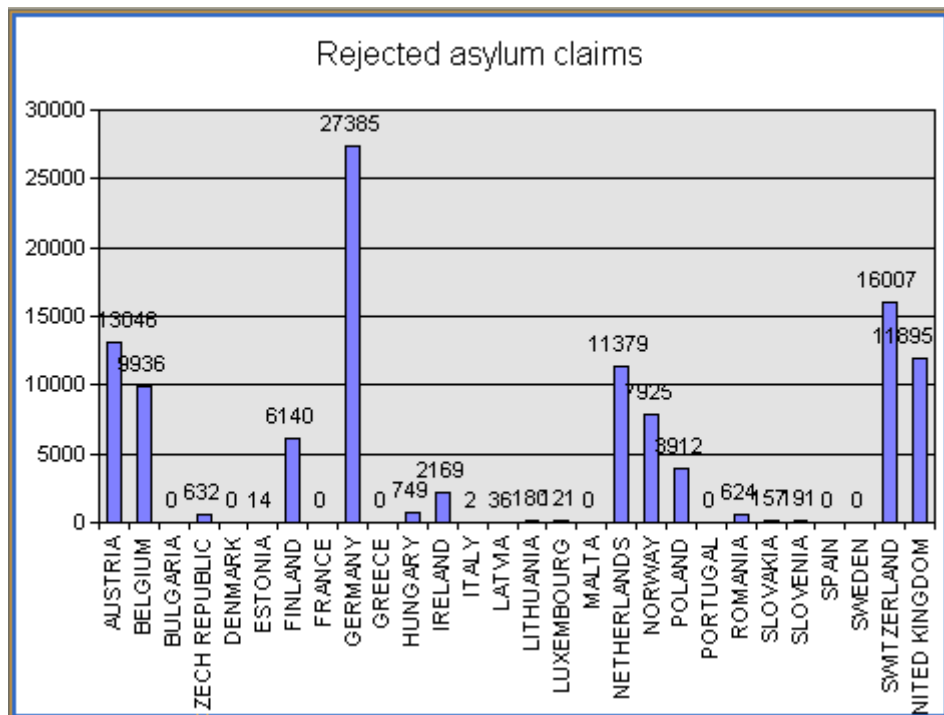


<sup>5</sup> Please note that the figures for the above mentioned countries are as complete as possible, however not all figures might have been available at the time of submission of the AVR QR. As the online format requires a number to be filled in, in some cases a 0 might mean that statistics were not available at the time of submission rather than that no activity has taken place. Whenever IOM Brussels has been informed that statistics were not available at the time of submission N/A has been indicated.

➤ Top 5 Countries of Origin<sup>6</sup> (CoO) of asylum seekers:

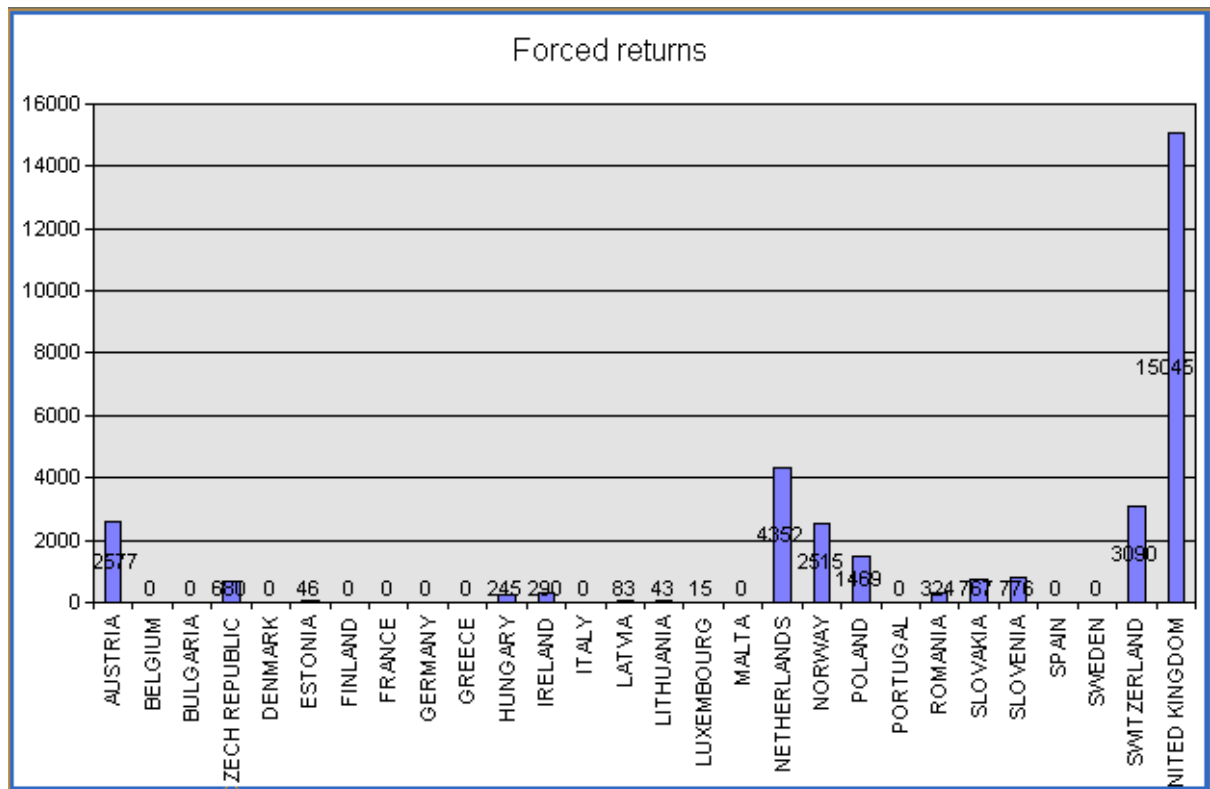


➤ Number of rejected asylum claims: **112.500**

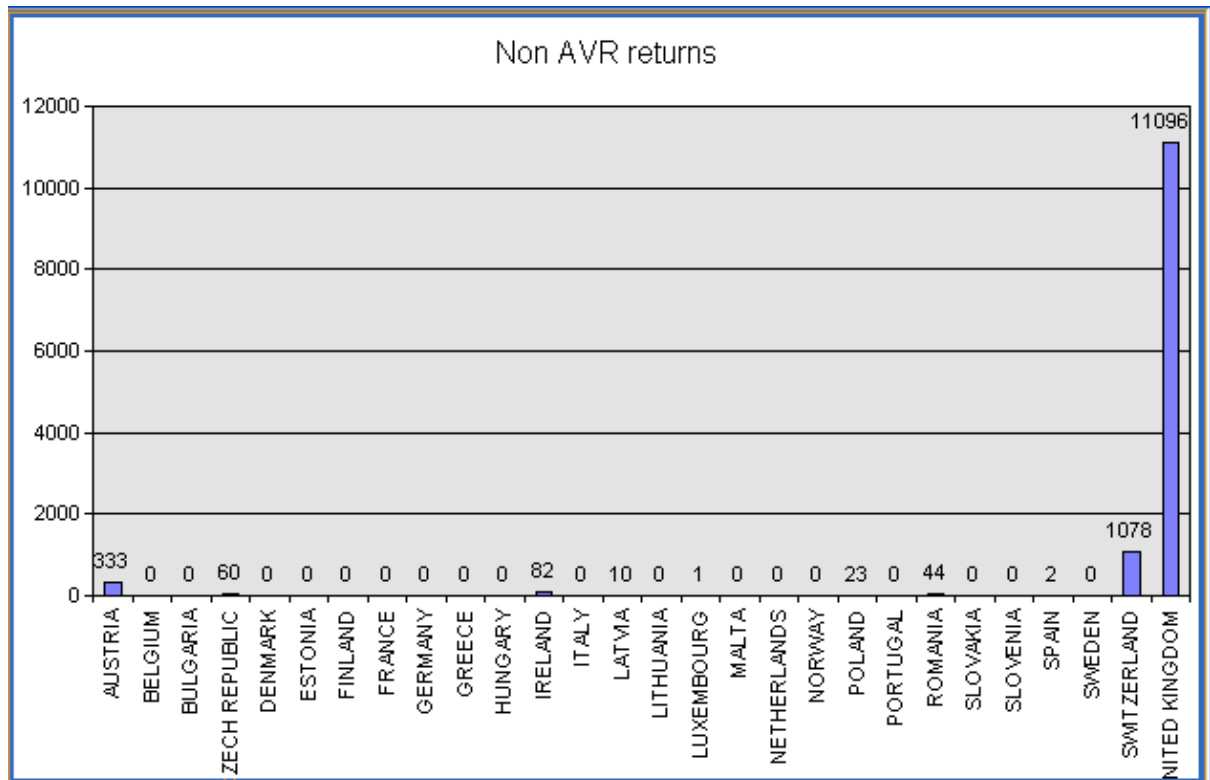


<sup>6</sup> Please note that the overall ranking of the Countries of Origin has been weighed according to the ranking given by each EU MS (1<sup>st</sup> column), and the number of times (2<sup>nd</sup> column) the country is listed in the top 5 of all the EU MS

➤ Number forced returns: **32.317**



➤ Number of non-IOM AVR returns: **12.729**



### **3. Relevant trends - Legislation/Policy changes and development**

#### 3.1. Any changes in policy and/or legislation:

For any country specific changes in policy and legislation in the respective EU Member States please refer to the AVRR quarterly reports QR1 –QR4 where the input is given per country.

#### 3.2. Current and future perspectives in general:

The EC directive on “common standards and procedures in Member States for returning illegally staying third country nationals” commonly referred to as the Return Directive<sup>7</sup> was due to be transposed into national legislation by the 24<sup>th</sup> of December 2010.

During the transposition period (2010) regular “Return Contact Committee”-meetings have been held to allow exchanges of views between EU Member States and the EC on how the requirements might be met including as well special workshops on selected issues such as forced return monitoring, safeguards for the return of UAMs... According to the EC in October 2010, the state of the transposition exercise showed that up until then only one Member State had completed it while 3 Member States had partially completed the transposition and it is expected that in one year time 2/3 of the EU Member States will have succeeded to transpose the directive in national legislation.

In any case whether the transposition has officially been completed or not, after December 2010 the Return Directive becomes effective part of national law. It allows those affected to submit complaints to the EC who will then launch infringement procedures against the EU Member States for non-compliance with the Return Directive.

The Return Directive underlines the primacy of voluntary return of third country nationals who do not longer fulfill the conditions for entry and/or stay in a Member State. Article 7 (1) of the directive furthermore clearly states that as a rule return decisions shall provide for an appropriate period for voluntary departure.

Furthermore following the council conclusions<sup>8</sup> of the Justice and Home Affairs Council, 3<sup>rd</sup> of June 2010 on Unaccompanied Minors, the European Commission has been encouraged to prioritize financial assistance in relation to return of UAM’s guaranteeing the respect of their best interest. The Return Directive includes a number of provisions on safeguarding the best interest of the child in context of return procedures. The Communication on the Action Plan on Unaccompanied Minors<sup>9</sup>, adopted by the Commission in May 2010 further reiterates the obligation for the Member States to assess the available solutions for UAM’s in light of the best interest of the child.

The EU Return Fund which objective remains to support the efforts of the Member States to improve the management of return in all its dimensions through the use of the concept of integrated management and by providing for joint actions or national actions that pursue the EU objectives under the principle of solidarity, taking account of EU legislation and in full compliance with fundamental rights of the returnees, is after a hesitating start well under way both at community and national level.

At national level around 20 Member States have drawn up return fund multiannual programmes with a strong focus on voluntary return. Following the obligation laid down in article 7 of the Return Directive Member States who until now have limited their voluntary return policies to the target

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<sup>7</sup> Directive on common standards and procedures in Member States for returning illegally staying third country nationals – Directive 2008/115/EC – 16<sup>th</sup> of December 2008

<sup>8</sup> [http://s3.amazonaws.com/rcpp/assets/attachments/1026\\_council\\_on\\_unaccompanied\\_minors\\_original.pdf](http://s3.amazonaws.com/rcpp/assets/attachments/1026_council_on_unaccompanied_minors_original.pdf)

<sup>9</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0213:FIN:EN:HTML>

group of (rejected) asylum seekers will now have to extend this policy to third country nationals who for example entered their territory illegally or overstayed.

It is also important to note that the EC encourages Member States to develop special types of incentives and assistance to support the reintegration in the country of return and to try to achieve a more sustainable return. Furthermore they encourage Member States to learn from each other and organize study visits as well as common projects with more experienced Member States.

This approach of the EC is further confirmed in the call for proposals related to the Community Actions 2010 in which they call for the creation of an EU network on voluntary return and are encouraging cooperation between two or more Member States in the field of pre-departure and post arrival reintegration activities. This call for proposals will only be launched in the spring of 2011 with activities presumably to start as of autumn 2011.

#### **4. Joint Programming/synergies – highlights of 2010**

In 2010 the following joint programming activities/synergies can be identified:

##### **1) Capacity building visits with regard to AVRR programmes:**

Several IOM offices and their counterparts have been on capacity building visits to other EU countries in order to learn more about the implementation of AVRR programmes. In this light an Estonian delegation consisting of IOM and state officials went on a capacity building visit to IOM The Hague. Similarly Lithuania went on a study tour to Warsaw in December 2010.

##### **2) Final conference in the framework of the IRRiCO II project:**

The closing conference of the project 'Enhanced and Integrated Approach regarding Return and Reintegration in Countries of Origin (IRriCO II)' took place at the *International Auditorium* in Brussels on the 24<sup>th</sup> and 25<sup>th</sup> of June 2010.

The first day was dedicated to an internal consultation with all 29 IOM offices involved in this project to define the continuation and follow-up of the approach as well as to evaluate the achievements of the project. The afternoon session gave the opportunity to the REAB partners, representatives from Belgian Ministries and from Embassies to meet with the IOM staff from 29 participating countries. After a tour de table, all participants had the possibility to exchange on matters related to the counselling of migrants who apply for assisted voluntary return and reintegration programmes. One workshop focused on pre-departure counselling, while the second one targeted the use and expectations related to return related information.

The second day of the conference gathered officials from the EC, EU Member States, representatives from Belgian Ministries and IOM staff.

In the framework of this conference, the European Commission presented the EU-Return policy with emphasis on the Return Directive. From the Belgian perspective the Belgian State Secretary for Migration and Asylum, Melchior Wathelet, gave a presentation of the Asylum and Migration Policy in Belgium and the Belgian State Secretary for Social Integration, Philippe Courard, presented the Belgian Approach on Assisted Voluntary Return and Reintegration.

Furthermore, the participants had the opportunity to learn more about assisted voluntary return and return related information approaches and IOM staff from European, African, Latin American and Asian offices explained with concrete examples the use of the IRRiCO mechanism.

Finally, the “Practical Guide on Return Related Information Provision”:

[http://irrico.belgium.iom.int/images/stories/documents/IOM%20Brochure%20low%20res-web\(1\).pdf](http://irrico.belgium.iom.int/images/stories/documents/IOM%20Brochure%20low%20res-web(1).pdf) , which stems from recommendations of the project, was presented and distributed to all participants.

### **3) Exchange visits within the IRRiCO project**

Several exchange visits have taken place in the framework of the IRRiCO II project over the course of the project’s implementation period 2009 - 2010. The aim was to give officials from the participating European countries the opportunity to visit a country of origin together with an IOM staff. Getting to know the situation in the country of origin and assessing the possibilities on information collection were the specific goals of each visit. Furthermore, the role of return related information in the pre-departure counselling should be analyzed and challenges when it comes to assessing the impact of return related information on the sustainability of the reintegration process should be assessed. The content of the exchange visits were meetings with local institutions such as ministries, NGOs, medical centres, and with returnees from Europe.

#### **➤ Joint exchange visit to Nigeria from Austria and the United Kingdom, March 2010**

From the 7<sup>th</sup> to the 10<sup>th</sup> of March 2010 an IRRiCO exchange visit has been conducted to Nigeria. Participating partners were IOM UK, IOM Austria and the UK Border Agency. The mission of IOM Austria was, funded through their own new AVRR project for Nigeria and also lasted some days longer.

The visit had a special focus on the collection of return related information, i.e. institutions were met which support returnees, e.g. regarding business set up or assistance for vulnerable persons. Useful information has been gathered and it is recommended to provide it to potential returnees to Nigeria during the pre-departure counselling.

Furthermore, best practices and lessons learned have been discussed with IOM Nigeria. The Embassy of Austria as well as the British High Commission were briefed about the AVRR programme and beneficiaries of the programme were met.

### **4) EU AVRR consultation 2010**

This fourth IOM EU Assisted Voluntary Return and Reintegration (AVRR) consultation has been organized to build on the concrete steps identified during the previous consultations held in September - October 2007, 2008 and 2009. The consultation provided a unique opportunity for the EC, IOM and national counterparts to exchange ideas and best practices and discuss AVRR programs and the ongoing transposition of the Return directive into national legislation. The conference aimed at ensuring that Assisted Voluntary Return and Reintegration continued to be a priority within the European Commission and European Member States (EU MS) integrated return management policies. Norway and Switzerland were also present as associated partner States.

The EU AVRR consultation also allowed for discussions and brainstorming on possible improvements. To this end, two workshops were carried out in the afternoon, addressing specifically a) the EU Return Fund national level and the implementation of AVRR programmes within this funding mechanism and b) discussions on synergies and partnerships between AVRR stakeholders.

The following conclusions from these workshops could be drawn:

- ◆ There is an ongoing need for accurate, structured and reliable information and data on AVRR to be shared with all stakeholders. Cooperation between different stakeholders can be enhanced through exchange visits and exchange of best practices.
- ◆ A platform in which information, practices, experiences and modalities of AVRR programmes and contact details as well as profiles of relevant partners can be exchanged is deemed very useful. The platform or network would need to be managed centrally and in a sustainable and systematic way. It is important that there is no information overload or unnecessary duplication of already existing material but a good access and search function through which information can be found in a quick and user friendly way. Such a platform could eventually lead to an increased cooperation and coordination between EU Member States and a more streamlined and harmonized reintegration delivery. It would also allow identifying gaps, financial resources and synergies in a more structural way.
- ◆ Embassies are considered important partners especially in light of facilitation of travel documents. More efforts need to be made to increase their understanding of AVRR.
- ◆ In terms of partnerships it is crucial to bring in the perspective of third countries and to find adequate ways to communicate with third countries in order to promote the positive impacts of voluntary returns

#### **5) EC Return Contact Committee on Return of UAM's**

The EC organized a contact committee on the 11<sup>th</sup> of February 2010 in Brussels for the EU Member States focusing on Article 10 (2) of the Return Directive: "return of unaccompanied minors to family members, guardians or adequate reception facilities in State of return" with NGO and International Organizations participation. IOM was also invited and represented by Richard Danzinger, IOM HQ Geneva and Pascal Reyntjens, MRF Brussels. Richard Danzinger presented IOM's experience in repatriating Rwandese children returned to their country from Italy in 1996, in the particular post-war context, highlighting the necessity to work in the frame of the Best Interests of the Child Determination Process, in cooperation with different actors, both governmental and non-governmental.

Describing the existing system for family tracing and reintegration follow up, Pascal Reyntjens highlighted the importance of setting up efficient systems allowing for a proper assessment of the Best Interests of the Child.