

Executive summary

The term of assisted voluntary return (AVR) is not used in Lithuanian legislation or other regulatory documents of Lithuanian state institutions. The provision of AVR has not been assigned to the competence of any ministry or other public authority. The Lithuanian Government has reserved the provision of AVR to the non-government sector.

In Lithuania, AVR has been provided since 1998 by the International Organization for Migration (IOM), Vilnius Office¹. The assistance is provided under existing projects, and since 2005 this has been exceptionally funded by EU funds. The IOM Vilnius office is the only organization providing such assistance in Lithuania.

As AVR is provided on the basis of the projects, its availability and target groups depend on the conditions of a particular project. When projects are changed, the target groups change as well, and when the IOM has no specific project, such assistance is generally unavailable. During the analyzed period (2004-2009) in Lithuania, AVR was not provided during the entire year of 2004, January-August 2006, and in 2009. For this reason, no stable system for AVR has been developed and there is no continuity. It is likely that the situation will change in 2010 with the start of the European Return Fund's annual programmes.

Funding of voluntary return programme from projects leads to the volatility of the target groups. For example, during the period of 1998-2002, AVR may have been used by illegal migrants in Lithuania, and during the period of 2005-2008 this assistance was only available for asylum seekers and aliens lawfully staying in Lithuania in accordance with the European Union Refugee Fund (ERF) program. From 2010 onwards, the annual programme of the European Return Fund (RF) covers both the individuals legally residing in the country (having international protection, and asylum seekers) and those whose legal basis of stay has expired and who have the obligation to depart.

During 2005-2008, a total of 65 migrants who benefited from AVR left Lithuania. During the same period (2005-2008), 608 foreigners were removed compulsorily. Such a big difference between voluntary and compulsory departures is explained by the narrowness of the target groups and the established practice that in most cases the IOM Vilnius office was contacted for assistance when the return was complicated, i.e. when migrants were returning to distant countries (Nigeria, Pakistan, Georgia, and Vietnam).

During 2005-2008, the majority (over 40%) of the returnees were citizens of the Russian Federation (Chechen ethnicity). Due to the political situation, they were submitting the biggest share of applications for asylum in Lithuania. In most cases they were granted subsidiary protection. At the end of the integration programme and end of financial support from the State, part of the persons wanted to go back to their country. Some of them used AVR.

¹Since the Vilnius Office of the International Organization for Migration (IOM) is the only institution providing AVR in Lithuania, reference to the activities carried out by the IOM in this study also includes the entire system of voluntary return existing in Lithuania.

Until 2010, the AVR included migrant counselling, paperwork, organization of travel and transit, and coverage of their initial costs upon arrival. In 2010, as a part of the Return Fund's annual programme, pilot reintegration projects in Moldova and Georgia were launched. While most people want to return voluntarily to the Russian Federation (Chechnya), due to technical difficulties, reintegration assistance to Chechnya in 2010 will not be offered.

Voluntary return is beneficial to the state because of its speed, flexibility, sustainability, price and relief of the system load (less pressure on the return and the asylum systems). For migrants, voluntary return is useful for the following reasons: a humane process and respect for human rights, including quick and timely assistance considering the migrant needs and safety.

The following **main obstacles** can be distinguished in implementing voluntary return projects:

- Limitations of the financing of AVR on the project basis. Due to the project funding and programming there are periods when AVR is not provided. To create a stable return system and win the confidence of migrants, it is necessary to ensure that the assistance is provided without interruption. Interruptions should be covered by public funds.
Project fragmentation adversely affected the entire process of voluntary return and prevented the creation of a long-term well-functioning system of voluntary return.
- Limitations of target groups. The target groups envisaged in the projects are not always in conformity to the specificity of certain countries. National resources should be used for the financing of voluntary returns of migrants who are not covered by the framework of the European projects, but whose voluntary departure is a concern of the state.
- Lithuania has no voluntary return system. There is no legal document that clearly regulates the voluntary return, or that defines the co-operation and competence of the state and organizations involved in the returns. Currently, such an agreement for cooperation is being drafted.
- Travel organization. Voluntarily returning migrants cannot return through other Schengen airports, because there is no unified form of the obligation to depart which could serve as a document recognized by other states and allow a migrant to return through other Schengen airports, depending on such an arrangement.
- Specific cases (stateless persons, when none of the states want to accept them).

In Lithuania, these deficiencies became evident before the launch of the long-term Return Fund program. It is likely that this long-term programme will solve some problems. However, it is also likely that other problems may develop. It would therefore be useful to perform the European Return Fund monitoring in all countries after 3-4 years.