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IOM International Organization for Migration
OIM Organisation Internationale pour les Migrations
OIM Organización Internacional para las Migraciones

RETURN HOME

BEST PRACTICE STUDY OF ASSISTED VOLUNTARY RETURN PROGRAMMES IN THE EU MEMBER STATES



Study prepared by:
Dr. Liutauras Kraniauskas,
Department of Sociology, Klaipėda University

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SUMMARY

The study gives an overview of the EU Member States' experience in organising and practically implementing assisted voluntary return programmes. Assisted voluntary return programmes are migration regulation measures used by a state which aim to assist target immigrant groups in returning to their country of origin, mostly failed asylum seekers and irregular migrants. Assistance is provided to aliens who have found themselves in a difficult situation and struggle to return on their own (usually have no sufficient funds). The study aims at summarising the experience of the EU Member States referring to the principles of historical and structural analysis.

The survey first defines the general concept of voluntary return and models of assistance and attempts to answer the question why states support voluntary return of migrants. The most substantial arguments are formulated when voluntary return is put in contrast to expulsion of an immigrant as an alternative solution. The advantages of voluntary return are discussed in the context of humanity, effectiveness and institutional cooperation and EU international migration policy.

The first voluntary return programmes were introduced in Europe in 1970-1980. The Netherlands, France and Germany were the first countries to have decided to encourage immigrants to return to their country of origin and earmarked substantial financial support for that purpose. However, the first programmes were unsuccessful and financial incentives were quickly withdrawn. The situation changed significantly around the mid-90s, with the appearance of a new approach towards immigration control, stronger immigrant communities and the necessity to tackle national migration issues on an international level.

Voluntary return programmes are formulated in such a way as to create all the legal preconditions for voluntary return of an immigrant leaving the country of his own will and so that the state could provide the necessary assistance in this process – provide information, counselling, purchase the travel tickets, assist in obtaining travel documents, provide with the necessary medical assistance and assign certain financial support. The system of voluntary return has to create legal opportunities for immigrants to return to their country of origin.

The EU countries organise assisted voluntary return programmes rather differently. In some of the countries, the provision of assistance is centralised, and in others, it is decentralised; in some of the countries, the more active role is assumed by state migration services, whereas in others – by non-governmental and international organisations; some of the countries are inclined to offer support only to very limited groups of migrants, for example, only to asylum seekers, whereas others – to a much wider group of immigrants, which may include illegally staying third-country nationals or even nationals of some of the EU Member States. For the purpose of illustrating the differences between the systems of provision of assistance, the following countries have been selected for the study: Austria, Spain, the Netherlands, Sweden, the Czech Republic and Hungary. A survey of the systems in these countries allows for highlighting the structural models of provision of assistance, indicating the roles assumed in such systems by the state, non-governmental organisations and the International Organization for Migration. All the countries have been chosen as sharply contrasting examples.

Along the aforementioned countries, Lithuania's voluntary return system is also reviewed; it clearly lacks more active involvement of the state as well as a strategic approach to return policy. Since 1997, assisted voluntary return in Lithuania has been administered only by the International Organization for Migration, whose activities and assistance are regulated by donors and not by the state. When talking about the prospects for the future and drawing attention to the measures of legal regulation of migration policy introduced by the EU, such as the Return Directive, as well as financial instruments, such as the European Return Fund, it becomes clear that the state of Lithuania will be obliged to form a more explicit position on voluntary return and to encourage voluntary return of migrants more actively.

The overview of the EU countries' experience allows for formulating recommendations as to which best practice could be taken over and successfully introduced in Lithuania. More attention is paid in

the recommendations to the aspects which should ensure the successful functioning of the system, i.e., strategic planning, creation of the information space, institutional cooperation, legal regulation and formation of public opinion.

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Introduction: the purposes, methodology and sources of the study

The purpose of the study is to overview assisted voluntary return programmes implemented in the EU Member States, encouraging failed asylum seekers or irregular immigrants to return to their country of origin. The survey which discusses a vast variety of programmes under implementation in the EU Member States aims at singling out the concept of assisted voluntary return and identifying the best practice on the basis of which recommendations could be provided as to how to improve the system of assisted voluntary return in Lithuania. Familiarisation with the EU Member States' experience and attempts to introduce it in the Lithuanian context provide good possibilities for harmonisation of actions of individual states, improvement of cooperation and formation of a common European vision of assisted voluntary return. The study presents:

- the general concept of voluntary return and the model of provision of assistance;
- the first assisted voluntary return programmes in Europe and their assessment;
- voluntary return programmes under implementation in the EU Member States in recent years, their strategies and specific examples;
- assessment of effectiveness of programmes under implementation abroad and in Lithuania;
- recommendations for improving Lithuania's assisted voluntary return system.

The study is intended for those directly involved in the formation of return policy in Lithuania and those providing practical assistance to third-country immigrants wishing to return to their country of origin:

- representatives of state authorities and politicians responsible for the functioning of the asylum system, control and management of international migration flows. The study enables better understanding of what migration management strategies are applied by the EU Member States and how they are implemented in practice;
- missions of international organisations in Lithuania and non-governmental organisations concerned with the issues of immigrants and refugees. These organisations can identify their role more clearly in tackling the problems created by the international and national systems of migration control in Lithuania;
- other public groups and bodies concerned with the issues and problems of immigration and ways of their solution.

The study has been prepared on commission of the International Organization for Migration in the course of implementation of the project *Return Home* supported by the European Return Fund.

METHODOLOGY AND SOURCES OF INFORMATION

With a view to identifying the best practice of the EU Member States, the study is based on two principles of analysis. The first one is a historical retrospective, where time dimension is important. It allows for assessing the effectiveness of the introduced systems, strategies and programmes in the long-term perspective. It is in the long-term perspective that it becomes more clear which systemic innovations in the context of migration management and control justify themselves, become well-established in practice and acquire the forms which function effectively. The good ideas and systemic innovations which are well-received at the levels of values and ethics are frequently difficult to introduce in practice or may require substantial costs which would not pay off, but are necessary to support the functioning of the system. Therefore, the study depicts not only

the current systems of assisted voluntary return, but also aims at covering a much wider period of time. The second principle is structural analysis, by means of which it is attempted to single out the key components of voluntary return programmes, the manner in which such programmes are introduced in practice and work is organised. The identification of modules of structural assistance allows for better understanding of specific opportunities for the development and improvement of voluntary return programmes and comparing a variety of programmes under implementation in the EU. Various sources of information have been used as a reference when preparing the study, which has permitted to achieve the objectives raised by it. A large amount of information has been collected by analysing publicly available information sources as well as in the course of two study visits to Great Britain and Germany, during which the organisation and implementation of voluntary return programmes were introduced.

After the European Return Fund, which actively supports the concept of voluntary return and funds international and national projects, started to operate in 2008, serious studies on voluntary return appeared in Europe: in 2009-2010, almost all the EU Member States submitted to the European Migration Network very comprehensive surveys on voluntary return policy in the national contexts; Lithuania's report *Programmes and Strategies Fostering Voluntary Return from the Republic of Lithuania and Re-integration in Third Countries*, prepared by the staff of the International Organization for Migration who practically implement assisted voluntary return projects, presented a consistent and precise summary of the projects implemented in Lithuania, the operation of the system and the legal and political context. In April 2010, IOM published the *Handbook of Voluntary Return and Reintegration of Migrants*, which presents in detail the concept of and preconditions for voluntary return. These and other sources have been of vital importance in preparing the present study, which attempts to summarise and compare the experience of some of the EU Member States and apply it in the Lithuanian context.

The sources of information referred to when preparing the present study can be divided into four groups:

- *Studies of assisted voluntary return programmes and systems of the EU Member States.*

Two surveys have been referred to in this study. The first one is *Return Migration: Policies & Practices in Europe*, a study on return policy carried out in 2004, which summarises the experiences, implemented programmes, their scope, the range of services rendered, the responsible institutions and assessment of the effectiveness of programmes of the then old EU Member States and the prospective Member States. This review is important in that along with voluntary return policy, it also presents the practice of expulsion of migrants. This allows for comparing the differences between the two return strategies in terms of their effectiveness. The study was prepared by the International Organization for Migration. The second comprehensive review of voluntary return policy implemented by the EU Member States was initiated by the European Migration Network in 2009-2010. Based on the identical pattern of description, the EU Member States submitted reports which presented assisted voluntary return programmes and projects under implementation in their countries, the legal and political context of these programmes, the services rendered and assessment of effectiveness of the programmes. These comprehensive reviews of the systems of assisted voluntary return in place in the EU Member States have allowed for identifying the different models of implementation of programmes, their similarities and differences. The reports may be found on the website of the European Migration Network at: <http://emn.sarenet.es>.

- *Documents of the International Organization for Migration.* Annual reports, descriptions of active projects under implementation, strategies and information publications on the issues of voluntary return policy issued by IOM's Board. Since IOM is one of the key organisations shaping the strategy and policy of assisted voluntary return worldwide and being responsible for the practical implementation of the said strategy in many countries, the organisation's internal documents allowed for clarification of the idea of voluntary return and the structure of programmes of assistance. On the other hand, descriptions of the short-term national projects under

implementation available at the websites of IOM's national missions allow for better understanding of the relation between IOM and national migration services in encouraging migrants to return to their country of origin and the approach of the state towards assisted voluntary return.

- *Material collected during study visits to Great Britain and Germany* which presents the practical functioning of the system of assisted voluntary return. The material comprises presentations prepared by the implementing and coordinating bodies, information publications, notes taken and audio recordings made during discussions, comments and stories of the responsible members of staff. The information collected during the visits allowed for assessing the organisation of work of specific programmes, decision-making patterns, the specific way of provision of assistance to migrants, the method of work with them, sharing of work and responsibilities and the method of carrying out the assessment of effectiveness of programmes.

- *Other sources of information* which assess specific assisted voluntary return programmes, discuss the conceptions of voluntary return, the motives behind migrants' decision to return to their country of origin and avail of assistance provided by the state, research on reintegration of migrants, programme audit reports, academic articles on the issues of return migration, laws and official documents as well as websites.

PROBLEMS ENCOUNTERED WHEN PREPARING THE STUDY

Two main problems have been encountered when preparing the study and collecting information. First, there is no clearly established terminology relating to the strategies of return policy. Whereas such terminology is quite clearly established in the English language with explicit semantics for each concept, the transposition of some of the concepts into the Lithuanian language creates some vagueness – their content becomes ambiguous, and the concepts themselves become cumbersome. For example, the Lithuanian equivalents of the English concept 'voluntary return' could be 'savanoriškas sugrįžimas', a concept emphasizing a completed action, also 'savanoriškas grįžimas', a concept emphasizing a process likely to repeat, and 'savanoriškas sugražinimas', a term which implies a body performing the action and defines a migrant as a passive participant in the process. The issue of language and translation may become quite relevant in the course of transposition of the EU directives into the national legislation. Although IOM's mission in Lithuania uses the term 'grįžimas', the term frequently applied in the present study is 'sugrįžimas'. To avoid stylistic repetition, in certain contexts the term 'sugražinimas' will also be used, which should primarily be understood as a synonym of 'sugrįžimas'.

The second problematic aspect of the study relates to Lithuania's status as a country of transit. Many EU Member States which have considerable experience in providing assisted voluntary return are states attracting the largest flows of immigrants. Therefore, the aim of policy fostering voluntary return migration in the old EU Member States is to combat illegal immigration and return various migrant groups to their country of origin. Although, in most of the cases, it involves illegally staying third-country nationals and asylum seekers, in some of the countries assisted voluntary return is offered also to those in possession of refugee status, legally employed aliens, and immigrants already in possession of the citizenship of that country, and sometimes even to certain groups of EU nationals. The pursuit of such a strategic goal in the old EU Member States determines a peculiar system of provision of information and assistance and the principles for inter-institutional cooperation.

Whereas the return policy in Lithuania, just like in other countries of transit, acquires a somewhat different nature. Generally, this policy aims at transit migrants who find themselves in a difficult situation in Lithuania or enter the country illegally. Therefore, some of the effective models and experiences of voluntary return programmes under implementation in the EU Member States may be hard to apply in Lithuania, which, due to its geopolitical position, the size of immigrant

community and the status of a country of transit, differs from the other EU Member States quite significantly.

STRUCTURE OF THE STUDY

The first part of the study presents the most general concept of assisted voluntary return. Assisted voluntary return may be defined as a national position and a strategy for the management of international migration in which the interests of the migrant, the returning country and the country of origin are taken into consideration.

The second part gives an overview of the first projects and programmes of voluntary return carried out in the Netherlands, France and Germany during 1970-1980 as well as a short assessment of the first attempts to introduce alternative mechanisms for the regulation of migration.

The third part presents the typology of the existing voluntary return programmes and target categories of migrants at which these programmes are aiming.

The fourth part introduces the system of preconditions for the introduction of voluntary return programmes and modules of organisational and administrative assistance, allowing for the introduction of such programmes in the national contexts at low costs.

The fifth part gives an overview of the systems of organisation of assisted voluntary return in specific countries. The Netherlands, Austria, Sweden and Spain represent the old EU Member States, whereas the Czech Republic and Hungary – the new EU Member States.

The sixth part attempts to assess the system of voluntary return functioning in Lithuania in a broader context, specifying its differences and similarities with the other EU Member States.

The seventh part summarises the experiences of voluntary return programmes under implementation in the EU, which may be used as arguments in consolidating voluntary return policy in Lithuania.

I. VOLUNTARY RETURN

I.1. CONCEPT OF VOLUNTARY RETURN

Assisted voluntary return could be best defined as the position of a state or a migration control strategy enabling to return a migrant to his country of origin in a humane and dignified manner. This strategy, first of all, aims at those migrants who are unable to return to the country of origin at their own efforts (due to legal or financial problems). Not only does it allow for taking into consideration the individual needs of the migrant, but also for promoting closer cooperation between states. Such assistance is usually provided to all immigrants wishing to return home, including those who are not entitled to stay in the country or have lost such a right.

Voluntary return, as one solution to migration problems, attempts to combine the interests of three parties: the migrant, state institutions of the returning country and of the country of origin. First of all, the decision of the migrant is considered: he is allowed to prepare for departure; non-violation of human rights is ensured; the stigma of expulsion from the country or the negative consequences of deportation are avoided for subsequent integration of the person following his return home. Voluntary return provides for a possibility of choice, allowing an immigrant to depart from the country legally, when the period of his legal stay in the country expires, and also to receive organisational or financial support upon departure. From the point of view of returning countries which a migrant wants to leave due to various reasons, voluntary return is a solution which is much more cost-efficient and easier to administer than deportation. Such migrant return policy also allows for avoiding friction or conflicts between various institutions on a national and international level, for instance, between the services performing the deportation procedure, diplomatic missions of the migrant's country and human rights organisations. Countries of origin to which the migrant is returned are secure that the rights of their citizens will not be violated, their citizens will be treated appropriately and with due respect, and that their citizens will retain the possibilities to legally travel and return to the countries that have expelled them.

Voluntary return in various migration documents is defined as an immigrant's decision taken of his own free will to return to his country of origin. It is assumed that such a decision has been taken:

- 1) of own free will without any psychological coercion or physical threat;
- 2) in the presence of relatively accurate and objective information allowing him to take the most favourable decision.

In case of voluntary return, after a migrant decides to voluntarily return home, the state and various organisations undertake to provide assistance. Assisted voluntary return is primarily organisational and financial support in arranging the return. The examples of such support could include counselling provided to the migrant prior to departure home, arrangement of travel documents, purchase of tickets, assistance at airports, arranging the journey within the country of origin, arranging medical assistance throughout the journey, etc. In some cases, assisted voluntary return may also provide for reintegration measures which should ensure more effective integration of the returnee in his country and community.

Specific assistance and support is organised and provided to a migrant through assisted voluntary return programmes which may be administered by state institutions, international organisations as well as local non-governmental organisations in both the returning countries and the countries of origin. According to the data of the International Organization for Migration, in the first half of 2010 there were over 30 long-term assisted voluntary return programmes and almost 100 short-term projects under implementation worldwide. In many European countries, especially

the old EU Member States which attract the largest flows of migrants, the target groups of these programmes are either failed asylum seekers or irregular migrants.

Great Britain, Germany, Belgium, the Netherlands, Sweden all have very efficient systems of assisted voluntary return under which approximately 3 000 – 5 000 migrants are annually returned to their country of origin. For example, in 1998 Germany, which has been carrying out assisted voluntary return programmes longest, provided support to over 102 000 migrants the majority of whom returned to the regions of the former Yugoslavia. In 2008, the number of people who availed of assistance in Germany amounted to 5 700. In Sweden, the number of immigrants who availed of assisted voluntary return in 2004 was 8 300, whereas in 2008 – 4 900. During the period of 1999-2009, Great Britain assisted over 34 000 of migrants in returning home.

Many programmes appearing in the new EU Member States are based on the experience of the aforementioned countries or organisational models created by them. Their experience is eagerly taken over. However, in the international context, international organisations such as the *International Organization for Migration* (hereinafter called IOM) and the *United Nations High Commissioner for Refugees* (hereinafter called UNHCR) have the most experience in offering assisted voluntary return and organising programmes. These are one of the most active, influential and important organisations in promoting and introducing the concept of voluntary return in various countries worldwide. Although the activities carried out by them and their objectives partly coincide, the UNHCR is mainly concerned with voluntary return and repatriation of refugees to their country of origin or regions, whereas IOM – with other groups of migrants, such as irregular migrants or failed asylum seekers. The exceptional characteristic of IOM is also the fact that this organisation, having an active network of missions in almost all countries of the world, has the most extensive experience in organising the migrants' journey and their relocation from one country to another.

I.2. WHY DO GOVERNMENTS SUPPORT VOLUNTARY RETURN?

Since their appearance, voluntary return programmes have been frequently questioned and received a fair amount of political and public criticism. Many right-wing politicians and public groups in the EU are of the opinion that the state should simply not make any concessions for irregular immigrants. The state should take stronger political measures. The taxpayers' money cannot be wasted on assisted voluntary return since immigrants in general have no right to be in the country and have to be expelled. In a broader context of solving social problems, where the citizens of the country themselves fail to receive adequate state support which would enable to improve their social situation, assistance to immigrants is hardly understandable and justifiable. More left-wing public organisations criticise the idea of assisted voluntary return from a different perspective. State assistance to an immigrant is considered to be an exquisitely disguised form of coercion targeting human rights and humanity. An immigrant who has arrived in the country as a result of difficult living conditions in his homeland is expelled, however, not in a form as obvious as deportation. Both in case of voluntary return and in case of deportation, the result is the same – a person is thrown out of the country in which he hoped to create safe and humane living conditions for himself and his family.

Despite such populist criticism, which is often based on the stereotypical images of immigrants and the purpose of state institutions, the mechanisms of assisted voluntary return operate in many countries worldwide. Governments are increasingly supportive of the idea of voluntary return and the number of states providing assisted voluntary return worldwide has grown significantly in the last decade. An increasing number of states in various regions worldwide are providing support to immigrants and national assisted voluntary return programmes receive active international financial aid and political support. This proves that assisted voluntary return is the established practice in international politics, supported not only by state institutions but also by

international and non-governmental organisations. On the other hand, the accumulated international experience in organising voluntary return also allows for a more active implementation of this political position in practice. The knowledge accumulated by states and international organisations as well as the principles of work organisation have singled out the modules of organisational and administrative programmes and have made them easily transferable into different national contexts.

Why do governments support voluntary return? Many developers of and bodies involved in the implementation of programmes point to strong arguments proving the benefit and effectiveness of such programmes, especially in terms of long-term perspective for the regulation of migration.

1. **Humane solution.** In democratic countries worldwide forced return of immigrants or deportation may openly contradict the declared principles of democratic freedom and human rights. In the event of forced return, the rights of an immigrant are hardly observed and there is always a possibility of human rights violations, whereas the mechanism of voluntary return offers an alternative solution. When a migrant chooses a voluntary return scheme, the observance of his interests and needs becomes the key principle in organising the system of return. If a migrant finds himself in a difficult situation in the country of destination, and he is arrested, detained and deported, then expulsion works as a certain penal sanction, and the immigrant in this process is turned into a ‘offender’ or a ‘criminal’. In case of voluntary return, where an immigrant is provided with assistance and his stay in the country is not criminalised, the return to the country of origin may no longer be treated as the imposition of a penal sanction. The returnee is not an offender, and the organisation of return is interpreted as humanitarian aid which is necessary with a view to protecting human rights. Even though both deportation and voluntary return result in the same – a migrant is returned to the country of origin, in case of each solution, one will be faced with different interpretations of the process itself as well as the legal consequences for further life of the returnee. What is meant when saying that the availability of voluntary return mechanism is a humane solution is, primarily, that the migrant is able to avoid the stigma of deportation, and the state – the likely criticism and reproaches from human rights defenders.

2. **Effective solution.** A voluntary return mechanism allows a state to tackle the issues of returning migrants and asylum seekers to their country of origin more effectively. The experience of voluntary return programmes points to the fact that the voluntary return mechanism is much more cost-effective than a system of expulsion. If an immigrant chooses voluntary return, he will be inclined to cooperate more actively and will speed up the whole process of organisation of return. In other words, the time input, for which financial estimates may be determined, is much smaller than in case of deportation. The funds spent on accommodation, provision of meals, examination of cases, identification and escort of the detained migrants and administrative machinery are saved in the case of voluntary return. Voluntary return is cheaper for the state. On the other hand, a voluntary return scheme allows for returning immigrants to those countries with which no bilateral readmission treaties have been signed. Therefore, in some complicated cases state authorities are inclined to support the idea of assisted voluntary return and apply for help to IOM when they run out of administrative and organisational capacities to return certain immigrants to their country of origin.

3. **Institutional cooperation.** Assisted voluntary return enables a state to consolidate the efforts of various institutions and organisations for joint activity. If the state decides to delegate the organisation of assistance to international or non-governmental organisations, some of the workload is moved from state institutions to the third sector which can operate in a much more flexible and efficient manner than the bureaucratic state apparatus. In

other words, a share of work is delegated to others reducing the workload of the state institutions. Furthermore, a broad network of institutional cooperation allows for more prompt solution of some of the immigrant return issues which might be hard and take long to solve on the level of state institutions. Thus, the system of assisted voluntary return functions much more effectively than expulsion of migrants.

4. **Reaching target immigrant groups.** The system of voluntary return in which the provision of assistance is delegated to the third sector allows for reaching the target migrant groups more effectively. Migrants have very little confidence in state migration services and usually try to avoid getting into any contact with this administrative system. Therefore, very often the migrant's encounter with migration services has a repressive nature. One party tries to hide and avoid the encounter, whereas the other party tries to discover and impose sanctions. In case of voluntary return, the third sector, which is not linked with the imposition of sanctions, has much more trust among immigrant communities than state migration services. It is that trust in particular that allows for reaching the target groups of migrants and having more effective influence on their decision to voluntarily return to their country of origin or stay in the country of destination. Thus, the voluntary return mechanism allows the state to return those immigrant groups which are hard to reach and avoid contacts with migration services.

5. **Close international cooperation with countries of origin.** It has been briefly touched upon the fact that the model of assisted voluntary return allows for developing close international cooperation between the countries of origin and countries of destination. From a political perspective, voluntary return policy pursued by a state is viewed much more favourably than deportation. The countries of origin receive it much better when their citizens return in an honourable and dignified manner rather than handcuffed. On the other hand, when trying to identify the migrant or to obtain travel documents for him, the embassies and consular posts will be more inclined to cooperate with institutions providing assistance rather than with power structures. The relations will always be more positive and more favourable. The countries of origin and their representations will not be faced with reproaches in relation to their citizens staying in the country illegally, and will primarily be perceived as partners in providing assistance to their own citizens. Voluntary return strengthens relations between states and may serve as an example of good partnership.

6. **International support and introduction of a common EU immigration policy.** Although the EU Member States attempt to shape return policy having regard to the national context, it can be noticed that measures of return are becoming an important issue of a common international policy. Voluntary return is perceived not only as a measure to tackle illegal immigration, but also as a mechanism offering an opportunity to provide financial support and to render the technical knowledge to third countries. Owing to migration regulation measures, an international partnership network is created which forms institutional channels in the third countries to receive the financial support from the EU. Political support for voluntary return is explicitly expressed in both legal and financial EU instruments. The Return Directive 2008/115/EC, whose provisions had to be transposed into the national legislation by December 2010, very clearly states that voluntary return is considered to be a priority objective as opposed to other forms of return and that states must create legal preconditions for the functioning of such a mechanism. Many EU countries, especially in Eastern and Central Europe, are starting to define voluntary return, state responsibility and measures of provided assistance in their legislation more clearly. It is believed that the implementation of this Directive will result in a common, balanced and harmonious European return policy. On the other hand, the European Return Fund, which started functioning in 2008, provides an opportunity for the

countries to receive EU financial support for assisted voluntary return programmes and projects. It is exactly since 2008 that increased political activity has been observed in the entire EU in terms of voluntary return policy and measures. It can be stated that the EU support and requirements create such structural and legal conditions which prompt governments to look at assisted voluntary return more responsibly and to actively introduce specifically the measures of the European immigration policy.

II. FIRST ASSISTED VOLUNTARY RETURN PROGRAMMES AND PROJECTS

II.1. CHANGE OF APPROACH TOWARDS IMMIGRANTS IN EUROPE IN 1970 -1980

The issue of voluntary return of migrants to their country of origin has been discussed in social sciences since 1960; however, the political determination of states to introduce voluntary return programmes was first noticed in Europe only in the middle of the 1960s. The first programmes came as a response to the increasing international migration and the economic recession caused by the 1973 oil crisis.

During 1950-1960, some of the Western European countries, such as Germany, Switzerland, France and Belgium had a very favourable attitude towards labour migration. With a view to satisfying temporary needs of the labour market, these countries would frequently accept immigrants and estimated their contribution to the country's economy quite positively. However, around 1970, such an attitude started to be questioned, at least on the level of political and public opinion. In the face of increasing flows of immigration, states started to tighten up immigration policy. Stricter measures of migration regulation and control were undertaken; attempts were made to reduce, in various ways, the number of immigrants arriving in the country. For instance, in 1974 the French government officially announced that it was terminating labour immigration into the country. Whereas in the first years this requirement for industry and business representatives was recommendatory in nature, the ban became a legal obligation in 1977.

The 1973 military conflict in the Middle East between Israel, Egypt and Syria also had a significant influence on tightening of migration control. The conflict involved the clash of interests of the USA and the OPEC countries which caused the price of oil worldwide to soar, the bankruptcy of stock exchange at an international level and unseen inflation in almost all the countries in the world. The economic recession of 1973-1974 was the first major world economic decline since World War II. It was in that particular political and economic context that the first assisted voluntary return programmes were initiated in the Netherlands, France and Germany.

II.2. FIRST PROGRAMMES

II.2.1. NETHERLANDS

In 1974, the *REMPLOD (Reintegration of Emigrant Manpower and Promotion of Local Opportunities for Development)* project was initiated in the Netherlands. The project aimed at encouraging labour migrants from Turkey, Tunisia and Morocco to return home and, with the support of the Dutch government, help them set up own business in their country of origin. It was hoped that the returnees and the support of the Dutch government would promote the economic development of the regions to which the migrants returned. It was a pilot project attempting to establish the social and economic effect of such a model of return on the development of the regions. The *REMPLOD* project was funded by the Dutch Ministry of Development and International Cooperation (*Nederlandse Minister van Ontwikkelingssamenwerking*). It was carried out in cooperation with the Netherlands Organization for International Cooperation in Higher Education *NUFFIC* and the Institute for Social Science Research in Developing Countries *IMWOO*.

After two years of attempts to implement the project and comprehensive research on the reintegration of migrants in the regions of Rif and Sous in Morocco, the Dutch government was recommended to discontinue the *REMPLOD* project. The reason behind the discontinuation of the

project was the fact that the possibilities of returnees to invest into business of their own were very small, whereas the return of migrants had absolutely no influence on the economic development of those regions. Due to political repressions and a high level of corruption in the country the returnees had no confidence in either the central or local authorities and that, in turn, weakened their motives to start a business or invest in Morocco. Since the REMPLD project was aimed more at influencing the development of target regions by returning entrepreneurial and qualified migrants, its goal was not reached. To stimulate the development processes, more significant structural changes in the country were necessary. The returnees were not a sufficient force able to make a substantial push for the development of local economy.

II.2.2. FRANCE

In 1960-1970 in France the largest group of immigrants comprised emigrants from the Maghreb, a region of North Africa. These were mostly immigrants from Algeria, the former French colony. In 1977, Lionel Stoléru, the French Secretary of State in charge of labour immigrants' affairs, initiated the Assisted Return Programme (*l'aide au retour*). The attempts were made to encourage migrants to return by financial measures. The first million of migrants who had decided to return to their country of origin were offered cash allowances of 10 000 francs (approx. 1 500 Euros). The programme was informally called the 'Stoleru's million'.

Despite strong ambitions, the programme had a minimal effect. In 1977-1981 the government planned to return approximately one million immigrants, however, only about 60 000 people availed of the Assisted Return Programme. On the other hand, the programme and support was mostly availed of by Portuguese and Spanish people who ended up in France for political reasons. The Portuguese returned to Portugal, where the authoritarian regime of Antonio Salazar was abolished in 1968, and the Spanish returned to Spain, following the death of the dictator Francisco Franco in 1975.

Although the target group of the programme were immigrants from Algeria, this group of migrants was quite slow in availing of the support offered by the programme. Approximately 2 400 people were returned to Algeria, which only amounted to 4 per cent of all those who availed of the programme.

II.2.3. GERMANY

In 1979, the German federal government together with the authorities of the German states (*Länder*) and the International Organization for Migration started the implementation of the REAG programme (*Return and Emigration of Asylum Seekers*). It was aimed at the asylum seekers who decided to return to their country of origin or move to third countries, such as the USA, Canada or Australia, in which they could be granted asylum. The support provided within the framework of the programme only involved the arrangement of departure from Germany. The REAG programme did not provide for any cash allowances, which at the time were characteristic of the French policy encouraging the return of immigrants.

The first cash allowances to immigrants leaving the country appeared in Germany for a short period in 1983-1984 after the Christian Democrats, who promised to exercise more effective immigration control in their election campaign, came to power. Following the example of the French Assisted Return Programme (*l'aide au retour*), the *Promotion of Readiness to Return Act* was adopted in Germany in 1983. Upon deciding to terminate work and leave Germany, a migrant's family was eligible for a reinstatement allowance upon departure in the amount of 10 500 German

marks for an adult and 1 500 German marks for a child. Workers who departed from the country could also recover the social insurance contributions paid.

The scheme allowed for reducing the number of immigrant workers in Germany. In 1982, the number of aliens legally residing in Germany amounted to 4.7 million, whereas in 1984-1985, the number dropped to 4.4 million. However in 1986, when the cash allowances had not been offered for two years, the number of immigrants rose to 4.5 million again.

The scheme for encouraging the return of migrants which was applied in 1983-1984 was fairly criticised. The research pointed out that the majority of migrants who had availed of the support would have left the country in any case, even in the absence of financial support from the German government. According to some researchers in the field of migration, from the long-term perspective, the cash allowance policy pursued by the German government in 1983-1984 had very little effect on the natural migration processes.

II.3. ASSESSMENT OF THE FIRST PROGRAMMES

The first assisted voluntary return programmes and projects were guided by an optimistic attitude that they would encourage migrants to return home on a mass scale. However, in all cases where it was attempted to motivate the migrants' decision to return by financial measures, the expectations of the developers and bodies implementing the social policy who introduced such measures were not met. The REMPLD project in the Netherlands was terminated after two years. It turned out to be too costly, whereas the successful reintegration of migrants and the development indicators of the regions to which they were returned were minimal.

In France, the financial support of the government was availed of very sparingly. In 1977-1981, only 6 per cent of the number of migrants planned to be returned were actually sent out from the country. With the initial plan of returning one million migrants, as mentioned above, only as few as 60 000 migrants left France under the *l'aide au retour* programme. Furthermore, the programme was availed of by those migrants who were not considered the main target groups of the programme.

A similar situation occurred also in Germany, where only a small proportion of foreign workers residing in the country were persuaded to leave in 1983-1984, and therefore, the financial incentives for immigrants were withdrawn very quickly.

It is quite complicated to assess the effectiveness of the first programmes due to several reasons. Firstly, these were the first attempts to search for migration policy solutions and experiments without substantial experience. Secondly, the programmes were mostly carried out on a national level without reliable foreign partners enabling to organise the return of migrants and their integration in the country of origin effectively and quickly. Many programmes lacked the dimension of international cooperation. Thirdly, the underdeveloped information and communication measures failed to create an information space reliable enough to allow migrants to make a more clear decision on voluntary return home. Fourthly, all the programmes were implemented by state institutions whose relations with immigrants had always been problematic due to the likely or imaginary sanctions, penalties or control. Little confidence in the authorities, which are often hostile and strict in respect of immigrants, did not contribute towards increasing migrants' interest in assistance offered by the state. Fifthly, non-governmental organisations defending or representing the interests of refugees and immigrants were not involved in the implementation of the first programmes. As indicated by the subsequent experience of assisted voluntary return programmes, a more active involvement of non-governmental organisations results in the creation of much more effective information channels, gaining more trust and reaching the target migrant groups more easily.

To sum up, it can be said that the first assisted voluntary return programmes and projects were substantiated as a certain strategy for the regulation of labour market, i.e., by encouraging

immigrants to return to their country of origin, it was aimed to reduce the surplus of labour force in the country and ensure workplaces for own citizens. Although during the economic recession in 2009-2010 similar policy and arguments could be observed in some of the EU countries, for instance, in Spain and the Czech Republic, the idea of assisted voluntary return has changed in essence in the last twenty years. It has an altogether different goal of a much wider scope. First of all, it aims at helping **irregular migrants** and **asylum seekers** and not **labour migrants** to return to their country of origin. Whereas in the first programmes assistance was perceived as financial incentive to return, it is now understood as the necessary condition of return of immigrants to their country of origin in a humane manner, enabling to ensure respect for human dignity and non-violation of human rights. It is likely that the constricted approach of the first voluntary return programmes had an influence on the fact that the first such projects had little success.

III. VOLUNTARY RETURN PROGRAMMES, 1990-2010

III.1. ACTIVE PROGRAMMES AND PROJECTS

Failures of the early programmes facilitating voluntary return did not understate the importance of the idea itself. At the beginning of 1990, international migration problems forced the progressive European states to adopt a new approach towards the regulation of immigration on a national and international level.

1. It becomes evident that countries have to review, re-formulate or consolidate migration policy, with the realistic assessment of internal needs and external factors prompting migration.
2. It has been realised that in order to implement national migration programmes successfully, the countries of destination and countries of transit must have a strong national framework for administering migration and actively cooperate in seeking solutions on an international scale. The chances of solving migration issues without international cooperation are very limited.
3. On the level of international cooperation, it is recognised that international investment and support for sustainable development must reach those countries and regions from which people are forced to emigrate. International support and empowering communities in the countries of origin becomes one of the key priorities of international politics.
4. New migration control and immigrant return programmes should inform the potential migrants about the possibilities of migration, threats posed by and consequences of illegal immigration. It is necessary to raise the awareness of migrants.
5. It is sought that return programmes would encourage more intensively voluntary return especially of those immigrants who could contribute to the implementation of development projects in their country of origin.
6. The international community increasingly recognises and oversees that the rights of every migrant and refugee are respected in the course of introduction of migration regulation measures.

With coming to life of these international political approaches and ideas, since 1990 many Western European countries have been searching for programmatic solutions and organisational models to promote voluntary return. Since their appearance was determined by the specific national contexts, such as the geographical location of the country, immigration flows, sizes of immigrant communities, the economic and political climate in the country, it is hard to talk about a uniform and universal conception of assisted voluntary return or the structure of the programme not only in the world but also in Europe. As already mentioned, over 30 long-term programmes, actively supported by national governments, as well as over 90 various short-term projects were in operation worldwide in 2010.

In 2004, over 20 voluntary return programmes and projects were in operation in Europe, whereas at the beginning of 2010 – 26 long-term national programmes and approximately 40 short-term projects.

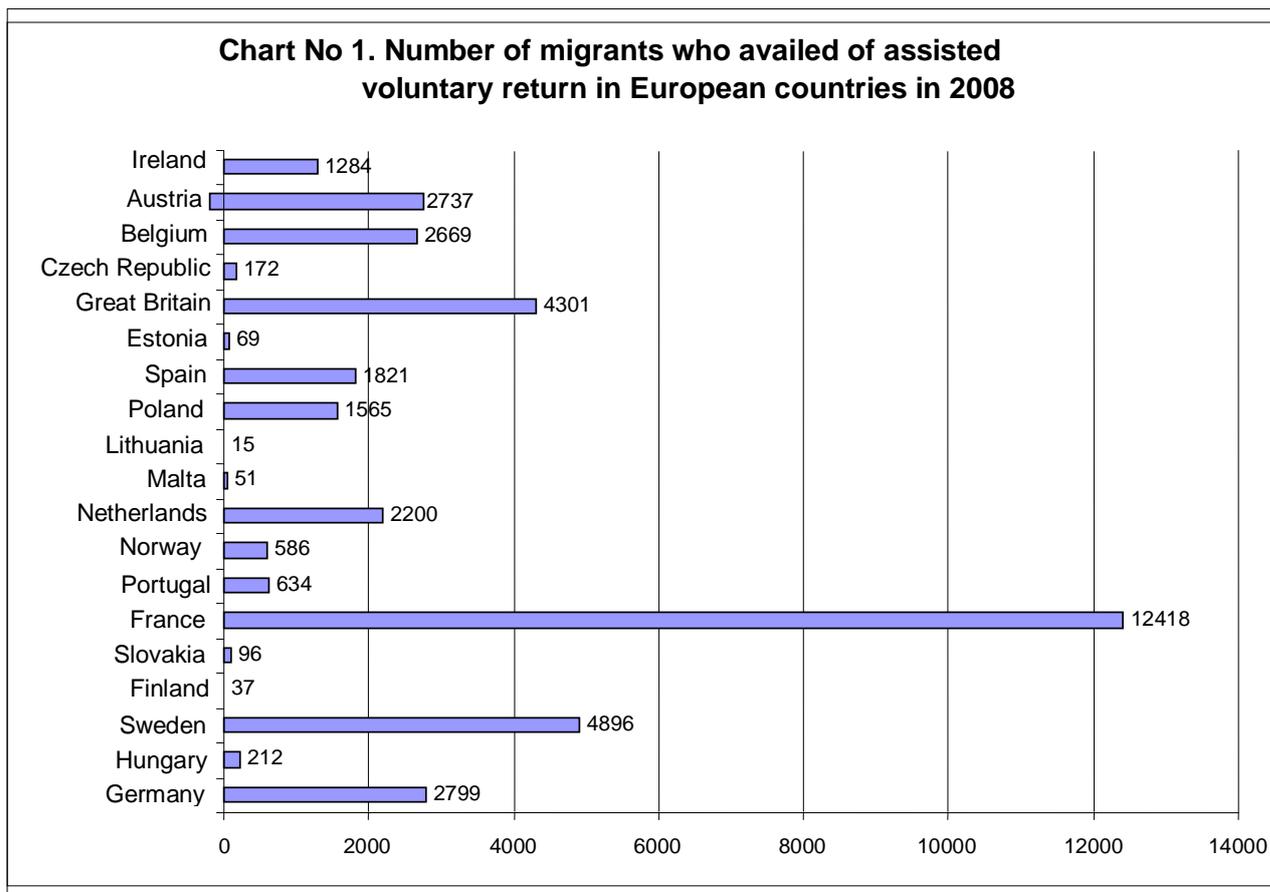
Despite many countries recognising voluntary return to be a much more humane and effective alternative to expulsion of a migrant, specific states apply different migration regulation models.

First of all, many countries are concerned with fostering voluntary departure so that a migrant would leave the country at his own discretion and expense. What is meant here is voluntary departure where an immigrant does not apply for assistance to the state or international

organisations, and instead he collects all the necessary information himself, arranges his journey using his own funds and fulfils the obligation to leave the country. In other words, these are immigrants who leave on their own and no assistance whatsoever is provided to them. When a migrant leaves at his own expense, he may be restricted from re-entering the country for a certain period of time. For example, the possibility to avoid a deportation stamp in the passport could also work as a measure encouraging return. Many such voluntary departures are not registered and such migration behaviour and approaches promoting it have been poorly researched.

Secondly, even though assisted voluntary return programmes are recognised as being among the most successful migration regulation measures, they vary significantly from state to state. Not all programmes provide for counselling before the departure, financial support or reintegration assistance upon returning to the country of origin. Even if some of the programmes do involve cash allowances or other incentive measures, they differ in terms of size and principles of provision. Many expelling countries do not perform monitoring and therefore cannot assess the effectiveness and impact of such programmes and measures to be undertaken to improve voluntary return programmes. Many governments invest in research of immigrant communities to better understand their motives and needs and to subsequently use the information in planning the return of migrants in the future. Such research is carried out in Great Britain, Switzerland, Ireland and the Netherlands. Since 2004, an increasing number of countries have been investing in the incentive and reintegration measures for migrants upon their return to the country of origin.

Thirdly, all the countries provide for the possibility of expulsion. Expulsion and deportation are strictly defined by laws, legal acts and readmission treaties regulating the conduct of procedures, obligations and responsibilities of specific institutions. Legal explicitness allows for the system of expulsion to function without major disturbances or confusion. Whereas voluntary return and assisted voluntary return in many European countries are poorly defined by law, there is a lack of a more explicit national position or strategy, and the implementation of programmes is very often left to international and non-governmental organisations. The undefined legal status of voluntary return in some countries hinders the creation of long-term national strategies or securing the financial support for the implementation of such programmes. As a result, many voluntary return programmes are short-term and small in scale. On the other hand, in the absence of a long-term national programme, when assisted voluntary return is offered under various projects, a number of problems are encountered: the advantages of a voluntary return system are not fully used; the support provided and target migrant groups are dependent on the donors rather than on the priorities of the state; the provision of support is erratic; reliable channels for informing immigrant communities are not formed.



Sources: The data on the number of people who availed of assisted voluntary return have been collected based on the 2009-2010 EU Member States' national reports on the voluntary return programmes under implementation submitted to the European Migration Network and the data provided on the websites of IOM's national offices. The numbers presented include various categories of migrants eligible for assisted voluntary return under the effective national legal acts.

III.2. TYPES OF ASSISTED VOLUNTARY RETURN PROGRAMMES

Assisted voluntary return programmes in the European Union may be divided into three major groups:

1. **General assisted voluntary return programmes** available to all migrants already present in the country of destination. These can include very diverse groups of migrants: asylum seekers, irregular migrants, persons who have been granted asylum or temporary protection, etc. Such programmes are usually co-funded by national governments and the European Return Fund or the European Refugee Fund and provide assistance to migrants who decide to return to their country of origin.

Some countries may have either one general or several more specific voluntary return programmes. The amount of programmes depends on whether there is a difference between the types of assistance and support offered to irregular immigrants and asylum seekers. If the above-mentioned categories of migrants are very clearly differentiated and receive different forms of support, in that case, such countries will have two voluntary return programmes in place, one for each separate category of migrants. Otherwise, if both categories of migrants are eligible for the same forms of support, a state will generally have one programme in place. The essential difference

between the programmes will usually be linked to reintegration support. In many cases, such support is unavailable to irregular migrants. On the other hand, the differentiated programmes allow for shaping their implementation principles and organisational models more clearly. Many EU countries have two different programmes in place. Great Britain has the *Voluntary Assisted Return and Reintegration Programme* (VARRP) and the *Assisted Voluntary Return of Irregular Migrants Programme* (AVRIM). France implements the general Assisted Voluntary Return Programme (*Les aides au retour volontaire*), however it also has a separate *Relocation Support Programme* (*L'aide à la réinstallation*) designated for migrants from 38 countries. Irregular migrants who have resided in France for at least two years are also eligible for support under this programme. Finland and Sweden each have one voluntary return programme. Such separation of programmes, where reintegration support is only provided to asylum seekers, may also have undesirable consequences. For example, irregular migrants who are planning to leave the country and want to receive financial support provided for under reintegration programmes for which they are not eligible due to their status, may actually apply for asylum before their departure. This way, they would move from one category of immigrants to another – an irregular migrant would become an asylum seeker and could misuse the offered support.

General assisted voluntary return programmes usually provide for the dissemination of information, counselling of migrants, travel arrangement and reintegration support upon return. In some cases, those programmes offer counselling and travel arrangement services to those migrants who can legally settle in third countries. The programmes are implemented and supported by national governments; however, their implementation models differ. In some countries, like France and Sweden, a more active role is assumed by state migration supervision services; in others, like Great Britain, Germany and Belgium, by IOM; and yet in others, other non-governmental and international organisations, such as *Caritas*, as is the case in Austria and also the Red Cross in the case of Spain.

2. Return programmes for stranded migrants. These programmes are mostly intended for migrants who have failed to reach the country of destination and got stranded on the way. Transit migrants are staying in the country illegally; these are very often also victims of trafficking in human beings. For instance, migrants are deceived by groups involved in organising illegal transit; they are brought into a country other than agreed; they may be detained by law enforcement institutions; they may have health problems, etc.

The activities of such programmes are funded by donors; partly or fully initiated by the countries of destination for migrants or the broader international community. The initiative of the programme does not necessarily have to come from the country of transit in which a migrant has been stranded. The programmes for transit migrants usually provide for the dissemination of information, arrangement of the journey to the country of origin and a small reinstallation allowance upon departure, in certain cases, also reintegration measures. One example of such programmes could be a project carried out in 2009 by Great Britain, France and IOM designated for irregular migrants who intended to go to Great Britain but got stranded at the port of Calais in France, from which the illegal carrying forward of migrants usually takes place. Migrants who decided to return home had their travel documents arranged, the expenses of the journey home covered, were provided with temporary shelter before departure and were offered some financial support by the French Immigration and Integration Bureau. The IOM UK office at the port of Calais provided counselling to migrants on the consequences of entering Great Britain illegally and the possibilities of availing of the voluntary return programme and reintegration support upon returning to the country of origin. Reintegration measures were financed from the UK's budget.

Assisted return and reintegration measures enable migrants to return home safely and with dignity. Such programmes can also work as certain illegal immigration preventive measures:

returnees could inform other people thinking of using illegal transit channels not to trust those organising illegal transit of people to the countries of destination.

Such assisted voluntary return programmes are usually implemented by IOM.

3. *Specific return programmes for target immigrant groups from particular countries.*

These are very often programmes aiming at encouraging migrants to return to particular countries or regions. The assistance provided is identical to the service packages offered in the above mentioned programmes, supplemented with greater support for the migrant's reintegration in the specific country of origin or support for the returnee's community. These programmes are generally initiated and carried out by IOM.

The best examples of such programmes include the programmes of return of emigrants to the Kosovo province implemented by many countries in 1997-2002 or the programmes of return of Afghans in 2000-2005. The target migrant groups were very clearly identified and received much greater reintegration support than that offered by the more general assisted voluntary return programmes. For example, Afghan returnees from Great Britain were eligible for additional allowances for the construction of houses, which were not offered to returnees to other countries, and were also eligible for more substantial relocation grants.

Such programmes are usually implemented having regard to the priorities of foreign policy of the state, when it is aimed to return emigrants to the former conflict zones in which more extensive reconstruction and development programmes are underway.

III.3. TARGET GROUPS OF VOLUNTARY RETURN PROGRAMMES

Assisted voluntary return programmes are centred on several categories of people to whom assistance is offered:

- irregular migrants, e.g., the period of their legal stay in the country has expired; this period has not been extended; they have entered the country by illegal means;
- failed asylum seekers;
- asylum seekers who have voluntarily terminated the procedure for obtaining refugee status;
- persons who have been granted temporary protection or a residence permit.

More precise definitions of migrant groups eligible for support are provided in specific programmes. Separate programmes may either extend or narrow down the categories of migrants by introducing additional criteria. For example, some specialised programmes only focus on emigrants from a specific country, such as Afghanistan, Iraq, Kosovo and Somalia. The target groups of other programmes may be detained and imprisoned third-country nationals or persons who have been victims of trafficking in human beings, etc.

Apart from the above-mentioned criteria, the target groups of assisted voluntary return programmes in the EU countries are third-country nationals. The citizens of the Member States of the European Community are usually not entitled to avail of the support offered by the programmes, although exceptions are sometimes allowed. The examples of such an exception are programmes carried out in the Netherlands, Ireland and Spain, where the necessary assistance is provided also to vulnerable migrants from the new EU Member States (EU12). The Netherlands has assisted voluntary return programmes for the EU nationals and some Dutch citizens staying in other countries. The EU12 nationals staying or residing in Ireland who are out of work and are not eligible for social support may avail of the Assisted Voluntary Return Programme for the EU nationals. They receive a direct airline ticket to their country of origin and may be offered temporary accommodation before departure. In Spain, similar assistance is only offered to emigrants from Romania and Bulgaria.

IV. STRUCTURE OF ASSISTED VOLUNTARY RETURN

Despite the fact that assisted voluntary return programmes acquire distinctive manifestations in each country, they are all based on a certain system of preconditions and administration and organisational models. The main precondition is that the successful implementation of programmes requires legal regulation. Although it differs significantly from country to country, in any case, legal explicitness is necessary in order to pursue such migration regulation policy. The administrative and organisational models define the ways of administration and funding of programmes as well as organising the implementation of the assistance provision programme. The explicitness of these two structural elements provides conditions for the states to implement assisted voluntary return programmes.

IV.1. SYSTEM OF PRECONDITIONS

The system of voluntary return is based on the precondition that for the systems of return of illegal immigrants to their country of origin to be effective, there is a need to, first of all, create a legislative framework. It has to be explicitly stated that voluntary return is a legal way for third-country nationals to leave the country and that they are eligible for state support. The concept of voluntary return must be defined in legal documents along the concept and procedures of expulsion, which are regulated in detail in national legislation. It is legal acts in particular that have to specify that voluntary return may be an alternative to expulsion, that it may be offered by the state or international organisations, that a migrant is entitled to choose this option of leaving the country and that he must be offered assistance.

Different states and organisations perceive the concepts of ‘voluntary return’ and ‘assisted return’ differently. For instance, there is an evident difference between the definition of ‘voluntary return’ used by IOM and the UNHCR. The documents of the UNHCR specify that voluntary return is only possible under the conditions where ‘there is no fear of harassment, arbitrary detention or physical threat in the course of return or upon arrival in the country of origin’. From the point of view of the UNHCR, the concept of voluntary return always implies the existence of possibility to remain in the country in the event of a decision not to leave. In other cases, the return of a migrant may not be treated as voluntary and the concept of ‘return’ would be more appropriate.

IOM has long defined voluntary return as an act of will of a migrant expressing the person’s consent or approval of the decision. Only clear disapproval or refusal to perform a certain action, for example, refusal to board a vehicle or clear manifestation of hostility, may be perceived as the lack of free will, in which case such return of the migrant does not fall under the category of voluntary return. IOM stresses the decision itself rather than the context in which such a decision is taken; however, it always has to be taken of free will, having exhaustive information on the consequences of the alternative decisions. A migrant also has to have, at any given moment, an opportunity to change his mind and pull out of the assisted voluntary return programme and changing his mind may not worsen his situation (for example, he should not be detained). The dispute between IOM and the UNHCR raises the question of whether a migrant’s decision to leave the country when he no longer has any legal possibility to remain may be considered as a voluntary decision to return home.

The concept of ‘voluntary repatriation’, which is very close to the concept of voluntary return, may also be frequently found in documents defining migration. It solely applies to three

categories of migrants: 1) refugees; 2) persons who have been granted temporary protection status; 3) persons whose asylum application is being considered but who have decided to return to the country of origin or a permanent place of residence of their own free will. From the point of view of the UNHCR, voluntary repatriation, just like voluntary return, is determined by a free decision of the migrant. The decision of voluntary repatriation is considered to be taken of free will only when an individual who has legal grounds to remain in the country has taken an informed decision, has freely consented to return to the country of origin and has taken such a decision without any external pressure. If such a decision has been taken because the country in which the refugee is staying fails to provide effective protection or the refugee is threatened with sanctions, it is not considered to be voluntary.

IOM is mostly concerned with the actual act of expression of will under the specific given circumstances. The decision has to be taken of free will without coercion or psychological pressure. Such a difference of opinion is also likely to have been caused by the differences in the legal status of target groups with which these organisations are involved – the UNHCR mainly assists asylum seekers or refugees legally staying in the country of destination, whereas IOM frequently offers assisted voluntary return to aliens staying in the country illegally, whose decision not to return has much more serious legal implications.

When considering national legislation of the EU countries, the definition of the concepts of voluntary return and assisted return remains a considerable problem. As indicated by the 2009-2010 EU Member States' reports on assisted voluntary return and its possibilities, prepared by the European Migration Network, almost all the EU countries are facing the same problem – the national legislation lacks an explicit legal definition of the concepts of 'voluntary return' and 'assisted voluntary return'. This causes certain uncertainty when carrying out voluntary return programmes. On the other hand, a certain paradox is encountered, where, in the absence of legal regulation, which is a faulty practice, the assisted voluntary return package in almost all the countries is quite standard and includes the provision of information, counselling, travel arrangement and reintegration support.

Legal regulation of voluntary return is important since it allows for separating the functions of state power structures and other organisation implementing voluntary return programmes. For example, IOM always attempts to protect the confidentiality of the applicants. The irregular migrants who apply to this organisation have to be certain that they will not be subject to any sanctions or persecution if they decide to leave the country voluntarily. Meanwhile, the state power structures want to regulate the departure of irregular migrants more strictly and have extensive legal possibilities to effect it, which are explicitly defined and generally provide for the possibilities of expulsion. Therefore, very often legal uncertainty prevents irregular migrants from returning voluntarily without the involvement of the power structures.

The national legislation often contains only references to the fact that failed asylum seekers must be offered a chance to leave the country voluntarily and that, in some cases, they may be provided with assistance by the state or other institutions. The concepts of voluntary return and assisted return acquire a somewhat more clear content in the agreements between government bodies and organisations implementing voluntary return programmes or in the projects funded by the European funds. For example, Germany, which has been carrying out the assisted voluntary return programme REAG since 1979 and which attempts to regulate all areas of public life very precisely by law, does not have a legal definition of the content of voluntary return and assisted return. France faces the same situation; here the legal substantiation of a voluntary return programme is set out in an inter-ministerial circular rather than a law or any other legal act.

Another feature of European legal acts is the fact that they frequently explicitly obligate the Ministries of the Interior or other ministries in charge of migration issues to offer assistance to migrants and organise voluntary return programmes. For instance, the law in Great Britain puts the Secretary of State under the obligation to arrange support for those wishing to leave the country and

to provide funding to organisations carrying out voluntary return programmes, namely the International Organization for Migration and the NGO *Refugee Action*.

Such a situation raises a question of whether there is a need to create a legislative framework which would explicitly regulate voluntary return programmes. It is hard to give an unambiguous answer. On the one hand, strict regulation is not necessary since voluntary return programmes are often carried out by IOM or non-governmental organisations and are funded from the funds of the European Community or supported by NGOs. This means that the content of programmes is often formed by donors having regard to the specific situation and issues of the day. It is them who determine target migrant groups, the forms of assistance to be offered, how to administer the appropriated funds, which institutions and organisations are eligible for participation in the programme and offering assistance. Whereas rigorous and detailed legal regulation in the national legislation might cause the response to specific needs to be more restricted which, in turn, would reduce flexibility when implementing programmes. On the other hand, each state should create legal preconditions for an irregular migrant to return home with honour and dignity. The defined legal possibility would allow for returning irregular migrants to their country of origin by legal means, whereas national governments would be able to support voluntary return programmes more actively.

Table No 1 summarises the legal acts of some of the old EU Member States, which form the legislative framework for the voluntary return system, define the models of funding and specify the target categories of migrants.

Summarising the experience of the old EU Member States in the area of legal regulation, the most suitable for Lithuania would be the legal models of Belgium and Great Britain. All the necessary preconditions for successful functioning of assisted voluntary return programmes are formulated in the legal acts of these countries. First of all, the laws clearly specify that assisted voluntary return programmes have to be organised in the country and which ministry or any other state authority is responsible for their organisation and funding. This is provided for in either the legislation of the host country or in the laws regulating the procedure for claiming asylum. Secondly, the laws provide for a possibility to delegate the implementation of programmes to third parties, which allows for allocating direct funding to them. This allows the state to choose reliable partners and assign to them the implementation of those activities which for various reasons cannot be undertaken by the institution organising the programme. Thirdly, laws do not specify the target categories of migrants and forms of assistance. The specific groups of migrants, the measures, procedures and responsibilities of the programme are defined in the agreements between the state institutions and the implementing bodies. This allows for being quite flexible in terms of the implementation of the programme – to extend or narrow down the range of target groups or the scope of assistance provided.

Thus, the issue of legal regulation should be resolved in Lithuania in the following way:

- the Law of the Republic of Lithuania *on the Legal Status of Aliens* must specify that the state may provide assistance to third-country nationals who are voluntarily returning to their country of origin and that such assistance is provided under an assisted voluntary return programme, the organisation and funding of which is the responsibility of the Ministry of the Interior;
- the Law of the Republic of Lithuania *on the Legal Status of Aliens* must be supplemented with a separate article specifying that the organisation and provision of assistance may be delegated to other institutions assigning direct funding to them. Such a provision could be made under the Article *Cooperation with International Organisations*, which could specify IOM's role in offering assisted voluntary return;
- the target categories of migrants and forms of assistance must be defined in agreements between the Ministry of the Interior and the implementing bodies, which must explicitly

define the obligations of each party. If necessary, it would be much easier to update such agreements rather than introduce amendments to laws.

Table No 1. Legal acts of some of the old EU Member States regulating the system of voluntary return

Country	Laws regulating the asylum system, deportation and legal status of aliens staying in the country
Ireland	<p><i>The Immigration, Residence and Protection Bill 2008</i> makes no reference whatsoever to voluntary return. Previously, the <i>Immigration Act</i> provided that before issuing a deportation decree, the Ministry of Justice must inform the migrant of the possibility to leave the country voluntarily.</p>
Belgium	<p>The <i>Asylum Seekers and Certain other Categories of Aliens Act</i> (2007) provides that assisted voluntary return programmes must be organised in the country, that the programmes must be available to target migrant groups and that the organisation of such programmes is the responsibility of the Federal Agency for the Reception of Asylum Seekers (FEDASIL), which has a right to delegate some of the elements of implementation of the programme to third parties. The Law does not specify the forms of assistance and categories of migrants. The forms of assistance and categories of migrants who are eligible for assistance had to be defined in the Royal Decree; however this Decree had not been adopted by 2010. Thus, the details relating to the implementation of the voluntary return programme before the appearance of the Royal Decree are specified in the agreement between IOM and FEDASIL on the implementation of the REAB programme.</p>
Spain	<p>The <i>Aliens Act 2003</i> provides that the government, on a yearly basis, earmarks funding for voluntary return programmes and projects for persons wishing to return to their country of origin. The 2008 Royal Decree on the Plan for Voluntary Return for non-EU Workers provides that unemployed third-country nationals may be paid unemployment benefits in advance provided they decide to return to their countries of origin.</p>
Italy	<p><i>The Consolidated Text on Immigration</i> (189/2002), known as the Bossi-Fini law, specifies which migrant groups may avail of assisted voluntary return – victims of trafficking in human beings, asylum seekers, refugees and those in possession of a permit to stay in Italy. The 2009 <i>Law on Security</i> specifies that the funding of the voluntary return programme is the responsibility of the Ministry of the Interior. However, the Law lacks a more detailed description of voluntary return.</p>
United Kingdom	<p>Great Britain's newly adopted <i>Nationality, Immigration and Asylum Act 2002</i> has a separate article defining assisted voluntary return programmes and their development. Article 58 of the Act specifies that the Secretary of State is responsible for the organisation of assistance to migrants who have decided to return home voluntarily. This includes financial support and practical assistance on departure, support for successful integration upon return home, assistance in researching target migrant communities and arranging meetings with groups of migrants who are considering the possibility of returning to their country of origin. The Act also specifies that the Home Office implements assisted voluntary return programmes in association with IOM and the NGO <i>Refugee Action</i> and commits the Home Office to directly finance the activities of these organisations in implementing voluntary return programmes.</p>
Netherlands	<p>The Dutch government's <i>Memorandum on Return</i> (2003) and <i>Memorandum on Illegal Aliens</i> (2004) specify that the government is inclined to encourage migrants to leave the country voluntarily. <i>The Memorandum on International Migration and Development</i> adopted in 2008 provides that the state is inclined to support voluntary return and reintegration measures upon return to the countries of origin.</p>
Portugal	<p><i>The Law on the Legal Regime of Entry, Stay, Exit and Removal of Foreigners</i> (2007) and <i>the Asylum Law</i> (2008) specify that assistance may be provided to those returning voluntarily. These Laws define the programme of assistance and specify who is eligible for it as well as its legal consequences. The implementation of the voluntary return programme and eligibility criteria for candidates are laid down in the Cooperation Protocol signed in 2001</p>

	between IOM and the Portuguese government in the course of implementation of the voluntary return programme.
France	The <i>Code on the Entry and Stay of Foreigners and the Right to Asylum CESEDA</i> provides that measures for assisted voluntary return are funded by the French Office for Immigration and Integration (OFII) and that detained immigrants may avail of them. A more detailed description of assisted voluntary return and its conditions was provided in the 2006 inter-ministerial circular DPM/ACI3522 regarding the measures of assisted voluntary return in respect of illegal immigrants and destitute migrants, defining the responsibilities of specific ministries and departments.
Sweden	The <i>Aliens Act 2006</i> makes a mention of assistance which has to be provided to a migrant by the Migration Board. Assisted voluntary return, specific measures, procedures, travel coordination, contacts with embassies, etc. are described in detail in the Migration Board's Guide to Keeping and Managing Migrants' Files.
Germany	The <i>Assisted Return Act 1983</i> provides that the federal authorities must provide counselling to returning migrants. <i>The Administrative Regulations for the Residence Act</i> specifies that the authorities must encourage voluntary departure of persons staying in the country illegally and provide them with assistance. More detailed information on assisted voluntary return is provided in the descriptions of programmes.

Sources: Information on the national legislation is provided on the basis of the 2009-2010 EU Member States' national reports on the voluntary return programmes under implementation submitted to the European Migration Network.

IV.2. ADMINISTRATIVE AND ORGANISATIONAL STRUCTURE OF THE PROGRAMME

The successful introduction and implementation of a voluntary return programme entails two structural stages:

- initiation of the programme and securing funding;
- introduction of organisational modules of assistance.

IV.2.1. INITIATION AND FUNDING OF PROGRAMMES

IOM has an important role in initiating assisted voluntary return programmes. National programmes in almost all of the EU countries appeared after they became full-fledged members of IOM and after the offices of the organisation were established in those countries. Since voluntary return is one of the key priorities of IOM's activities, with extensive experience in organising and implementing similar programmes, IOM actively proposes that assisted voluntary return programmes be introduced in the national migration policy measures.

The initiation process is uncomplicated. In close cooperation with the states concerned and their migration services, IOM prepares a voluntary return programme with a view to selecting such activities and action plans which best correspond to the national context or are suitable for specific groups of migrants. The programme module is discussed and created together with the national services, which should be easy to introduce and allow for the integration of new areas of activities.

At this stage of creation of the programme, IOM aims to be not just a service provider; it also actively takes the initiative and offers its unique international experience, granting it the status of an exceptional expert. IOM is constantly researching new opportunities for its activities to be able to offer the up-to-date and best practical examples; it actively consults and shares its experience with the interested national governments and other organisations.

The return of migrants to their country of origin is arranged and managed locally, with the minimum costs of implementation of the programme and its infrastructure. At this stage, the governments have a chance to look at the effectiveness of the programme in terms of its cost-effectiveness and arrangement of the process of return. Newly introduced programmes are usually funded by donors and various funds, for instance, such as the European Refugee Fund or the European Return Fund, in which the contribution of the state is very small. For example, all the assisted voluntary return projects implemented in Lithuania during 2005-2008 were funded exclusively by the European Refugee Fund. During that period, the Government of the Republic of Lithuania did not allocate any direct financing from the budget to arrange assistance for returnees.

Established in 2008, the European Return Fund is one of the key financial instruments in introducing voluntary return programmes in the EU countries. The Fund aims at supporting the efforts of the EU Member States in improving all the aspects of the management of return of irregular immigrants by means of an integrated return management. Special attention is paid to fostering voluntary return.

The total budget of the European Return Fund in 2008-2013 is 676 million euros. A large amount of its funds is distributed between the Member States having regard to the number of returnees in each country. 7 per cent of the funds are intended for the implementation of the EU joint action programmes.

Each country has to prepare a long-term programme strategy for the period of 2008-2013 for the funding of which annual budgets are assigned. The Fund covers 75 per cent of the costs of implemented programmes, which may be related to the provision of counselling to immigrants, dissemination of information and assistance to vulnerable persons, medical examination, travel and

provision of meals to returnees, arrangement of escort, translation services, staff training and financial grants for the implementation of reintegration measures in the countries of origin.

The establishment of the European Return Fund has given impetus to voluntary return programmes and projects in many EU countries and has encouraged states to support such programmes more actively.

IV.2.2. MODULES OF ASSISTANCE

The process of return in voluntary return programmes is divided into three stages: preparation for departure, journey and arrival to the country of origin. Each stage provides for a complex of actions to offer the necessary assistance which may be supplemented with additional services or actions at each stage having regard to the individual needs of a migrant and the available possibilities. The modules of assistance listed below specify only the basic packages of services provided:

1. Preparation for return.

The module of the stage of preparation for return involves three areas of activities:

- a. Provision of information – dissemination of information and provision of counselling to migrants.
- b. Medical / other services – medical examination and arrangement of documents, organisation of the provision of medical services, care of sick migrants – vulnerable persons, based on demand.
- c. Travel arrangement services – assistance in preparing for departure, travel arrangements and reinstallation allowances upon departure, purchase of tickets, arranging the journey within the country.

2. Journey

The module of the stage of journey involves two areas of activities:

- a. Journey – coordinating the journey, arranging the payment of reinstallation allowance upon departure, assistance in transiting through another country, luggage forwarding and shipment, arranging documents and formalities for the customs and crossing the state border, arranging an escort for vulnerable cases.
- b. Medical assistance – medical examination before departure and arranging medical escort for particularly vulnerable persons.

3. Return and reintegration

The stage of arrival involves four areas of activities:

- a. Transportation within the country – reception of the migrant, arranging the journey within the country.
- b. Medical services – arranging for medical and accident insurance, provision of the necessary medical equipment and pharmaceuticals.
- c. Reintegration measures – generally arranged through local IOM mission and sometimes in cooperation with NGOs. These include support for small businesses, arranging for professional training and employment.
- d. Monitoring – collection of statistical data and generalised evaluations.

V. VOLUNTARY RETURN PROGRAMMES UNDER IMPLEMENTATION IN THE EU MEMBER STATES

Almost all EU countries offer assisted voluntary return to migrants who decide to return. Each country has distinctive programmes which differ in terms of approach to return policy, the role of state and non-governmental organisations in implementing voluntary return programmes, the scope of services rendered and the legislative framework. The differences in the implemented programmes are first of all determined by the degree of involvement of state authorities into the practical implementation of voluntary return programmes. It is the state policy that determines the extent of programmes, the scope of their funding, the extent of the flows of returnees and the consistency of programmes. In some countries, like Germany, France and Sweden, the role of the state is of utmost importance – the state migration services attempt to exercise strict control over the implementation of assisted voluntary return programmes. The implementing bodies of programmes and governments maintain a close relationship and the implementing bodies have very little influence on the nature of programmes. In other countries, like Spain, a much more important role is given to non-governmental organisations, and yet in other countries, such as Great Britain, Ireland and Belgium – to the International Organization for Migration. Obviously, also in these countries, where the third sector is given more importance, there is close cooperation between government institutions and organisations carrying out practical implementation of voluntary return programmes.

A somewhat different tendency may be observed in many new EU Member States – the position of the states and their support in fostering voluntary return is feeble. In many Central and Eastern European countries the programmes are short-lived, mostly funded by the European Refugee or European Return Fund with very small numbers of migrants returned and quite a limited scope of services rendered, and the implementation of these programmes is linked with the activities of the third sector or IOM.

The differences between the old EU Member States and the new ones are partly determined by the attitude towards voluntary return policy. First of all, the old EU Member States are the countries of destination for many migrants who want to reside and settle there, whereas Eastern and Central European countries are generally countries of transit for migrants. Thus, the size of immigrant communities determines a much stronger political sensitivity to the issues of immigration control in Western Europe and a striving to tackle those issues by effective and humane means. A search for innovation and introduction of pilot projects are common here. Secondly, Central and Eastern European countries are characterised by the policy of expulsion, emphasising the authoritarian power of the state and its superiority over migrants. More frequently the approach is that irregular immigrants must be expelled from the country and should not be allowed more freedom to decide. Also, in many countries it is hardly imaginable that irregular migrants may be offered support or cash allowances for the journey or reintegration measures. Thirdly, in the old EU Member States quite strong influence on migration policy is exerted by strong immigrant and refugee communities and organisations defending the rights of refugees and migrants and demanding humane solutions which would reduce state coercion in respect of migrants, whereas in Eastern and Central European countries migrant communities are not that strong. A small number of immigrants and refugees residing in those countries prevent them from becoming a more pronounced political or lobbying power and having an influence on migration policy measures. Therefore, a weak third sector cannot formulate and suggest alternatives to immigration control and management. Fourthly, in the old EU Member States governments are actively planning and developing voluntary return programmes clearly linking them to their priorities, whereas governments in the new EU Member States for a long time have taken the role of a passive observer rather than an actively operating institution. Here voluntary return has not been

regulated by law for a long time, with the system of voluntary return depending on donors rather than state priorities.

Table No 2 presents a summary of the voluntary return programmes and projects under implementation in the EU countries at the beginning of 2010. It clearly reflects the aforementioned differences between the old and the new EU Member States. Whereas long-term voluntary return programmes are typical of the old EU Member States, the new EU Member States are mainly defined by short-term projects.

Table No 2. Long-term national voluntary return programmes and short-term projects under implementation in the EU countries at the beginning of 2010

COUNT RY	LONG-TERM NATIONAL PROGRAMMES	SHORT-TERM PROJECTS AND PROGRAMMES
OLD EU MEMBER STATES		
IRELAND	<ol style="list-style-type: none"> VARRP – Voluntary Assisted Return and Reintegration Programme implemented by IOM. Administrative assistance in obtaining travel documents – implemented by the Irish Naturalisation and Immigration Service. Returnees cover the expenses of their journey themselves, but receive administrative assistance in obtaining travel documents. Assisted Voluntary Return EU12 – a programme intended for vulnerable cases. 	<ol style="list-style-type: none"> <i>Information on Return and Reintegration in Countries of Origin</i> implemented jointly with the Belgian IRRiCO project
AUSTRIA	<ol style="list-style-type: none"> AVR – General Humanitarian Return Programme Return counselling for migrants (conducted by NGOs Caritas, European Homecare, Verein Menschenrechte) 	<ol style="list-style-type: none"> IOM: <i>Assisted Voluntary Return and Reintegration Programme for Nigerian Nationals</i> IOM: <i>Return and Reintegration Assistance for Voluntary Returnees to Kosovo</i> IOM: <i>Coordination of the Return and Reintegration Assistance for Voluntary Returnees to Moldova</i> IOM: <i>Development and Implementation of a Pilot Project for the Assisted Voluntary Return and Reintegration of Chechens</i> IOM: Participation in IRRiCO project Caritas Vorarlberg: Reintegration Assistance
BELGIUM	<ol style="list-style-type: none"> REAB – National Voluntary Return Programme under the responsibility of the Federal Agency for the Reception of Asylum Seekers FEDASIL run by IOM. 	<ol style="list-style-type: none"> <i>IRRiCO</i> project which aims at creating a database on the situation in the countries of origin.
DENMARK	<ol style="list-style-type: none"> Voluntary Return Programme 	<ol style="list-style-type: none"> Provision of information to vulnerable migrants, voluntary return and reintegration support implemented by IOM Search for the family members of unaccompanied minors in the countries of origin run by IOM.
GREECE	<i>Long-term programmes not implemented</i>	<ol style="list-style-type: none"> Voluntary return of refugees and asylum seekers. Voluntary return programme for Afghan nationals.
SPAIN	<ol style="list-style-type: none"> Voluntary return on humanitarian grounds 	<ol style="list-style-type: none"> <i>APRE</i> – a programme run by IOM aimed at unemployed foreign workers to whom

	<p>2. Plan for Voluntary Return for non-EU Workers under bilateral agreements signed with the countries of origin.</p> <p>3. Reintegration Programme</p>	unemployment benefits are paid in advance
ITALY	1. SPRAR – the System of Protection for Asylum Seekers and Refugees providing assistance to returnees. Illegal immigrants may not avail of it.	<p>1. Assisted voluntary return programme for victims of trafficking in human beings.</p> <p>2. Assisted voluntary return programme for minors (assistance is also provided to EU nationals).</p>
GREAT BRITAIN	<p>1. VARRP – Voluntary Assisted Return and Reintegration Programme run by IOM.</p> <p>2. AVRIM – Assisted Voluntary Return of Irregular Migrants run by IOM.</p>	<p>1. VRR-DM – Voluntary Return and Reintegration of Detained Migrants run by IOM.</p> <p>2. AVRFC – Assisted Voluntary Return for Families and Children run by IOM</p>
LUXEMBOURG	<i>No information available</i>	<i>No information available</i>
NETHERLANDS	1. REAN – Return and Emigration of Aliens from the Netherlands	<p>1. HTR – Return and Reintegration Programme implemented by the Ministry of Justice since 2006.</p> <p>2. RIIM – Return Initiative for Irregular Migrants</p> <p>3. <i>Assistance to Victims of Human Trafficking</i></p> <p>4. AVRD – Assisted Voluntary Return from Detention</p>
PORTUGAL	1. PVR – Programme for Voluntary Return	<p>1. SuRRRIA project decentralising counselling of returnees</p> <p>2. Voluntary Return and Reintegration Support Project</p>
FRANCE	<p>1. AVR – Assisted Voluntary Return Programme</p> <p>2. AHR – Assisted Humanitarian Return Programme aimed at migrants having social or health problems</p> <p>3. Relocation Support Programme offering integration support upon returning.</p>	Various international and non-governmental organizations carry out smaller assisted voluntary return projects.
FINLAND	1. Assisted Voluntary Return Programme implemented by IOM	<i>No major projects under implementation</i>
SWEDEN	1. Assisted Voluntary Return of Migrants implemented by the Swedish Migration Board	<p>1. <i>Information Bank</i>. The project is run by the Swedish Red Cross. It aims at collecting and disseminating information on the situation in Afghanistan.</p> <p>2. <i>Voluntary Return to Iraq Migration Office</i>. The project is carried out by the Swedish Red Cross.</p> <p>3. <i>Return Migration: Personal Life Plans and Prospects</i>. The project is carried out by the Stockholm Return Migration Office. The project aims at preparing individual plans for the return to Bosnia.</p> <p>4. <i>Somali Return and Reintegration</i></p> <p>5. <i>Assisted Voluntary Return and Reintegration Assistance to Afghan Returnees</i>. The</p>

		project is implemented by the Swedish Migration Board and IOM.
GERMANY	1. REAG/GARP - Reintegration and Emigration Programme for Asylum Seekers in Germany/ Government Assisted Repatriation Programme	1. <i>SMAP</i> - Special Migrant Assistance Project for migrants who are not eligible for assistance under the REAG/GARP, administered by IOM. 2. 10 German states carry out additional voluntary return programmes supplementing the range of services offered under the REAG/GARP
NEW EU MEMBER STATES		
CZECH REPUBLIC	1. Return Programme for Failed Applicants for International Protection 2. Return Programme for Detained Irregular Migrants carried out in partnership with IOM 3. Return of Irregular Aliens, in partnership with IOM	1. Protection and Assistance Programme for Victims of Human Trafficking 2. Projects of voluntary return of irregular migrants
ESTONIA	<i>Long-term programmes not implemented</i>	1. <i>AVRE</i> – Assisted Voluntary Return from Estonia
CYPRUS	<i>No information available</i>	<i>No information available</i>
LATVIA	<i>Long-term programmes not implemented</i>	1. IOM administers individual cases of voluntary return 2. US Refugee Programme allowing for returning the previously persecuted religious groups to the territories of the former Soviet Union, run by IOM.
POLAND	1. Voluntary Return Programme implemented by IOM funded by the Office for Foreigners	Over 10 smaller voluntary return and reintegration projects were carried out in Poland in 2005-2010 financed from the EU funds
LITHUANIA	<i>Long-term programmes not implemented</i>	1. Project <i>Return Home: Assisted Voluntary Return to Countries of Origin for Third-country Nationals Legally and Illegally Staying in Lithuania</i> 2. Project <i>Reintegration – a New Opportunity in Homeland</i> Reintegration assistance for voluntary returnees to the countries of origin 3. Project <i>Voluntary Return for Vulnerable Persons: Assisted Voluntary Return to Countries of Origin for Persons with Special Needs or Vulnerable Persons</i>
MALTA	<i>Long-term programmes not implemented</i>	1. <i>DAR</i> – a complex return programme providing for reintegration 2. <i>Enhancement</i> – strengthening cooperation with African countries 3. <i>RESTART</i> – voluntary return and sustainable reintegration in countries of origin
SLOVAKIA	1. VRBRA – Voluntary Return Programme <i>Ex-Bratislava</i>	1. <i>CBAVR II</i> – Capacity Building and Implementation of Assisted Voluntary Return in Slovakia 2. <i>ICAVR</i> – Information Campaign on Assisted Voluntary Return

SLOVENIA	<i>Long-term programmes not implemented</i>	1. <i>Slovenian Return and Information Programme</i> run by IOM
HUNGARY	<ol style="list-style-type: none"> 1. HARP – Hungarian Assisted Return Programme 2. HARRP – Hungarian Assisted Return and Reintegration Programme 	<ol style="list-style-type: none"> 1. <i>Assistance for voluntary returnees to Kosovo from Hungary</i> 2. <i>HARIP</i> – Hungarian Assisted Return and Information Programme

Sources: 1) Information on the long-term programmes and projects provided on the basis of the 2009-2010 EU Member States' national reports on the voluntary return programmes under implementation submitted to the European Migration Network; 2) Information on some of the projects provided on the basis of the data available on the websites of IOM's national offices.

A more detailed review of voluntary return systems in several old EU Member States (the Netherlands, Austria, Spain and Sweden) and new EU Member States (the Czech Republic and Hungary) is presented below, reflecting the diversity of national modules of assistance. It will be followed by a comparison of the voluntary return systems in these countries.

V.1. NETHERLANDS

The Netherlands was most likely the first country in Europe which in 1974 decided to support migrants wishing to return to their country of origin. (More information on the first attempts and the REMPLOD project is provided in Section II.2.1). The long-term project REAN (*Return and Emigration of Aliens from the Netherlands*), financed by the Ministry of Justice, was commenced in 1992. The practical implementation of the programme for a long time was the responsibility of IOM and COA (*Central Agency for the Reception of Asylum Seekers*). The latter was in charge of accommodating and supervising asylum seekers in reception centres pending the asylum procedures.

The issue of voluntary return re-emerged in the Netherlands in 2007. Following the change in political power, the Dutch government issued 27 500 immigrants with permanent residence permits and attempted to suspend the funding of voluntary return. However, faced with pressure from organisations defending the rights of refugees and migrants, the government requested that all the parties concerned get more involved in the implementation of return policy.

V.1.1. IMPLEMENTING BODIES

In 2007, new organisations started to operate in the Netherlands: the Repatriation and Departure Service (*Dienst Terugkeer & Vertrek*), nine state and non-governmental organisations, such as IOM, COA, *Cordaid*, *Nidos*, *Samah*, *Pharos*, *Healthnet*, *stichting Hersteld vertrouwen In de Toekomst* (HIT), *stichting Mondiale Samenleving* and the Dutch Refugee Service (VWN), united to form the *Platform for Sustainable Return*. If previously the ones in charge of repatriation were the Immigration and Naturalization Service under the Ministry of Justice, Foreign Police and the Royal Military Police, since 2007 all the organisations must coordinate their actions. Even though voluntary return programmes and projects are becoming less centralised, with an increasing number of NGOs getting involved in their implementation, IOM remains largely in charge of the practical implementation of key programmes and return of migrants.

V.1.2. LEGISLATIVE FRAMEWORK

The definition of voluntary return in legal acts is very abstract. Since 1992, assisted voluntary return has only been defined in the rules of the REAN programme. The first mention of voluntary return was made in the legislative framework in 2001 in the *Aliens' Act*. For a long time it had been the main legal document on the basis of which assistance to returnees was offered. The 2008 version of the *Aliens' Act* and the *Repatriation Act* contain definitions of the groups of migrants eligible for assistance.

The fact that an irregular alien should leave the Netherlands voluntarily and that such a method of departure is the preferred option over his expulsion is also recorded in the *Memorandum on Return* (2003), *Memorandum on Illegal Aliens* (2004) and political standpoint of the current government. Although the Dutch government aims at fostering voluntary return, in the event of refusal on the part of migrants to return voluntarily, they are expelled.

V.1.3. LONG-TERM PROGRAMMES UNDER IMPLEMENTATION

Voluntary return programmes implemented by the Netherlands are focusing on two target groups – failed asylum seekers and irregular migrants.

1. *REAN programme (Return and Emigration of Aliens from the Netherlands)*

Requirements for successful applicants:

- they have not departed from the country under the REAN programme within the last 5 years and have not been deported from the Netherlands at the expense of the state;
- they are not EU nationals or citizens of some other Western countries (citizens of these countries may also apply if they have been victims of human trafficking);
- they have arrived in the Netherlands with an intention of long-term stay;
- they consent to termination of all the asylum procedures and withdrawal of the temporary residence permit in the Netherlands;
- they are unable to pay for their journey home themselves;
- they intend to leave for a long period of time;
- they are in possession of valid travel documents;
- IOM will refer to the Dutch Immigration and Naturalization Service to establish whether there are any obstacles for offering return or reintegration support.

Support offered by IOM

- Information relating to return;
- Assistance upon departure from Schiphol airport and, where necessary, during transit and upon arrival;
- Airline tickets to the airport located nearest to the final destination;
- Reimbursement of the costs of arranging travel documents;
- Financial support for start-up which is subdivided into:
 - a) Standard support in the amount of EUR 500 for an adult and EUR 100 for minor members of the family. Applicable to those meeting the following two criteria:
 - Their asylum procedures are pending and they have resided in the Netherlands for over three months;
 - They are in possession of a permanent residence permit.
 - b) Reduced allowance in the amount of EUR 200 for an adult and EUR 40 for family members. Applicable to those meeting the following two criteria:
 - Their asylum procedures are pending and they have resided in the Netherlands for less than three months;
 - They are not entitled to stay in the Netherlands.

The number of persons who have departed under the REAN programme:

Year	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Number of people	26	89	136	220	775	194	022	**	463	849	559	767	581

2. *Return and Reintegration Scheme HRT (Herintegratie Regeling Terugkeer)*

HRT programme is financed by the Ministry of Foreign Affairs. The following groups of migrants are eligible for support under this programme:

- Asylum seekers who are in possession of a temporary residence permit but who intend to renounce it;
- Asylum seekers who are lawfully staying in the Netherlands and whose permit to stay in the country has not expired;
- Former asylum seekers who had submitted an application for asylum before 1 April 2001;
- Former asylum seekers who are still residing at the COA reception centres.

The HRT provides for all the forms of assistance and financial support available under the REAN programme. Its distinctive feature is that under the Return and Reintegration scheme an adult receives an additional allowance in the amount of EUR 1 750 and accompanying children – EUR 875 each.

V.1.4. OTHER ASSISTED VOLUNTARY RETURN PROJECTS

Apart from the REAN and HRT programmes, IOM provides additional financial support and assistance also to other target groups. Such assistance is provided in the framework of short-term projects. Below is a list of main projects which have been implemented in the last years:

- RIIM project – Return Initiative for Irregular Migrants;
- RMH III project – Assistance to sick or ailing migrants (HIV positive, with mental health problems, etc.);
- Assistance to Victims of Human Trafficking;
- Additional support for (former) unaccompanied minors;
- AVRDC – Assisted Voluntary Return from Detention;
- Reintegration in Afghanistan;
- Reintegration in Iraq;
- Reintegration in Sierra Leone.

V.2. SPAIN

Although laws of Spain impose an obligation on illegally staying aliens to leave the country within a very short period of time, this country has long been rather tolerant in its approach towards illegal immigrants in the country. Owing to this cultural standpoint, voluntary return programmes have appeared in Spain quite recently. The *Law on the Rights and Freedoms of Aliens* passed in 2000 is the first act of legislation to have made a reference to voluntary return assistance, which should be financed by the state.

The implementation of the first voluntary return assistance programme in Spain commenced in 2001. It was financed by the Ministry of Labour and Social Affairs. The outstanding feature of Spain is the fact that implementation of specific measures of a programme is assigned to various non-governmental organisations competing among themselves for the funding allocated by the state and enter into agreements on implementation of these programmes. Implementation of voluntary return in Spain is not centralised, hence an active role is played by local and regional authorities, non-governmental and international organisations.

V.2.1. IMPLEMENTING BODIES

All programmes are financed by the Directorate of Immigrant Integration, which is subordinate to the Secretariat of State for Immigration and Emigration at the Ministry of Labour and Immigration. Implementation of the programmes is the responsibility of the following non-

governmental organisations: CRE – the Red Cross Spain; ACCEM – the Spanish Catholic Commission of Migration; ACOBE – the Bolivia-Spain Co-operation Association; CEAR – the Spanish Commission for Refugee Assistance; CEDROM – the Spanish Federation of Roma Associations; MPLD – the Movement for Peace, Disarmament and Liberty; *Rescate* – the International Rescue Committee and *Caritas Espanola*. In addition to these non-governmental organisations, voluntary return programmes are also implemented by IOM, which annually enters into an inter-institutional cooperation agreement with the Ministry of Labour and Immigration.

V.2.2. TARGET CATEGORIES OF MIGRANTS

In Spain, three categories of migrants are entitled to receive assistance under programmes fostering voluntary return:

- provision of assistance on humanitarian grounds, for which a non-EU national willing to return to the country of origin is eligible. Assistance is rendered irrespectively of the status of the migrant and the reasons for his determination to leave. This group includes refugees, illegal immigrants, asylum seekers, persons granted temporary protection; immigrants holding a residence or work permit. All these persons must comply with two criteria – they need to be socially vulnerable and to have stayed in Spain for over six months.
- reintegration support is provided in the country of origin to those persons who have decided to return to their country of origin and undertake permanent economic activity. As a programme provides for the development of a business plan and feasibility study, it is most often the migrants who are characterised by entrepreneurship and are aware of the economic situation in their country;
- assistance to unemployed aliens and foreign workers who have decided to return to their country of origin. This programme is limited to a list of certain countries with which Spain has concluded bilateral treaties on social security.

V.2.3. VOLUNTARY RETURN PROGRAMMES

Voluntary return assistance is provided under three national programmes:

1. ***Voluntary Return Programme for Vulnerable Groups***. The programme provides the following support and assistance:
 - Travel ticket to the country of origin;
 - Covering of medical and other necessary expenses incurred during the journey;
 - Financial allowance in the amount of EUR 50 for the journey of each family member;
 - Reintegration grant – EUR 400 per person (not exceeding EUR 1 600 per family).
2. ***Assisted Voluntary Return and Reintegration Programme***:
 - Travel ticket to the country of origin;
 - Covering of medical and other necessary expenses incurred during the journey;
 - Financial allowance in the amount of EUR 50 for the journey of each family member;
 - Financial allowance for business start-up – EUR 1 500 per person (not exceeding EUR 5000 per family).
3. ***Spanish Government's Plan for Voluntary Return for non-EU workers***, which provides for advance payment of unemployment benefits and covering of expenses of travel to the country of origin:
 - Advance payment of the unemployment benefit – 40% in Spain, when a returning migrant is recognised as eligible to participate in the programme, and 60% in the country of origin within 30-90 calendar days after the payment of the first part of the benefit;
 - Upon becoming entitled to the unemployment benefit, a returning migrant may apply for assistance to cover the expenses of a travel ticket, a ticket for the journey within Spain,

financial allowance in the amount of EUR 50 for the journey and other extraordinary expenses.

- During 2003-2009, 10 220 migrants returned to their country of origin under voluntary return programmes.

V.3. AUSTRIA

Since 2000 IOM Vienna has been implementing the General Humanitarian Return Program on the basis of a Memorandum of Understanding signed between the Austrian Federal Ministry of the Interior and IOM Vienna. The Programme aims at offering assistance in the voluntary return of (rejected) asylum seekers, those who have withdrawn their applications and to those migrants in respect of whom a decision on expulsion may be or has already been taken. In this framework a close cooperation with the assigned organisations and/or institutions offering return counselling and the IOM staff in Vienna takes place.

In Austria, return counselling is offered by governmental and non-governmental organisations and a private company. At the beginning of 2010, return counselling was being provided by the Refugee Department of the Office of the Provincial Government of Carinthia, the NGOs Caritas and Verein Menschenrechte Österreich, and the private company European Homecare (which was hired by the Federal Ministry of the Interior in 2002 to provide asylum seekers with return counselling in the Initial Reception Centre for asylum seekers in Traiskirchen).

Reintegration assistance for voluntary returnees is provided in the framework of different projects by IOM and Caritas with funding of the Ministry of the Interior, the European Return Fund, the Austrian Development Agency, and individual provinces.

V.3.1. LEGISLATIVE FRAMEWORK

Voluntary return and counseling of migrants in Austria are regulated by the new *Asylum Law (Asylgesetz)*, which entered into force in 2006. Since 2005, the Basic Welfare Support Agreement, the Asylum Act and the Federal Basic Welfare Support Act and the respective welfare support acts of the provinces provide the legal base for the implementation of voluntary return. For non-nationals prisoners, the Prison Administration Act provides possibilities to return voluntarily to the countries of origin under specific conditions. The Aliens' Police Act and the Settlement and Residence Act regulate the conditions of aliens' entry, stay and return.

V.3.2. IMPLEMENTING BODIES

Implementation of the voluntary return policy falls within the sphere of competence of Austria's Federal Ministry for the Interior and the provinces. The Ministry of the Interior allocates funds to programmes, also under the national programme of the European Return Fund. The practical implementation of the programmes, counselling of migrants and return to the country of origin are assigned to various organisations – IOM, *Caritas Austria*, *Verein Menschenrechte Österreich*, *European Homecare*.

While IOM in Austria is responsible for the logistical aspects of the return, and implements return country-specific programmes for the Assistance of Voluntary Return and Reintegration (AVRR), it is not responsible for return counselling in Austria. The task of counselling potential returns on their return perspectives lies with the Refugee Department of the

Office of the Provincial Government of Carinthia, the NGOs Caritas (in Vienna, Upper Austria, Styria, Salzburg, Vorarlberg, Burgenland), the NGO Verein Menschenrechte Österreich (in Vienna, Tyrol and Upper Austria), and the private company European Homecare (in the Initial Reception Centre for Asylum Seekers in Traiskirchen). The latter also operates a nation-wide telephone hotline on assisted voluntary return.

In addition to these organisations responsible for provision of assisted voluntary return, a mention could be made of several institutions whose role is less important. UNHCR is an observer in the IOM project “Development and Implementation of a Pilot Project for the Assisted Voluntary Return and Reintegration of Chechens”.

IOM also cooperates with the Intervention Centre for Victims of Trafficking in Women (LEFÖ-IBF) and helps victims of trafficking in human beings to return to the country of origin.

In Austria, return and reintegration assistance is offered by IOM or *Caritas* and/or the Federal Provinces. The return assistance involves contacting the family members remaining in the country of origin, the services offering the assistance, also financial and other organisational assistance. Financial allowance is paid to all the persons who return voluntarily and if they are in need. These allowances are financed in the framework of the basic welfare support of the Federal State and the Federal Provinces.

Reintegration measures are carried out (also on a smaller scale) within the international network of *Caritas* (*ERSO*). In the province of Vorarlberg, additional financial reintegration assistance is offered (EUR 1,000 per case). IOM offers country-specific reintegration projects co-funded by the European Return Fund and the Federal Ministry of the Interior. In one of these projects three Austrian federal provinces are involved and additionally co-funding the measures.

V.3.3. ASSISTED VOLUNTARY RETURN PROGRAMMES

AVR – General Humanitarian Return Programme. Under this programme, IOM organises return of migrants to their country of origin. The migrants willing to return are most frequently referred to IOM by return counselling centres. The programme provides for counselling of migrants, travel arrangement and a reintegration grant of up to 370 Euros. The specific amount of the benefit for each migrant is determined by the Federal Ministry for the Interior and this amount cannot exceed EUR 370.

Asylum seekers, persons holding the status of a refugee or have been granted subsidiary protection, persons with a temporary protection status and irregular migrants may avail of the assistance offered by the programme if they don't have enough funding to pay for their return ticket themselves.

Number of persons who have availed of the assistance under the AVR:

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008
Number of persons	1541	3411	2791	1063	1158	1406	2189	2164	2737

In 2003, an attempt was made to assess the effectiveness of the voluntary return programme. In terms of costs, the programme was highly efficient – on average, the return of one migrant required EUR 415. The lowest costs were related to return to Turkey – EUR 207, the highest – to return to Ghana, EUR 678.

V.3.4. ASSISTED VOLUNTARY RETURN PROJECTS UNDER IMPLEMENTATION

1. *Assisted Voluntary Return and Reintegration Programme for Nigerian Nationals*. In 2009-2011, IOM Vienna was assigned the implementation of the project of voluntary return to Nigeria which is funded by the European Return Fund and the Austrian MoI. The target group consists of Nigerian nationals in need who want to return voluntarily and who:

- are seeking asylum;
- are rejected asylum seekers
- hold the status of a refugee or have been granted subsidiary protection;
- are entitled to temporary protection;
- no longer are entitled or are no longer willing to remain in Austria.

The following assistance is rendered during the project: information and counselling of migrants on possibilities to reintegrate, accompanying to the airport, arrangement of a journey to the country of origin, reception in Nigeria (from IOM Nigeria Mission), completing border crossing and customs formalities, transport arrangement in the country of origin to final return destination, counselling regarding possible reintegration measures and implementation of reintegration measures.

The measures of reintegration of returnees may be related to vocational training, acquisition of professional equipment, assistance for small business start-up (up to EUR 3 500), undertaking employment at Austrian companies operating in Nigeria, additional support for persons with special needs, monitoring of the reintegration process.

2. *Return and Reintegration Assistance for Voluntary Returnees to Kosovo*. This is a project implemented in 2008-2011 and financed by the European Return Fund, Austria's Federal Ministry for the Interior, the federal state governments of Lower Austria, Tyrol and Carinthia.

The target group consists of persons in need who want to return voluntarily to Kosovo and who:

- are seeking asylum;
- are rejected asylum seekers
- hold the status of a refugee or have been granted subsidiary protection;
- are entitled to temporary protection;
- no longer are entitled or are no longer willing to remain in Austria.

During the project, the following assistance is provided: information and counselling of migrants, accompanying to the airport, arrangement of the return journey to the country of origin, reception in Pristina (from IOM Mission in Kosovo), completing border crossing and customs formalities, transport arrangement to final return destination and accommodation upon return (if required), introduction and implementation of reintegration measures.

Reintegration measures include vocational training, purchase of equipment, assistance for small business start-up (up to EUR 3 000), temporary wage subsidies up to EUR 1 000, additional support for persons with special needs, monitoring of the reintegration process.

3. *Development and Implementation of a Pilot Project for the Assisted Voluntary Return and Reintegration of Chechens*. The project, implemented by IOM in 2009-2010 and co-funded by the Austrian Ministry of the Interior and the European Return Fund, foresees the development and subsequent implementation of a pilot project for assisted voluntary return and reintegration for (failed) Chechen asylum seekers, recognized refugees, individuals with subsidiary protection, and individuals not or no longer permitted to legally reside in Austria. Functioning structures and networks for a return and reintegration program are being established in Austria and in the Russian Federation, and 12 returnees together with their families are provided with reintegration assistance (including EUR 400 for the covering of immediate needs and in-kind assistance worth up to a

maximum of EUR 2,100 for reintegration measures such as business start-ups, trainings, purchase of work equipment or material).

4. Previously implemented projects:

a) From 2003-2007, IOM Vienna was in charge of implementation of the project ***Co-ordination of Assistance for Voluntary Return to Afghanistan*** funded by the Federal Ministry for the Interior and the European Refugee Fund, which got implemented in close cooperation with the RANA project (coordinated by IOM Brussels). The project aimed at developing counselling and creating a logistics scheme of departure from and arrival to the country of origin.

b) ***Special Programme for the Reintegration of Returnees to Albania, Kosovo and Macedonia***. The aim of this project, which was managed by IOM Brussels, was to consolidate the capacities of local non-governmental organisations in Albania, Kosovo and Macedonia, which provide long-term reintegration assistance to returnees from the EU Member States under joint voluntary return programmes.

c) ***Co-ordination of the Return and Reintegration Assistance for Voluntary Returnees to Moldova***. The project was implemented by IOM during 2005-2010. Its aim was to assist Moldova's nationals in returning home and to promote their long-term reintegration. It was funded by the European Refugee Fund (and later Return Fund), the MoI and ADA.

d) ***Return initiative for irregular migrants from Kosovo***. This was an EU project providing non-binding advice to illegal immigrants on the possibilities of obtaining assistance and participation in voluntary return programmes. This project was implemented by IOM.

e) ***Study on the Situation and Status of Russian Nationals from the Chechen Republic Receiving Basic Welfare Support in Austria***. Implemented by IOM in 2008-2009 and funded by the Austrian Ministry of the Interior and the European Return Fund, in this project a profile survey with more than 200 Chechens living in Austria was implemented, covering information about their motives for migrating to Austria, about remaining in the country, and about their potential return home. The survey was complemented with information on the country of origin, gathered by IOM Moscow.

V.4. SWEDEN

The shaping of Sweden's policy in respect of voluntary return commenced at the end of the 1970s, when Sweden was under the influx of immigrants from conflict-ridden regions. The guidelines for return migration policy were defined by Government bill 1988/89:100, and assisted voluntary return was fully incorporated into migration policy by bill 1996/97:25 in the *Swedish Migration Policy in a Global Perspective*. This document puts an emphasis on the role of non-governmental organisations in implementing assisted voluntary return programmes.

In 1997, the Swedish Migration Board at the Ministry of Foreign Affairs together with the UNHCR, the Swedish International Development Cooperation Association *SIDA*, IOM and the Swedish Association of Local Authorities as well as other non-governmental organisations developed the first programme encouraging Bosnian refugees to return home.

In 1999, Sweden underwent dramatic structural changes which determined the current shape of the return migration policy. The Swedish Migration Board, in attempting to base any return on the principle of voluntary return, adopted a standpoint that expulsion of migrants may not be subject to coercion and the number of cases of expulsion must necessarily be reduced. Therefore, the principal task of the Swedish Migration Board is to promote voluntary return. The Migration Board seeks to achieve this goal by motivating the migrants who could obtain state assistance for return, arranging travel documents and covering travel expenses. If a migrant refuses to cooperate and it is necessary to resort to expulsion measures, the Migration Board hands these migrants over to the police. It means that all migrants returned by the Swedish Migration Board are attributed to

the category of voluntary return. In 2008, the number of voluntarily returning migrants in Sweden grew dramatically, hence the Migration Board decided to transfer some functions relating to the practical implementation of the programme to the third sector and other institutions.

The voluntary return programmes implemented by IOM in Sweden are very limited. This organisation most frequently has to deal with specific and complicated cases, such as return of elderly and ailing migrants. Moreover, IOM has implemented several projects focused on the target countries of Bosnia, Somalia and Iraq. Since 2009, IOM has been assigned taking care of returnees to Afghanistan and their integration. As in Sweden there is no independent IOM mission, the entire implementation of an assisted voluntary return programme is organised by IOM Regional Office in Helsinki.

In 2007, the Swedish Government decided to introduce a reintegration assistance model which would allow returnees to more speedily adapt in their society. In 2008-2010, this support was allocated solely to returnees to Iraq, Somalia, Afghanistan and the Gaza Strip. The amount of the support was 30 000 Swedish kronas (approximately EUR 3 150) for an adult, for a child – SEK 15 000 (approximately EUR 1 570), for a family – SEK 75 000 (approximately EUR 7 580).

V.4.1. LEGISLATIVE FRAMEWORK

Voluntary return is defined in the *Aliens Act* and Government bill 1997/98:173. The *Aliens Act* provides that the Migration Board must ensure a humane and dignified organisation of the process of return of migrants. Voluntary return assistance must be provided taking into consideration individual needs. Failed asylum seekers may be granted assistance for their return to the country of origin to be properly organised. They must be counselled with respect to departure, the required documents, the situation in the country of origin, etc.

V.4.2. CATEGORIES OF MIGRANTS

In Sweden, two categories of assistance to returnees are distinguished:

- assistance to those who have legally resided in Sweden for a long period of time and are citizens of Sweden, but decided to return to the country of origin. Immigrants of this category – refugees and those who have obtained a residence permit in Sweden – are motivated and informed of possibilities of return to the country of origin. Returnees may apply for assistance in covering travel expenses and a cash allowance for start-up in the country of origin. However, this cash allowance is granted very rarely. For instance, in 2008 financial support was granted to as few as 51 migrants, which makes up approximately 1% of all migrants returning during that year.
- assistance to those who applied for asylum, but later withdrew their application or their application was rejected, and they must return to their country of origin under valid national legislation. Assistance to this category of migrants is essentially related to counselling and travel arrangement.

Assistance is not provided to illegal immigrants.

V.4.3. IMPLEMENTING BODIES

The Swedish Migration Board is responsible for the provision of return assistance across Sweden. It provides counselling, informs migrants, makes travel arrangements and allocates funding for reintegration of migrants.

The Swedish Red Cross is involved in the information and counselling of migrants, especially emigrants from Serbia, Kosovo and Northern Afghanistan. This activity is funded by the Swedish Government.

During 2009-2010, IOM was implementing an Afghan nationals' return and reintegration programme funded by the Swedish Migration Board. IOM Regional Office in Helsinki, Finland, is also responsible for the functioning of a telephone helpline offering counselling to Afghan migrants. The office is assigned the task of management of reintegration grants, which are administered together with non-governmental organisations based in the country of origin.

In 2008-2009, the Swedish Migration Board concluded an agreement with a Serbian non-governmental organisation, *Praksis*, which provides counselling services.

The UNHCR provides information and counselling on the security situation in Afghanistan.

V.4.4. PROGRAMMES AND PROJECTS UNDER IMPLEMENTATION

1. **General Return Programme.** The Swedish Migration Board is responsible for ensuring assisted voluntary return in implementing the general migrant return policy, so it is mainly engaged in return of migrants. Non-governmental organisations perform solely the functions of information and counselling.

The number of the migrants to whom the Swedish Migration Board provided assistance in 2004-2008:

Year	2004	2005	2006	2007	2008
Number of persons	8287	5775	3271	2827	4896

2. Projects:

a) **Information Bank.** The project is being implemented by the Swedish Red Cross. The aim is to collect and disseminate information on the situation in Afghanistan.

b) **Voluntary Return to Iraq Migration Office.** The project is being implemented by the Swedish Red Cross. The target group consists of the Iraqis who are originally from Kurdish regions and hold a permanent residence permit in Sweden. The project aims at providing high-quality counselling services, practical and psychological help to those willing to return to Iraq.

c) **Return Migration: Personal Life Plans and Prospects.** The project is being carried out by the Stockholm Return Migration Office. The project aims at helping to develop individual plans of return to Bosnia and introducing reintegration measures for returnees to stay in their country of origin.

d) **Somali Return and Reintegration.** The goal of the project is counselling of Somali returnees and introduction of reintegration measures. Reintegration measures include learning, vocational training courses, industry practice and employment in 17 locations in the region of Somaliland. The project is being implemented by the Swedish Migration Board.

e) **Assisted Voluntary Return and Reintegration Assistance to Afghan Returnees.** The project is being implemented by the Swedish Migration Board and IOM. The aim of the project is to provide reintegration support to Afghan returnees. 100 Afghan returnees are expected to avail of the assistance.

V.5. CZECH REPUBLIC

In the Czech Republic, assisted voluntary return has been provided since mid 1990s. Three long-term assisted voluntary return programmes are currently under implementation in the country:

1. *Return Programme for Failed Applicants for International Protection*, which has been carried out since mid 1990s.
2. *Return Programme for Detained Irregular Migrants*, which has been carried out since 2007. The target groups of this programme include detained aliens held at detention centres or undocumented migrants.
3. *Protection and Assistance Programme for Victims of Human Trafficking*.

Assisted voluntary return programmes are implemented by the institutions of the Ministry of the Interior and IOM. All return expenses are covered by the government of the Czech Republic.

In 2009, in response to the global economic recession, the Czech Republic initiated two new voluntary return projects. At that time, the Czech Republic experienced the growth in economic migration flows, the majority of immigrants occupied a large number of workplaces due to a cheaper workforce. The government decided to encourage these migrants to return to the country of origin and thus make the workplaces available to unemployed locals. The projects aimed at returning both legal and illegal immigrants.

V.5.1. LEGISLATIVE FRAMEWORK

Assisted voluntary return is regulated by two laws. The *Act on the Residence of Aliens in the Territory of the Czech Republic* (1999) provides that the state support may be granted only to two categories of migrants – failed asylum seekers and irregular and undocumented migrants. These are very strictly defined groups of migrants, hence the Czech Republic intends to adopt some amendments to the Act allowing a larger number of persons to avail of the assistance.

The *Asylum Act* (1999) provides for the type of assistance which the state may render to failed asylum seekers.

V.5.2. IMPLEMENTING BODIES

The key role is played by the Department for Asylum and Migration Policy of the Ministry of the Interior. This department is responsible for supervision of implementation of the migration policy and related legislation. It takes a decision on each irregular migrant, who is subject to forced or voluntary return. The department allocates financing for implementation of voluntary return projects under the programme of the European Return Fund.

Administration of the asylum system is responsible for return of failed asylum seekers.

IOM has concluded a cooperation agreement with the Department for Asylum and Migration and assists in implementing return programmes. IOM is allocated funds which it is able to subsequently re-allocate to non-governmental organisations dealing with the problems of refugees and migration. IOM provides counselling to migrants, assists in obtaining travel documents and organises their travel home. Moreover, this organisation cooperates with local non-governmental organisations and provides advice on the issues of voluntary return. Since 2003, IOM has organised the measures of reintegration of returning migrants related to vocational training, re-activation of working skills and support of small businesses.

The Crime Prevention Department of the Ministry of the Interior is responsible for provision of assistance to victims of trafficking in human beings.

V.5.3. ACTIVE PROGRAMMES

1. **Return Programme for Failed Applicants for International Protection.** It is carried out by the Refugee Facilities Administration and IOM. Until 2007, only the expenses of obtaining of travel documents and travel expenses could be covered for returning migrants. However, with the establishment of the European Return Fund, the situation has undergone a major change. Possibilities have been created not only for arranging documents, and purchasing airline tickets, but also for covering of travel expenses within the country of origin, excess baggage expenses and granting financial support for reintegration. Until 2006, the expenses per returnee amounted to 5 150 Czech koruna (approximately EUR 200), in 2007 the amount increased up to 31 000 Czech koruna (approximately EUR 1 200) per migrant returning to his country of origin in Asia or Europe.

The number of persons returning under this programme:

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008
Number of persons	492	1084	1094	****	550	433	351	177	96

2. **Protection and Assistance Programme for Victims of Human Trafficking.** The assistance offered by the programme may be granted to the persons who are victims of trafficking in human beings. Firstly, relevant institutions or organisations identify a person as a victim of human trafficking. He is subsequently offered participation in the programme and must decide on cooperation in instituting criminal proceedings against criminals within the 60-day period intended for overcoming psychological crisis. Upon the expiry of this period, if the person is unwilling to cooperate, he is offered the possibility of assisted voluntary return. A person who is willing to cooperate is granted a special temporary residence permit in the Czech Republic. Upon conclusion of judicial proceedings, the person may avail of the assisted voluntary return programme or apply for a long-term residence permit in the Czech Republic.

During 2006-2008, 41 persons have availed of this programme.

3. **Return Programme for Detained Irregular Migrants.** Detained irregular migrants are accommodated at detention centres, from which their journey to the country of origin is organised by IOM. The assistance is mainly related to counselling, arrangement of travel documents and travel arrangement to the country of origin.

The number of migrants who have availed of the assistance provided by this programme:

Year	2004	2005	2006	2007	2008
Number of persons	150	208	196	94	60

V.5.4. IMPLEMENTED PROJECTS

a) **Voluntary Returns Project for Legal Immigrants, 2009.** The project aimed at returning the foreign nationals legally employed in the Czech Republic. They were able to register for assistance at centres of the Alien Police. IOM was under the obligation to ensure that the persons departing from the Czech Republic would be covered travel expenses and be paid a reinstatement allowance upon departure. The purpose of the cash allowance was to satisfy the basic needs upon return to the country of origin. The amount of the reinstatement allowance upon departure for an adult was EUR 500, for a child under the age of 15 years – EUR 250. These allowances were subsequently reduced respectively to EUR 300 and EUR 150. The money was paid to departing persons at an airport.

The aliens finding themselves in a difficult situation were able to obtain accommodation and meals at the centres of the Refugee Facilities Administration.

In the course of implementation of the project, an intensive information campaign was carried out, and translation services were used, as detailed information was provided only in the Czech language.

During the project, 2003 persons were returned to their country of origin.

b) ***Voluntary Returns Project for Illegal Immigrants, 2009.*** The project had the aim of returning third-country nationals staying in the country illegally, whether due to expiry of the period of legal stay, or as a result of illegal entry to the country. The project provided migrants with two possibilities – to depart from the Czech Republic subject to covering of travel expenses either at their own expense or at the expense of the state. After departing in one or another manner, a migrant is prohibited from returning to the Czech Republic for a certain time period. In respect of those departing at their own expense, the period of prohibition to enter the country is substantially shorter than in respect of those departing at the expense of the state.

The project was implemented in cooperation with the Ministry of the Interior, the police, IOM and non-governmental organisations, which had to disseminate information. Assistance was provided in the same manner as in the case of return of regular migrants, but irregular migrants were not entitled to the reinstallation allowance upon departure. Accommodation was usually provided only for the last night before departure.

The key reason why migrants should avail of this assistance was the knowledge of the duration of prohibition to enter the country and the possibilities of shortening this period.

During the implementation of the project, 17 migrants were returned to their country of origin.

c) ***Returns Project for Moldovan Migrants, 2009.*** The project was funded by the Ministry of the Interior and carried out by IOM in cooperation with the National Employment Office, the Ministry of Economy and Trade as well as non-governmental organisations. The aim of the project was to integrate returnees into the labour market. A migrant willing to return had a possibility to choose one of reintegration measures, whose financing could amount to USD 700 per person:

- foreign language or computer literacy courses;
- financial assistance for one- or two-year educational course (payment of university or college fees);
- vocational training, with payment of the tuition fee;
- purchase of equipment upon completion of vocational training courses;
- assistance in seeking employment at public or private establishments, with assistance offered to the employer;
- covering of kindergarten expenses or other child care expenses;
- assistance for small business start-up and development of business plans;
- purchase of cattle;
- other assistance subject to consultations with representatives of IOM.

d) ***Returns Project for Georgian Migrants, 2004-2008.*** The project aimed at returning Georgians to Georgia and integrating them into the labour market. As at that time the Georgian third sector, which could provide counselling on the issues of employment, was poorly developed, the key partners were public administration institutions. During the project, counselling centres were established in Tbilisi and Batumi to advise returning migrants on the issues of employment. Under this programme, 95 persons returned from the Czech Republic to Georgia.

V.6. HUNGARY

In Hungary, assisted voluntary return has been provided since 1993, and included pilot projects, which were originally undertaken by the Border Service together with International Organization for Migration. It is IOM Regional Office in Budapest, which was established in 1992, that initiated the first projects. A memorandum signed in 1997 between IOM and the Hungarian Government allowed voluntary return projects to become a well-established long-term Hungarian Voluntary Return Programme (HARP).

The main source of funding of the programme has long been the Hungarian Government, but with the establishment of the European Return Fund the support of the Government for this programme has begun to decrease gradually. Such a situation is unique in the context of other EU countries, where a reverse process is observed, that is, the programmes initiated by IOM and supported by various foundations are receiving the increasing amount of support from the state.

The return policy is not a topical issue of the Hungarian politics, hence assisted voluntary return programmes and their funding depend on implementing bodies – the Office of Immigration and Nationality, the police, IOM and several non-governmental organisations. During 2000-2008, the number of returned migrants remained stable thanks to the programmes. This depends on the funds allocated by the state on an annual basis taking into consideration the data of the previous year.

V.6.1. LEGISLATIVE FRAMEWORK

Voluntary return lacks a clear definition in Hungarian legislation. The main document is the *Act on the Entry and Stay of Third-Country Nationals*, which was adopted in 2007. It provides that if, upon expiry of the period of legal stay in the country, no visa or residence permit is issued, third-country nationals must leave Hungary within 30 days. The same requirement applies in respect of the persons who have entered the country illegally.

Assisted voluntary return and related programmes are not legally defined. In the case of removal of asylum seekers from Hungary, migrants have a possibility to obtain financial assistance for tickets, which are purchased by the state. However, additional conditions must be met to obtain this support. It may be granted to an asylum seeker whose income may not exceed EUR 250 per month. If it is a refugee or a person with the temporary protection status who departs, his income may not exceed EUR 450 per month.

In 1997, the Hungarian Ministry of Interior and IOM signed a memorandum undertaking to develop an assisted voluntary return programme, defining voluntary return and identifying the possibilities of reintegration measures. The memorandum provides for the categories of migrants eligible for state support:

- failed asylum seekers;
- asylum seekers who have terminated the application procedure at their own initiative
- irregular migrants who must leave the country.

The police and the Office of Immigration and Nationality undertake to provide migrants with information on the possibilities of assisted voluntary return, inform IOM of the persons meeting the requirements of the programme, provide information to IOM on the legal status of a migrant.

The memorandum also specified financial obligations, such as the responsibility of the Office of Immigration and Nationality for financing of the programme by determining the budget of

the programme for each budgetary year. Until 2004, there was no other source of funding for the programme.

V.6.2. IMPLEMENTING BODIES

The Ministry of Justice and Law Enforcement finances voluntary return programmes and shapes return policy.

Responsibility for implementation of the voluntary return programme in Hungary falls on the Unit of Coercive Measures and Repatriation of the Office of Immigration and Nationality. The Unit is also in charge of organisation of forced return and its carrying out in practice. The Office of Immigration and Nationality has a central body and seven regional directorates.

IOM is the only organization which is directly responsible for the organization of return of migrants and provision of assistance in practice.

V.6.3. PROGRAMMES UNDER IMPLEMENTATION

1. *Hungarian Voluntary Return Programme (HARP)*. The target group of migrants is irregular migrants. The programme is funded by the Hungarian Government.

The migrants availing of the assistance under the HARP mostly include citizens of Serbia and Montenegro. However, citizenship may be misleading, because the majority of returnees are Albanians from Kosovo. It is this ethnic group that is considered as the target group of the HARP.

In 1993, the initial assistance was insignificant due to a small budget of the programme. Travel documents were arranged, a ticket purchased and an allowance in the amount of USD 50 paid to migrants. Currently, returning migrants are granted approximately EUR 100, which is intended to meet the basic needs upon return to the country of origin.

Number of immigrants who have availed of assistance under the HARP:

Year	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Number of persons	217	326	337	391	46	281	952	458	236	204	220	146	212	225	212

In terms of cost efficiency of the programme, the cost of a single voluntary return case in 2003 was approximately USD 700, whereas expulsion required a threefold larger amount of funds.

The European Return Fund has provided a possibility of expanding the scope of the assistance provided under the HARP. With the introduction of reintegration assistance, the HARP has become the Hungarian Voluntary Return and Reintegration Programme (HARRP).

However, a small number of returning migrants have availed of reintegration support under the HARRP. In 2005, it was provided to six persons, and in 2009 – to nine persons. Reintegration support is always organised as assistance in kind/through financial contributions, but not as a cash allowance. The maximum amount of reintegration grant is EUR 2000. It may be used for business, if a migrant has developed a business plan, or for studies – vocational training, university or secondary school studies.

V.6.4. PROJECTS IMPLEMENTED AND UNDER IMPLEMENTATION

1. *Hungarian Assisted Return and Information Programme (HARIP)* is funded by the Hungarian Government and the European Refugee Fund. The target group is asylum seekers. For

the first time, there appears in Hungary a programme which is not financed by the Office of Immigration and Nationality. Illegal immigrants cannot participate in this programme.

The services of the programme include counselling and travel arrangements for the migrants willing to return. There is no support for reintegration. The project has focused on dissemination of information – websites on assisted voluntary return have been created, booklets have been published in different languages.

61 migrants were returned under this programme in 2004-2005.

2. Assistance for Voluntary Returnees to Kosovo from Hungary. Just as the majority of the countries implementing the policy of return of refugees from Kosovo, Hungary attempts to promote the return of Kosovo Albanians who have received the international temporary protection status in Hungary. Therefore, in 2010 implementation of a project whose results have not been announced yet was commenced.

V.7. COMPARATIVE ANALYSIS OF VOLUNTARY RETURN SYSTEMS IN EUROPEAN COUNTRIES

In order to reveal the similarities and differences of voluntary return systems in the Netherlands, Austria, Spain, Sweden, Czech Republic and Hungary, the discussed models may be compared among themselves from a number of angles.

1. **Role of the state in implementing programmes.** All the countries discussed are characterised by a rather clear policy of the state with respect to voluntary return: assisted voluntary return programmes are financed by the state, they remain in effect for a period of over ten years, implementation of these programmes is within the sphere of competence of state institutions, most frequently migration services or departments under the ministries which are in charge of immigrants.

The principal difference between the countries lies in the extent to which the practical implementation of a programme – information and counselling of migrants, management of applications, travel arrangement, payment of reintegration grants – falls within the sphere of competence of migration services. Sweden is the best example of performance of the majority of tasks under the programme by state migration institutions (the country does not have an IOM office). Meanwhile, Spain represents a completely different case. Almost all practical works are assigned to international and non-governmental organisations, while state institutions are responsible solely for the funding and supervision of implementation of these programmes.

The unequal role of state institutions in implementation of a programme is reflected in the statistics of voluntarily returning migrants. In 2004-2009, Sweden provided assistance on average to 3 000-5 000 migrants each year, whereas Spain – on average to 2 000 migrants. In the Netherlands and Austria, where the role of the state is not as significant as in Sweden, and is not as insignificant as in Spain, on average 2 000-3 000 migrants availed of assisted voluntary return each year. Certainly, comparison of these figures must necessarily include a number of reservations, such as immigration flows, geographical location, the proportion of asylum seekers, deportees and voluntary returnees, the level of the country's urbanisation, the number of the population, budgets of the programmes, etc. This would provide a more solid ground for comparison of the tendencies in respect of return statistics. Let alone, it is evident that the greater weight of the state in practical implementation of assistance measures has a quantitative effect on return statistics. The more actively state institutions participate in the provision of assistance, the larger is the number of the migrants who have availed of support and returned.

2. **Role of non-governmental organisations in implementing programmes.** Involvement of non-governmental organisations in implementation of voluntary return programmes is uneven, hence the countries discussed above can be divided into three groups. In some countries, namely, Spain and the Netherlands, they may be actively involved, their activities are financed by the state, they provide counselling to migrants, organise their departure and administer reintegration measures in the country of origin. In these countries, the voluntary return system engages a sufficiently large number of non-governmental organisations which may compete among themselves for state funding. In other countries, such as Austria and Sweden, non-governmental organisations, such as *Caritas* and the Red Cross, first and foremost perform the function of information and counselling of migrants, their activities are financed by the governments of those countries. These countries are also characterised by the fact that assisted voluntary return measures are carried out by a few very strong non-governmental organisations. The Czech Republic and Hungary may be attributed to the third group. They are characterised by the fact that non-governmental organisations are used just as a medium for the purpose of informing and attracting migrants. Activities of the NGOs are not financed by the government.

3. **Role of IOM.** In the majority of the EU countries implementing voluntary return programmes, the role of IOM is highly important, because it has accumulated the largest experience

in providing assisted voluntary return. It is most often assigned the implementation of measures of a programme and provision of practical assistance, especially resolution of the issues of arrangement of migrants' travel.

In the context of the countries discussed above, three possible roles of IOM can be identified. In the first case, IOM is considered to be equal to other non-governmental and international organisations, it does not hold a special status, it competes in part with other organisations for carrying out of measures of voluntary return programme, the programmes being implemented are limited. In such countries, IOM is often assigned only some cases, for instance, ailing migrants or emigrants from the countries with which no readmission agreement has been concluded and the return to which is costly and complicated. Such a situation can be observed in Spain and Sweden. The second option – IOM is responsible solely for returnees' travel arrangements, whereas information and counselling of migrants are assigned to other non-governmental organisations. Such a situation is observed in Austria, where counselling functions are assigned to NGOs and a private company, while journeys of migrants are organised by IOM. A similar situation is found in the Netherlands. The third option is that of IOM being the only organisation in the country which assists the state in implementing a voluntary return programme and provides departing migrants with a comprehensive assistance. In this case, the functions of IOM are not limited to travel arrangements alone. It provides information, counselling to migrants, administers reintegration measures, exercises monitoring and performs assessment of implementation of a voluntary return programme. In the Czech Republic and Hungary, the functioning of the assisted voluntary return system is essentially based and depends solely on IOM.

4. Range of the services provided. In each country, assisted voluntary return programmes preserve a similar structure of the services provided, but also manifest certain differences. Firstly, a mention can be made of the fact that services are provided by different institutions and organisations. The patterns of organisation of the services differ considerably – in some countries, state migration services are dominant, in others – it is IOM that dominates, yet in others – non-governmental organisations. In the countries where participation of non-governmental organisations is more active, the channels of counselling and information of immigrants are better developed, target groups are reached more easily, information space is much broader geographically. Secondly, in almost all countries organisation of migrants' journey to the country of origin is the exclusive function of IOM. The journey is often financed from the funds of a voluntary return programme supported by the state, but some countries propose that migrants bear their travel costs at their own expense. In this case, when a migrant decides to cover travel expenses himself, he is subject to a shorter period of prohibition to enter the country. This is the practice applied by the Czech Republic. Thirdly, not all countries are willing to pay allowances upon departure to returning migrants, and the amount of the allowance in each country is different. The allowance upon departure is most often paid to a returning migrant at an airport, immediately before the flight home, or upon his return to the country of origin. Such financial allowance, whose purpose is to satisfy initial needs upon return, is granted by the Netherlands – EUR 500 for an adult, Spain – EUR 50. In Austria, this amount, which is sometimes interpreted as a reintegration grant, depends on a decision by migration services dealing with a specific return case, but may not exceed EUR 370. In Sweden, no cash allowance upon departure is paid. In the Czech Republic, the amount of the reinstallation allowance upon departure was EUR 500, but it was later reduced to EUR 200. In Hungary, a returnee may receive EUR 100 to cover travel expenses and satisfy initial needs. Fourthly, until 2007 just a few countries granted support for reintegration. However, the support of the European Return Fund during 2008-2010 permitted to expand the range of the services provided through introduction of support of a variety of reintegration measures. For example, for a long time Sweden did not propose any reintegration measures to returning migrants. However, since 2008 they have been offered to migrants from target countries. At the same time, Hungary also began to carry out similar activity, but it is highly limited, and the number of immigrants granted support is very small.

In light of overall tendencies in all the EU countries, it is possible to claim that the reintegration dimension in assisted voluntary return programmes is becoming of utmost importance.

With regards to the experience of the EU countries in developing voluntary return programmes and attempting to adjust them to Lithuania, closer attention should be given to Hungary. It is this country, which is similar to Lithuania in terms of its status as a country of transit for migrants and a rather small community of immigrants, that has discovered a good balance between state institutions and IOM, which provides assistance. A long-term support of the state has allowed to shape a stable system of provision of assistance capable of successfully adjusting itself to the common EU return policy – expanding the target groups of migrants and forms of support and thus ensuring the financial support of the European Return Fund for implementation of the goals of the state.

The Spanish and Swedish models would be somewhat less suitable for Lithuania. Firstly, Lithuania is much smaller than these two countries, hence the communities of migrants are concentrated in several cities and not scattered as they are in Spain or Sweden. Secondly, as opposed to Spain, in Lithuania there are no large communities of immigrants and non-governmental organisations formed on their basis. Therefore, it is not expedient to decentralise the system of assistance provision, when services are provided by a large number of non-governmental organisations, taking into account the administration costs and control of such a system. The third sector may be involved more actively only when the target groups of migrants are not reached or when the flows of returning migrants are very large. Thirdly, the Swedish model, which is based on an important role of the state in providing assistance, is not very suitable for Lithuania. Introduction of such a centralised system would require the expansion of the public sector in Lithuania and higher administrative costs. On the other hand, decentralisation of the assistance provision system has lately been observed in Sweden, which shows the need of the system to adjust to new realities and make a much more efficient use of other organisations, such as IOM.

The key differences between the voluntary return programmes carried out in the EU countries may be summarised in two ways. Firstly, the differences between various models of the voluntary return system in the EU Member States are determined by the role of the state, that is, the extent to which it is interested in developing and supporting a long-term programme. An active involvement of the state permits a more straightforward linking of these programmes with national priorities, ensuring sustainable financing and functioning of an assisted voluntary return system, which is evident in the statistics of returning migrants. A responsible position of the state will always ensure the functioning of a long-term programme. In other cases, voluntary return will be organised in the form of short-term and accidental projects. A more passive approach to voluntary return is most frequently manifested in donors of programmes and projects determining the target groups of migrants, a failure to ensure the consistency of the assistance provision system, a number of logistical, organisational and financial problems related to return of various groups of migrants. Moreover, the number of returning migrants is rather small.

Secondly, involvement of international and non-governmental organisations in organising the voluntary return system in the EU Member States is uneven. The states which decide to transfer the provision of services of assisted voluntary return to as many organisations as possible create a rather efficient information space and reach the target groups of migrants, which are usually difficult to reach, through non-governmental organisations. However, a situation when provision of services is decentralised may also have detrimental consequences – it may result in the increase of the programme's administrative costs related to allocation of financial support to NGOs, reporting and monitoring of the organisations providing services. Otherwise, when organisation of assisted voluntary return is assigned to a single organisation, most often IOM, a more consistent voluntary

return strategy is observed, with a clearer structure of the system itself, a broader range of services and a wider geography of the countries of origin. It is also much easier for state authorities to cooperate with a single organisation, provide comprehensive assistance to migrants with its help and exercise its administrative supervision than to do it with a much larger number of organisations.

Table No 3 allows for evaluating the role of different institutions in carrying out voluntary return programmes and projects in the EU countries.

Table No 3. Role of the state, International Organization for Migration, non-governmental and other organisations in carrying out voluntary return programmes in the EU Member States

★★★ – a highly significant role in organising, carrying out and financing voluntary return programmes; the programmes are long-term and apply to various categories of migrants, reintegration measures are introduced

★★ – a moderately active role in organising, carrying out and financing voluntary return programmes; the programmes do not apply to all categories of migrants; reintegration measures are introduced inconsistently

★ – an insignificant role in organising, carrying out and financing voluntary return programmes; only short-term projects are implemented involving very limited groups of migrants

Country	Role of the state	Role of IOM	Role of NGOs and other institutions	Long-term programmes	Short-term programmes/projects
Old EU Member States					
Ireland	★★	★★★		★★★	
Austria	★★	★★	★★★	★★★	★★
Belgium	★★★	★★★	★★	★★★	★★
Denmark	★★★	★	★★★	★★★	★
Greece	★	★★	★		★
Spain	★★★	★	★★★	★★★	★
Italy	★★★	★★	★★	★★★	
United Kingdom	★★★	★★★	★★	★★★	★★
Luxembourg	★★★	★	★★	★★	★★
Netherlands	★★★	★★★	★★	★★★	★★★
Portugal	★★★	★★★	★★	★★★	★
France	★★★	★	★	★★★	★
Finland	★	★★			★★
Sweden	★★★	★	★★	★★★	★★
Germany	★★★	★★	★★	★★★	★★
New EU Member States (since 2004)					
Czech Republic	★★★	★★★	★	★★★	★★
Estonia	★		★★		★
Cyprus	---	---	---	---	---
Latvia	★	★	★		★
Poland	★★	★★★	★	★★	★★
Lithuania	★	★★★	★		★★
Malta	★	★	★★		★★
Slovakia	★★	★★★	★	★★	★
Slovenia	★★	★	★★	★★	★
Hungary	★★	★★★	★	★★	★★

Source: Information is presented on the basis of the 2009-2010 EU Member States' national reports on the voluntary return programmes under implementation submitted to the European Migration Network and the IOM study *Return Migration: Policies & Practices in Europe* (2004).

What lesson can be learnt from the experience of the mentioned countries in respect of assisted voluntary return? First and foremost, all countries have created legal preconditions for the functioning of a voluntary return system. Laws often stipulate that the ministries dealing with migration affairs must create conditions for failed asylum seekers to avail of the opportunity of voluntary return. Although the laws do not give a clear definition of voluntary return and the kind of assistance which a migrant may receive, organisation of assisted voluntary return programmes is assigned to ministries. This legal precondition allows the state to develop long-term programmes and allocate financing for their implementation. In respect of the Lithuanian voluntary return system, which will be discussed in detail in another section, it may be observed that the main legal act, that is, the *Law on the Legal Status of Aliens*, does not create any legal preconditions for the functioning of the voluntary return system – it does not contain a clear definition of voluntary return, does not provide for the possibility of voluntary return, neither for state assistance nor an institution which should be in charge of it. This law must necessarily contain a separate article creating legal preconditions for a long-term programme and financial support of the state.

Secondly, specific forms of assistance are most frequently defined in agreements and memorandums between the institutions implementing voluntary return – international and non-governmental organisations – and ministries in charge. It is a solution when assistance is specified in agreements, rather than laws that provides much better opportunities for a more flexible changing, modifying and adjusting the forms of assisted voluntary return to solution of the arising problems and to a variety of groups of migrants. For instance, the Czech Republic, whose laws provide that irregular migrants may obtain assistance only when they are undocumented, is unable to provide assistance to the migrants who hold valid documents, but to whom it may be of crucial importance. Meanwhile, Hungary, where the Ministry of Interior and IOM annually update an assisted voluntary return programme, is capable of adapting to the changing migration tendencies much more speedily. In order to consolidate a voluntary return system in Lithuania, it is expedient to define specific forms of assistance and the categories of migrants to which this assistance may be granted in memorandums or in the agreements concluded between implementing bodies and state authorities and updated on an annual basis.

Thirdly, since 2007 many EU countries with very large communities of immigrants and heavy flows of migrants, has observed an increasingly active involvement of non-governmental organisations in the functioning of the voluntary return system. The system of provision of assistance is being decentralised. Involvement of non-governmental organisations, which usually represent the interests of refugees, immigrants and specific ethnic groups, often aims at solving several problems, namely, creation of an effective information space and reaching of the target groups of migrants. Such a decision is really appropriate in the countries with strong organisations representing the rights of refugees and communities of immigrants, such as the Netherlands and Austria, and in the countries with the communities of migrants scattered over a wide geographical territory, as is the case in Spain and Sweden. In these countries, non-governmental organisations assist in solving the problems of reaching migrants, organisation of direct counselling and logistics. In other cases, when small communities of immigrants are concentrated in urbanised and very densely populated geographical locations, it is expedient to have in place a centralised system of assistance provision. In this case, non-governmental organisations, provided that they truly represent groups of immigrants and their interests, may be used as information partners, rather than organisers of assistance. In Lithuania, where migrant communities are really weak, poorly organised and concentrated in several main cities, it is appropriate to leave organisation of assisted voluntary return in single hands – assign it to IOM.

Fourthly, the range of services in respect of the assistance provided in all the mentioned countries is more or less standard – information, counselling of migrants, arrangement of travel,

payment of cash allowances to meet basic needs upon return to the country of origin. The most prominent differences between the countries lie in the area of amounts of cash allowances. Thus, Sweden pays no reinstallation allowance upon departure, whereas the Netherlands pays EUR 500 almost to every returnee. With respect to assistance provided to migrants in Lithuania, the range of the services offered is little different from that offered in other EU countries. Similar services are provided, though the scope of assistance may be somewhat different. In attempting to introduce in Lithuania the best practice of the EU Member States, attention should be paid to Austria, where the amount of the reinstallation allowance upon departure is not fixed, only the maximum amount is specified. In each case, the amount of the allowance depends on the needs of a migrant, which are assessed by a member of the staff organising assistance. Such practice enables rational allocation of the budget of the voluntary return programme and adoption of decisions taking into consideration both the available financial resources of the programme and the individual needs of a migrant. The staff providing assistance preserve the freedom of decision-making, they are not restricted by a small budget of the programme and prevent, in part, returning migrants from abusing the assistance offered.

Fifthly, starting with the year 2007, the growing number of EU countries incorporate the measures of reintegration of returnees into voluntary return programmes. Reintegration support is understood as a specific measure intended to make sure that a migrant actually returns to the country of origin and that the likelihood of re-emigration is reduced. Reintegration measures most often provide for support of development of small businesses, acquisition of education and occupational skills and wage subsidies in the event of undertaking employment. Application of such reintegration measures help to form a strong network of international cooperation between the EU Member States and the countries of origin. Administration of the reintegration measures in the country of origin is assigned to local offices of IOM or to non-governmental organisations, which also perform the monitoring of returnees and evaluation of the reintegration process. It is this institutional network that permits the emergence of a professional system of reintegration administration, which could be successfully used also by Lithuanian institutions offering assisted voluntary return. First and foremost, it is necessary to make use of the migrant information systems created in other countries and providing information on the situation in the country of origin. For instance, it is necessary to take advantage of the IRRiCO information database providing migrants with the important information on the social situation in their countries, as well as the information centres located in the countries of origin, for instance, the counselling centres set up by the Czech Republic in Georgia. On the other hand, when organising reintegration measures in the countries of origin account should be taken of the experience of IOM offices and local non-governmental organisations, which already participate in the implementation and administration of reintegration measures when carrying out joint activities with other EU Member States. The knowledge accumulated by them as well as highly-qualified human resources make it possible to attain the set goals in a much more efficient manner than in the case of creation of a new system or searching for new partners in the countries of origin. Moreover, there is an important methodical experience accumulated in respect of implementation and evaluation of a programme, whose organisational patterns, schemes, methods of assessment and their descriptions could also be used in Lithuania. Therefore, the practical experience of the other EU Member States and their partners in the countries of origin of migrants create quite good conditions for Lithuania to successfully introduce reintegration measures and exercise monitoring of a programme.

Sixthly, the mentioned EU countries are characterised by a considerable trust in the institutions offering assisted voluntary return both on the part of the government and returning migrants. On the one hand, IOM or non-governmental organisations assist in dealing with the problems of return of migrants to the country of origin, and in solving the problems they consistently aim at protecting the honour and dignity of a returnee, so that during the journey the returnee would in no way be different from the rest of the passengers. Protection, escort and special

control measures are applied only in exceptional cases, when a migrant could pose a threat to surrounding persons or to the staff of a body providing assistance. Therefore, migrants are most often escorted by IOM staff to an airport, where a returnee becomes an ordinary passenger without any social hint that he is being returned to the country of origin. For instance, until 2007 migrants in Hungary used to be transported to an airport by police, but later such practice was abandoned. Presently, returning migrants are picked up from a detention facility by IOM vehicle, which takes them to an airport. In the Czech Republic, in the course of implementation, in 2009, of the project of return of illegally staying third-country nationals, irregular migrants had to independently arrive at an airport, where they were paid reinstatement allowances upon departure. In other words, participation of power structures in the process of return of migrants is very insignificant. The success is guaranteed by the trust of migrants in implementing bodies, rather than state power structures. Such organisation of return of migrants, which allows to avoid stigma signs showing that a person is forced to return to the country of origin and such a decision is determined by the state returning him rather than his own determination, is the underlying principle of organisation of assisted voluntary return. Therefore, Lithuania needs to consider the extent to which power structures should participate in implementation of voluntary return – whether the escort of power structures is required, whether these functions could be transferred to implementing bodies which would be fully responsible for the successful escorting of a migrant to an airport or potential consequences if the migrant chooses to escape from the persons escorting him. As the experience of the EU countries shows, confidence in the bodies providing assistance, especially IOM, is very high.

VI. LITHUANIA'S ASSISTED VOLUNTARY RETURN SYSTEM IN THE CONTEXT OF THE PROGRAMMES UNDER IMPLEMENTATION IN THE EU

In 2010, Lithuania's system of assisted voluntary return was considered in detail in the report *Programmes and Strategies Fostering Voluntary Return from the Republic of Lithuania and Reintegration in Third Countries* drawn up by the European Migration Network. The report overviews the voluntary return projects carried out in Lithuania during 2004-2009, the legal regulation of assistance and the political framework, the categories of returning migrants, organisation of practical assistance measures, key problems and future prospects. The report contains a large number of statistical data and descriptions of specific projects.

In order to avoid retelling of the report, this chapter will attempt to identify the key elements of the current voluntary return system, evaluate them in the general context of the programmes under implementation in the EU countries, present the advantages and shortcomings of the systems operating in Lithuania and in other countries.

VI.1. FIRST PROJECTS OF ASSISTED VOLUNTARY RETURN IN LITHUANIA

Assisted voluntary return was provided for the first time in Lithuania in 1997, when the Foreigners' Registration Centre was established in Pabradė, and the Government of Lithuania applied to IOM requesting for assistance in returning the transit migrants stranded in Lithuania. In that year, 895 migrants were assisted in returning to five Asian countries – Bangladesh, China, Sri Lanka, India and Pakistan. The persons who have availed of such assistance would no longer be eligible for it if they were repeatedly detained in the territory of the Republic of Lithuania.

The assistance provided by IOM was related to dissemination of information and counselling of migrants, arrangement of travel documents, arrangement of the journey to the country of origin. IOM organised chartered flights to the mentioned countries. Returning migrants were paid a cash allowance in the amount of USD 50 for an adult, which they were able to use for meeting their basic needs upon return to the country of origin. For a child under the age of 18 years, this amount was USD 25-50.

In 1998, a cooperation agreement was signed between the Government of Lithuania and the International Organization for Migration, and IOM Vilnius Office was established in Vilnius. Interestingly, prior to signing of this agreement, the Ministry of the Interior stipulated in the explanatory note drawn up by it that:

The main goal of ratification of the agreement between the Government of the Republic of Lithuania and the International Organization for Migration is to expand relations with this organisation in the area of migration and to create preconditions for development of various programmes on the issues of migration (among the latter being return of irregular migrants to their country of origin).

An assumption may be made that the note put in brackets is related to assisted voluntary return programmes. Certainly, the then-current legal terminology and political framework were not yet favourable for the emergence, in documents, of the concept of 'voluntary return', because the concept of 'return of irregular migrants' better reflects the imperative approach of state institutions towards return migration.

An overview of the documents of consideration of ratification of the cooperation agreement between IOM and the Lithuanian Government by the Seimas clearly manifests a pragmatic approach of politicians towards IOM. The organisation was first and foremost associated with the question of how to solve the problems of irregular migration and how to return irregular

migrants to their country of origin, such as Bangladesh or Afghanistan, at the lowest cost. In other words, the role of IOM was clearly linked with resolution of the problems of irregular migration which state institutions are incapable of solving or are unwilling to solve. Therefore, the assisted voluntary return offered during 1997-2002 was focused on irregular migrants rather than asylum seekers.

In 1998-2002, IOM initiated the project *Voluntary Returns of Stranded Migrants from the Baltic Countries* (SMIBAL). The project aimed at assisting irregular migrants to return from Lithuania, Latvia and Estonia to their country of origin.

The target group was the migrants who had been detained for an illegal border crossing or staying in the territory of Lithuania and failed asylum seekers in Lithuania. The project was funded by the US and Finnish governments.

The number of returning migrants who availed of assisted voluntary return: in 2000 – 124 persons, in 2001 – 90, in 2002 – 40.

VI.1.A. SUMMARISED COMMENTARY

Voluntary return programmes in many European countries are often initiated by IOM in close cooperation with state authorities. The first pilot projects perform the function of a convincing argument that some migration problems could be resolved in a simple way, at a lower cost and by introducing a completely different attitude towards irregular migrants. By proving, through specific examples, the benefit of the idea of voluntary return and assistance in this area, an attempt is made to ensure that the state will be interested in developing such a programme and allocate funds to it. The key criteria of effectiveness of the proposed solutions are lower costs, more speedily arranged travel and technical elements of the return process.

Great Britain and Hungary may serve as the example of a successful start in Europe. Great Britain began to implement voluntary return programmes as late as in 1999. IOM was assigned the implementation of pilot projects which soon developed into an extensive and long-term Voluntary Assisted Return Programme (VARP).

In Hungary, the first voluntary return projects were commenced in 1992 and were carried out by IOM in cooperation with the Border Service. Following a successful and stable five-year work with returning migrants, in 1997 IOM and the Hungarian Government signed a memorandum on the initiation and funding of a long-term programme. This gave rise to the Hungarian Voluntary Return Programme (HARP).

In Lithuania, the first assisted voluntary return scheme was introduced according to a similar principle – by attracting external funds from donors and offering organisational assistance in returning migrants to their country of origin. The voluntary return model of 1997-1998 provided a solid evidence of its advantages – assistance was provided to return of an impressive number of migrants. However, with this success being so evident, one unanswered question remains, namely, why were the first projects unable to lay foundations for the emergence of a long-term programme and why was the financial support of the state not ensured?

An overview of voluntary return programmes in the European countries *Return Migration: Policies & Practices in Europe*, which was drawn up in 2004 and which gives a detailed overview of the assistance then provided in Lithuania, mentions that the Government of the Republic of Lithuania intended to finance 25% of the costs of implementation of the programme. However, as history shows, this intention remained nothing more than an intention until 2010.

The peculiar feature of the first attempts to introduce a voluntary return scheme in Lithuania is the target group of the projects consisting of the irregular migrants who were stranded in Lithuania while passing in transit to economically stronger countries of Western Europe. Short-term programmes pursued the aim of solving that day's problems, rather than creating a long-term

national strategy. Meanwhile, most Western European countries were dealing with a somewhat different problem – how to help failed asylum seekers to return to their country of origin. Lithuania’s situation at that time was similar to that of Poland, which was even more focused on resolving the issue of irregular migrants rather than asylum problems. It needs to be pointed out that during 1997-2000, the voluntary return schemes operating in most European countries were not intended for irregular migrants, and the European Refugee Fund supported only the projects which focused on the migrants associated with the asylum system.

VI.2. ASSISTED VOLUNTARY RETURN PROJECTS, 2005-2009

Following a rather successful start of assisted voluntary return projects in 1997-1998, no voluntary return projects were carried out during 2003-2004 due to a lack of funding. IOM, which has among its strategic priorities organisation of assisted voluntary return, was looking for a possibility of financing this activity by funds of the European Union.

In 2005, IOM began to implement the Voluntary Return Programme supported by the European Refugee Fund. The target groups of this project are:

- third-country nationals whose application for asylum in Lithuania has been rejected;
- third-country nationals who have applied for asylum, but decided to return to their country of origin;
- persons holding the status of a refugee in Lithuania;
- persons who are subject to additional protection and who hold a temporary residence permit in the country, but whose temporary permit will soon expire or has expired and will not be renewed.

During the project, IOM helped 35 migrants, the majority of whom were the citizens of the Russian Federation from Chechnya, to return to their country of origin.

After completion of the project, assisted voluntary return was not offered in the first half of 2006. In the second half of 2006, a new project supported by the European Refugee Fund was initiated and was carried out until 2008. In part, this is the continuation of the previous project with a slight narrowing down of the target groups of migrants. The assistance under the Voluntary Return Programme may be provided to:

- third-country nationals or stateless persons using a form of international protection in the Republic of Lithuania under international legal acts (the status of a refugee or additional protection);
- third-country nationals or stateless persons applying for any form of protection.

During the implementation of the project, assistance was provided to 30 migrants, the majority of whom were returnees to Russia, Georgia and Nigeria.

In 2009, no project was carried out, hence assisted voluntary return was not offered.

All projects were carried out by IOM. Neither of the projects was funded from the state budget of Lithuania.

VI.2.A. SUMMARISED COMMENTARY

In 2005-2009, assisted voluntary return was offered to migrants in Lithuania through short-term projects financed by the European Refugee Fund, which did not allow to shape a stable pattern of provision of assistance. As the European Refugee Fund attached more attention to the migrants who were linked with the functioning of the asylum system, the groups of migrants eligible for support were accordingly limited. They were narrowed down, which was explicitly

reflected by statistics of returning migrants. Irregular migrants were not eligible for assistance. Evidently, the projects were carried out according to the availability of funding rather than the areas most in need of the assistance. This was the result of absence of a national strategy.

The situation, which was really unsatisfactory, reflects more general changes taking place in Lithuania and Europe. Upon Lithuania's accession to the European Union, its status in the general context of international migration underwent a partial change. Just as in the majority of other new EU Member States, Lithuania expected an increase in the number of migrants willing to stay in Lithuania as an EU country. Such expectations contributed to formation of the common migration policy in the hope that granting of asylum to third-country nationals would become one of the main problems. It is hardly surprising that, comparing the periods of 1997-1998 and 2005-2009, there is a pronounced change in the target groups of migrants. If donors' attention was previously focused on return of transit migrants stranded in the country, upon accession to the EU Lithuania had to deal with the migrants seeking asylum. The increase in the number of projects supported by the European Refugee Fund is visible in many new EU Member States. However, Lithuania did not witness a dramatic increase in the number of asylum seekers.

Why was there no state support? This could have occurred for a variety of reasons. Firstly, the number of asylum seekers in Lithuania is not large enough to be considered a problem which requires an urgent resolution. As the European Refugee Fund supported the return of only this type of migrants, it could have been inexpedient to undertake the implementation of EU financed projects, because the costs of their administration outweigh the benefit. For example, if state institutions decided to participate in these projects together with IOM and secure their contribution, there would be a need for additional resources of management and administration of projects and human resources. In 2003-2006, the administrative capacities of EU financed projects at almost all state institutions were just at the shaping stage, and the funds administration system itself was highly inflexible.

On the other hand, in 2004-2009 more serious migration problems were found in other areas, such as trafficking in human beings and economic emigration from Lithuania. It is these areas that received more attention, capacities and funds. In 2002-2006, the problem of trafficking in human beings became a highly topical issue of international migration in whole Europe. This situation is reflected by the emergence, in many EU countries, of special assistance programmes intended for victims of human trafficking, and involvement of a large number of institutions in their implementation.

The period of 2005-2009 is important also given the growing focus in the country on EU funds and acquisition of project management competences, interest in the schemes of funding and the benefit provided by them. The competences opened up much greater opportunities for international cooperation and implementation of joint action programmes. This allowed to prepare for the subsequent stages of absorption of EU funds taking into consideration the establishment of the European Return Fund in 2008 and the possibilities created by it for introduction of voluntary return programmes in the national context.

VI.3. VOLUNTARY RETURN PROJECTS FUNDED BY THE EUROPEAN RETURN FUND, 2010

In December 2009, IOM initiated the implementation of four voluntary return projects. The projects were implemented under the 2008 European Return Fund Annual Programme. The activities were financed by funds of the European Union and the Republic of Lithuania.

1. Project *Return Home: Assisted Voluntary Return to Countries of Origin for Legally and Illegally Staying Third-Country Nationals in Lithuania*. The aim of the project is to provide the

possibility of voluntary return to the aliens who, due to a lack of funds, are unable to pay for the journey and comply with the obligation to depart.

2. Project *Voluntary Return for Vulnerable Persons: Assisted Voluntary Return to Countries of Origin for Persons with Special Needs or Vulnerable Persons*. The aim of this project is to help the persons who have additional needs due to their health condition, situation or age to return home. In addition to standard assistance in organising return (counselling, obtaining of travel documents, route planning, transit, arranging for reception on arrival), additional medical (advice, medical treatment, etc.) or other services are provided to vulnerable persons according to their needs. When returning and depending on a situation, a medical or humanitarian escort to the country of origin is organised. The escorting person ensures that the passenger will safely reach his home.

3. Project *Reintegration – A New Opportunity in Homeland*. Reintegration assistance is intended for helping persons voluntarily returning to their country of origin to settle there and thus reduce the likelihood of their repeated illegal and/or unsuccessful migration.

A pilot reintegration project is being carried out in Lithuania according to the European Return Fund Annual Programme 2008. In the course of the project, the following main activities are carried out:

- preparation of a best practice study on reintegration and guidelines for provision of prospective reintegration assistance to persons voluntarily returning from Lithuania to their country of origin;
- identification of reintegration possibilities in two countries (in Georgia and Moldova; these countries have been selected according to the priorities of the EU's Eastern Partnership, in which Lithuania is actively involved);
- provision of reintegration assistance to persons voluntarily returning from Lithuania to their countries of origin (pilot projects).

4. Project *Effective Return Mechanism: Officials' Capacity Building*. Enhancement of the competence of the officials and specialists participating in the return process and building of capacities in adapting the best practice of foreign countries, transposing the Return Directive, strengthening of cooperation.

The aim of this project is to assist the specialists involved in the return procedure in properly implementing and improving the return procedure having regard to the experience of other EU Member States. The activities of the project also aim at consolidating cooperation between all the institutions participating in organisation of aliens' departure from the Republic of Lithuania.

While implementing the project, the following activities are carried out:

1. training and information of religious communities of voluntary return;
2. organisation of seminars for regional migration services, municipal employees, border guard officers;
3. organisation of trainings for airlines, the companies servicing them, airport border control and aviation safety officers;
4. organisation of study visits with a view to taking over best practice in organising return and administration of the Return Fund.

VI.3.A. SUMMARISED COMMENTARY

The establishment of the European Return Fund activates the implementation of assisted voluntary return programmes and projects in all the EU Member States. The European Return Fund supports voluntary return and provides support to the countries promoting it. The countries which have long focused on expulsion, such as Greece, are forced to initiate assisted voluntary return projects. Moreover, the Fund enables to support not only the return of the migrants seeking asylum,

but also irregular migrants. For instance, Norway, which also has an opportunity to make use of the support of this Fund, did not provide assistance to irregular migrants until 2008. However, the country began to provide it in 2008, because it secured, in this manner, a greater support by the EU for implementation of the migration regulation policy. Another relevant matter is the evident promotion of introduction of returning migrants' reintegration measures in the country of origin. The increasing number of migrants is eligible for support, which should ensure their successful adaptation in society and in the labour market (in the country of origin).

The emergence of the European Return Fund diversifies assisted voluntary return programmes and permits greater experimentation at the national level. Moreover, it is a matter of importance that the Fund actively engages in implementation of the programmes the state institutions which have to contribute to the projects being carried out. The financial burden of the state is reduced, but its contribution is secured.

This situation comes handy for the states which do not have any long-term voluntary return programmes. The project make it possible to draw up a scheme of a long-term programme and commence its implementation with support of the European Return Fund.

From a general perspective, the projects carried out in 2010 by IOM Vilnius provide good opportunities for creation of the strategy of a long-term programme. Firstly, these projects actively involve the state authorities in charge of practical arrangement of the return of migrants. Secondly, the idea of voluntary return is actively introduced at these authorities with IOM showing its experience, knowledge and competences. Thirdly, familiarisation with the experience of other countries and determination of the European Return Fund to support voluntary return form a positive approach of civil servants towards the appearance of such a programme.

VI.4. LEGAL REGULATION OF VOLUNTARY RETURN

In Lithuania, the concepts of voluntary return and assisted return are not defined by legislation. Moreover, no state institution has been appointed to be in charge of provision of such assistance or its organisation.

Return of migrants and their expulsion is regulated by the Law of the Republic of Lithuania on the Legal Status of Aliens. However, this Law does not provide that a migrant who must leave the territory of the Republic of Lithuania according to effective legislation would be able to avail of assisted voluntary return. The Law provides that a migrant who cooperates and is willing to return may be returned voluntarily. Apart from this brief note, no other mention is made in the Law of voluntary return.

In Lithuania, IOM and the Ministry of the Interior do not have any agreement (memorandum) concluded on assisted voluntary return which has been signed in many other EU countries.

Such legal indefiniteness creates considerable uncertainty, namely, whether such assistance could be provided to a migrant at all, who should assume responsibility, which forms of assistance could be applied, who should initiate and finance the implementation of these programmes, how would the legal status of a migrant change if he decided to avail of a voluntary return programme, etc.

As the provisions of the Return Directive are to be transposed to legal acts of the Republic of Lithuania in 2010, the situation is likely to change, voluntary return will be explicitly distinguished from forced return, and clearer preconditions will be created for the formation of a state system of promotion of voluntary return and assisted voluntary return.

VI.4.A. SUMMARISED COMMENTARY

The concepts of voluntary return and assisted voluntary return are poorly defined in the national legal acts of the EU countries. For instance, Germany, which has been implementing a voluntary return programme longest, does not have in place any definition of the content of these concepts. Therefore, in the general context of EU countries, Lithuania's laws do not constitute an exception of legal practice.

Legal acts most often contain implications that a migrant is free to decide to return voluntarily and that he should be provided assistance. It is a paradox that, under the conditions of such uncertainty, voluntary return programmes are capable of highly successful functioning and returning to the country of origin several tens of thousands of migrants.

The concepts of voluntary return and assisted voluntary return are often defined in other national documents, such as regulations of funds, descriptions of programmes or projects, cooperation agreements between governments and IOM. For example, in Hungary voluntary return, assisted return, institutions in charge and the funding procedure are defined in the 1997 memorandum between IOM and the Hungarian government on the development of a voluntary return programme.

A slightly more important element would be a statutory obligation to implement such programmes and finance them. For instance, the *Nationality, Immigration and Asylum Act* adopted in Great Britain in 2002 places the Home Office under the obligation to directly finance the institutions implementing voluntary return programmes – IOM and the non-governmental organisation *Refugee Action*.

VI.5. BODIES OFFERING ASSISTED VOLUNTARY RETURN

As far as the assisted voluntary return system operating in Lithuania is concerned, five key actors may be identified.

IOM, which practically arranges the return of migrants to their country of origin.

The Foreigners' Registration Centre (or the *FRC*), at which aliens who have illegally arrived to and are illegally staying in Lithuania are provided with temporary accommodation by a court's decision. By a decision of the Migration Department, the FRC also provides accommodation for aliens seeking to obtain the status of an asylum seeker in Lithuania. The objectives of the FRC also include organisation of voluntary return of aliens to the country of origin and their expulsion from Lithuania. It is at this centre that the staff of IOM, in implementing an assisted voluntary return programme, meet migrants, disseminate information about the possibility of voluntary return and provide counselling to aliens.

The Refugee Reception Centre in Rukla, which provides accommodation for asylum seekers who have already been granted the status of a refugee or a special permit to remain in Lithuania. The centre disseminates information and provides counselling to aliens interested in the possibility of renouncing the protection granted in Lithuania and returning home. It could be noted that the residents of this centre comprise a very small proportion of the target group of the voluntary return programme.

The Migration Department under the Ministry of the Interior of the Republic of Lithuania, which provides IOM with information on the legal status of aliens and informs aliens of the possibilities of voluntary return.

The Police Department, to which migration services and the Vilnius City Migration Board are subordinate. They issue obligations to depart and refer migrants to IOM. Moreover, their staff inform the migrants of voluntary return; posters and leaflets are available in the premises.

In addition to these key actors, a mention could be made of other institutions whose involvement is partial and which help to implement assisted voluntary return, but their role is not highly significant. These institutions include the State Border Guard Service, international organizations, such as the Red Cross and *Caritas*, the UNHCR, several non-governmental organisations.

VI.5.A. SUMMARISED COMMENTARY

In the EU countries, three institutions participate in the carrying out of voluntary return programmes: state migration services, IOM and non-governmental organisations. In each country, each institution plays a different role.

In Lithuania, the main role is that of IOM, because it takes care of provision of assistance, its financing and practical organisation. It is this organisation that possesses the largest experience, knowledge and an efficient international cooperation network. The role of state institutions and non-governmental organisations is minor, especially with regards to organisation and financing of assistance.

This model puts Lithuania on par with such countries as Malta, Latvia and Greece.

Viewing the future from the perspective of the present, it would be expedient to maintain a strong position of IOM and to consolidate the role of state authorities in organising and financing voluntary return programmes. In this case, the closest examples could be the experience and models applied by Hungary and the Czech Republic, and in the long-term perspective it would be possible to strive for the model of a voluntary return system operating in Great Britain. Any national-level programme must receive a serious support of state institutions.

VI.6. ORGANISATION OF ASSISTANCE

In Lithuania, assisted voluntary return is being introduced in a manner similar to other countries. An attempt is made to include all modules of assistance referred to in section IV.2.2.

The modules of assistance in Lithuania include:

1. Provision and dissemination of information at state institutions, non-governmental organisations and in other information space. Dissemination of information performs three functions. Firstly, as regards the most important function, dissemination of information serves the purpose of attracting the target groups of migrants and providing assistance which they are entitled to receive. Secondly, persons who work in the systems of migration regulation and administration and who are directly responsible for the return of migrants are familiarised with the idea of voluntary return and assisted return. Thirdly, a positive image of voluntary return is being formed in the public realm, and an attempt is made to gain the trust of the public.
2. Counselling of migrants and determination of conformity with the requirements of the programme. Counselling aims at ensuring that a migrant takes a decision on the basis of comprehensive information about available possibilities, legal consequences for his status, potential threats, particulars of organisation of assistance. On the other hand, IOM is in contact with the Migration Department, which must confirm the legal status of the migrant. The staff of IOM decide themselves whether a specific person conforms to the requirements set by the programme.
3. Preparation for the journey and travel arrangement. Representatives of IOM help to arrange travel documents, discuss the route, agree on the dates, purchase tickets. Most frequently, the aim is to organise a direct journey to the country of origin. If it is impossible, transit procedures are arranged in cooperation with IOM offices in other countries.

4. Assistance in the country of origin. Until 2010, IOM offered to a returning migrant a small financial allowance, which he could use to satisfy his basic needs upon return to the homeland. Since 2010, an attempt is made to introduce reintegration measures.

IOM Vilnius Office has accumulated experience of over a decade in organising the return of migrants, the practical return of each migrant is carried out smoothly.

VI.6.A. SUMMARISED COMMENTARY

The international experience of IOM in organizing the return of migrants worldwide gives this organization an exceptional advantage over all other institutions offering assisted voluntary return. The assistance modules singled out by IOM are introduced in the EU countries according to the same principles, namely, the organisation process cannot be complicated and must have a clear structure.

Therefore, the assistance provision practice applied in Lithuania does not essentially differ from the assistance models introduced by other countries.

A comparison of Lithuania's assistance organisation model with the system proposed by IOM allows to notice that Lithuania has less experience in providing medical services to a migrant prior to departure and during the journey. The monitoring of returnees in the long-term perspective is not conducted. These modules of assistance should be consolidated.

VI.7. PROSPECTS OF LITHUANIA'S VOLUNTARY RETURN SYSTEM

The authors of the report of the European Migration Network *Programmes and Strategies in the Republic of Lithuania Fostering Assisted Return to and Reintegration in Third Countries* (2010) claim that a voluntary return system has not been created in Lithuania, that its emergence is precluded by the lack of rules, project-based funding, absence of continuity of activities and state support. This conclusion is excessively critical.

The system has been created and has been tried in practice, the practical models of carrying out of activities are clear, experience and knowledge have been accumulated, an institutional cooperation network has been developed. The entire organisational structure created has been made ready for practical use, it is in operation and conforms to the organizational and administrative models of a number of EU countries. However, this system is not used as efficiently as possible, which should be the main reason for concern.

As it has been pointed out at the beginning of this study, assisted voluntary return is the position and strategy of the state enabling to return a migrant to his country of origin in a humane and dignified manner. The state plays a decisive role in effecting such a system of assistance. The malfunctioning of the voluntary return system in Lithuania is primarily caused by a lack of the state approach to this measure of managing international migration. Neither international organisations nor the non-governmental sector has sufficient rights and powers to independently carry out an important programme of the international policy. The experience of EU countries shows that it is solely the voluntary return systems which are supported by the government that are effective and permit to attain the set goals.

The establishment of the European Return Fund in 2008 and its financial assistance, IOM's long-term international experience and accumulated knowledge as well as the projects run by it are the key preconditions and arguments which would permit catalysing Lithuania's state institutions, which would in their own turn enable the functioning of a voluntary return system. It is the present context which provides the moment when a European standpoint on migration

management policy and a long-term assisted voluntary return programme could emerge in Lithuania.

On the other hand, the EU and the international community will also undoubtedly exercise a pressure on individual countries in order to consolidate them and harmonise their actions in dealing with the issues of international migration. Separate states which used to attach little attention to assisted voluntary return will be forced to undertake greater responsibility for the migration regulation policy being implemented and guarantee a humane manner of returning migrants. Therefore, politicians and the government already need to be provided with the rational arguments by means of which it would be possible not only to receive a favourable opinion of the EU, but also gain a positive attitude of the Lithuanian population towards the policy being implemented.

Therefore, it may be summed up that in Lithuania, an operating system of assisted voluntary return has been created and the practical experience of assistance provision has been accumulated over 12 years. Voluntary return is legally regulated by the EU, which has allocated funds for its implementation. For these resources to be put to an appropriate use, Lithuania lacks political will and sustainable funding. The presence of both would allow to create the legal regulation of assistance provision and would ensure that assistance becomes a long-term and consistent state migration management policy rather than be provided in the form of one-off campaigns.

VII. GENERAL ASSESSMENT OF ASSISTED VOLUNTARY RETURN PROGRAMMES

Taking into consideration the different voluntary return policies introduced in the EU countries and the accumulated experience, it is possible to sum up the benefit of assisted voluntary return in a few statements.

In the long-term perspective, a migrant's voluntary decision to return is a much firmer resolution to connect himself with the homeland than is forced return to it. If provided with appropriate reintegration assistance, the migrant will more easily overcome the difficulties of a psychological and social adaptation until he finds accommodation and undertakes employment. The support offered by assisted voluntary return programmes ensures a more efficient and lasting reintegration.

In the context of the returning state, voluntary return is clearly a much more effective solution than deportation, because in the case of deportation, little attention is paid to the amount of costs, logistical problems, there is a migrant's unwillingness to cooperate, no account is taken his needs, political and legal consequences of the person's return to his homeland or his life in other countries. The practice of many EU Member States has confirmed that voluntary return and assisted return are a much better alternative to forced return. Introduction of this political measure has encouraged the migrants illegally staying in the EU countries to return to their countries of origin, which is reflected in the statistics of all the countries, in which the ratio of the migrants availing of assisted voluntary return programmes to the number of deportees is 1:3.

The renewal of assisted voluntary return in Lithuania since 2010 has helped to speed up the examination of applications for asylum, because some asylum seekers have returned to their country of origin upon availing of IOM's assistance.

1. Voluntary return is more acceptable and efficient in terms of costs

Although many EU countries have tightened migration control over the past two decades, all the countries agree that in respect of humanity and cost efficiency, voluntary return is much more efficient and acceptable than expulsion. The experience of different countries shows that the costs of voluntary return of a single migrant may even be tenfold lower (for instance, in Great Britain).

In many countries, assisted voluntary return is regulated by laws. It is most often defined in administrative agreements between the institutions in charge of migration issues and the international and non-governmental organisations implementing these programmes. For instance, the Finnish government concluded an agreement with the International Organization for Migration under which the migrants no longer entitled to stay in the country and not in possession of sufficient funds to depart from the country may avail of the assisted voluntary return programme of the International Organization for Migration.

However, the situation is changing, because most governments are seeking to define the concepts of voluntary return and assisted return in laws as specifically as possible and are harmonising national legislation with the principles of the Return Directive. In France, which in this respect is an exception, assisted voluntary return was defined as early as in 1945 in the Ordinance on the Entry and Stay of a Foreigner in France. The Portuguese *Foreigners Law* (1998) provides for assisted voluntary return in direct association with the programme carried out by the International Organization for Migration. Denmark's *Repatriation Act* (1999) promotes voluntary return through information and identifies a broad range of target groups of migrants which should be provided with assisted voluntary return. In 2003, when Denmark rejected a large number of applications for asylum, a Statute was adopted providing for assisted voluntary return for failed asylum seekers. In

2002, Great Britain adopted a statutory definition of assisted voluntary return and stipulated that the activities of the bodies implementing it must be directly financed from the state budget.

In 2008, the expenses per one voluntary return case in Belgium amounted to EUR 720, which covered only the expenses of organisation of return. With the costs of administration, office running and other communication costs included, arrangement of one voluntary return case is estimated to have amounted to EUR 1 250. The amount of reintegration grant per person – EUR 1 100.

In 2005, the costs of organisation of one voluntary return in Great Britain borne by the state amounted to GBP 1 100, whereas in the case of expulsion of an immigrant these expenses amounted to approximately GBP 11 000. It must be noted that the expenses include both the costs of travel arrangement and the costs of functioning of the administration system.

In 2008, one case of arrangement of voluntary return in Belgium cost the state approximately EUR 1 250. A part of this amount, approximately EUR 720, covers solely travel arrangement, and the rest – administration of the system, wages of the staff, communications, information and publishing needs.

The time period within which a migrant leaves a country is also an important indicator of effectiveness. A comparison of the time period during which a migrant leaves a country in the case of choosing a voluntary return scheme or in the case of expulsion shows that time costs differ by more than 3-4 times. For instance, in 2004-2008 Sweden required from 82 to 134 days (on average – 101 days) in the cases of voluntary return, and in the cases of expulsion – from 164 to 760 days (on average – 412 days).

2. Significance of provision of information and counselling in initiating a decision to return

In most of voluntary return programmes, information and counselling of migrants is considered to be a decision formation strategy helping to facilitate the taking of a decision on return. Danes have noticed that broadening of the geographical scope of the programmes under implementation and increase of the amount of information provided is followed by an evident growth in the number of migrants voluntarily deciding to return. Decentralised provision of information is linked with the provision that asylum seekers need to obtain information on the possibility of voluntary return in the shortest possible time, because a failure to take a decision and delay in making it might lead to expulsion.

For instance, Denmark's *Repatriation Act*, which was adopted in 1999 and entered into force in 2000, defines the provision of information of migrants as a highly important measure promoting voluntary return which must be applied regardless of the migrants' legal status, namely, a legal or illegal stay in the country. Most countries, such as Great Britain, Norway, and Switzerland, emphasise the importance of information in motivating potential migrants, promoting return and their successful integration in the homeland.

Information services are actively offered by governments of Great Britain, Finland, Sweden, and Switzerland to potential migrants, when they are still enjoying the legal status granted by the asylum system or are at detention centres, or expulsion proceedings have already been initiated against them. Sweden assigns a social worker to each asylum seeker, who assists the asylum seeker in the course of considering an application for asylum and familiarises him with the possibility of voluntary return. A similar function is performed by members of the staff of the immigration service of Great Britain, who are assigned to manage and supervise the course of consideration of a specific migrant's application for asylum. Hungary has considered the possibility of border guard officers to provide, together with representatives of the International Organization for Migration, information at refugee centres concerning the possibilities of voluntary return. Austria and Italy also stress the importance of provision of information and counselling at detention centres.

3. Close cooperation of ministries, non-governmental and international organisations and groups of migrants

In many countries, assistance to migrants is provided by IOM, which assumes the performance of all functions and works. In other cases, IOM operates in conjunction with partners in the network, most frequently non-governmental organisations, where IOM is assigned the role of the coordinator. In implementing return programmes, IOM works together with other international organisations, such as the UNHCR and representatives of the United Nations Development Programme, volunteer organisations of refugees and migrants and their divisions. Such organisations most often advise failed asylum seekers and other migrants to refer to IOM, which could provide them with assistance.

In 1997, IOM and the UNHCR signed a memorandum on joint action. A significant part of this memorandum deals with cooperation in seeking to assist failed asylum seekers and irregular migrants in returning home. It is this part of the memorandum that emphasises that IOM must consolidate its role in helping the persons without refugee status to return home.

On 15 October 1997, the Budapest Process, which comprises 49 countries, adopted at the Ministerial Conference on Illegal Migration the decisions indicating that the states concerned may avail of IOM's assistance in promoting voluntary return to the country of origin. IOM participates as a consultant at various international meetings on the issues of international and illegal migration.

The practice of a number of countries shows that involvement of non-governmental organisations and groups of migrants in the programmes promoting voluntary return is the key guarantee of a successful planning and organisation of returns. It is actively employed by Great Britain, Spain, Denmark, Belgium and the Netherlands. Non-governmental organisations take over a part of works, create an effective information space and reach the target groups of migrants more easily. On the other hand, trust in the organisations dealing with the issues of refugees and migrants is much stronger than in state authorities, hence it is easier for irregular migrants to refer for assistance to non-governmental organisations.

4. Cooperation between a migrant's country of origin and the country of destination

The model of voluntary return promotes international cooperation. International cooperation is necessary, because the states must clearly define the manner in which return procedures are to be conducted. One of the possible cooperation schemes is cooperation through IOM's mediation. The EU Member States pursue the same goals and have the same commitments in dealing with migration problems whose resolution is sought by means of the programmes developed and being implemented by IOM. In such programmes, the countries usually provide for a possibility of a migrant's choosing to return of his own will.

Benefit for receiving countries. Along with the growing number of returnees and a higher cost-efficiency, other issues are of equal importance, such as cooperation of returning migrants and their country of origin (for instance, in issuing personal documents); a higher probability of the returnees remaining in the country of origin; a more favourable attitude of the public and non-governmental organisations towards resolution of migration-related problems and return.

Benefit for countries of origin. Forced return may lead to misunderstanding, friction and setting of different priorities between the country of origin and the receiving country. In the context of voluntary return, the countries take a much better care of the citizens of another country, which is explicitly acknowledged by the communities of migrants in receiving countries, because they are also aware of their responsibility for resolution of the problems caused by migration.

Benefit for countries of transit. Victims of human trafficking often find themselves in a confusing situation due to migration control in countries of transit, which are between the country

of origin and the country of destination. Return costs are most often shared between countries and regions of transit and countries and regions of destination.

The Netherlands is inclined to emphasise close cooperation with the countries of origin of migrants; for instance, in 2000 the country, with the help of the International Organization for Migration, succeeded in consolidating consultations between the EU and three Caucasian countries, which permitted to adopt a joint agreement on organisation of return of migrants, their reintegration and making of technical decisions in managing migration processes.

In the European countries, readmission agreements are considered to be a proper precondition for harmonising return processes. The majority of the countries have such agreements, although they often fail to provide for or poorly define the possibilities of voluntary return. The advantages and shortcomings of these agreements have been identified in the reports and working documents drafted by governments, the International Organization for Migration, the International Center for Migration Policy Development (ICMPD), the Intergovernmental Consultations on Migration, Asylum and Refugees (IGC) and other organisations.

IOM recommended that such agreements should also define assisted voluntary return, which would reflect the genuine spirit of inter-state cooperation in dealing with migration issues. Moreover, well-balanced and uniform measures should be introduced in the EU Member States not to increase competition between them, especially in respect of the financial support provided in specific countries.

5. Studies of characteristics of migrant communities

Many countries stress the necessity of a better understanding of potential migrants in order to develop programmes which are better balanced. The EU countries – Great Britain, the Netherlands, Belgium, Scandinavian countries and Germany – conduct special studies of communities of migrants (Somalis, Afghans, Roma) in their countries and surveys of returnees in their countries of origin (for instance, in Somalia, Sri Lanka) with a view to preparing realistic return plans conforming to individual needs and reintegration possibilities of migrants upon their return.

6. Measures promoting voluntary return

They are various, and each of them has a specific effect. Cash allowances, especially upon return, perform two functions: a) ensure that a returning migrant will have funds to satisfy immediate needs, b) provide the government with an indirect guarantee that a migrant has actually returned to his country of origin. On the other hand, there is no certainty as to whether the migrant has actually returned to his country.

Most studies have shown that cash allowances are not the main reason for return. For instance, Belgium has established that the irregular migrants who have stayed in the country for a certain time period choose voluntary return only after all other possibilities of return have been considered and rejected. Participation in an assisted voluntary return programme is considered only as the last opportunity to which a new immigrant may resort. In 2002, Ireland established that as little as 10% of Afghans had decided to avail of cash allowances and return home of their own will, and in Luxembourg a voluntary return programme based on cash allowances suffered a total failure in 2000-2001.

Other incentives are related to prospects of long-term reintegration increasing the possibilities of employment, creation and protection of workplaces for at least a year. Germany has offered to migrants good vocational training programmes in the country of origin, which are also intended for the local population.

The programme *Return of Qualified Nationals* has been successfully introduced in Bosnia and Herzegovina and in Afghanistan in order to ensure sustainable return.

All bodies implementing the programmes point out that cash allowances should not cause competition among the countries, so that migrants do not start choosing countries just like shopping centres which are capable of offering a better range of services and a larger amount of financial support.

Since 2008, an increasing number of the EU countries have introduced support measures for reintegration of returning migrants, have searched for more varied motivation mechanisms.

7. Higher likelihood of return in the presence of long-term reintegration possibilities

Most countries have begun to invest in the possibilities of reintegration of migrants in the country of origin. Back in 2002, Great Britain provided for reintegration assistance in the Immigration Act and permits subsidising of the business activities of returnees or their employment, organisation of vocational training courses or acquisition of education. Some governments, such as Norway, maintain a more reserved position in fear of this acting as a factor attracting migrants to the country. It is often believed that the country of origin should accept its returning citizens also without any cash allowances paid.

Reintegration support is not the main reason for return. As shown by a number of studies, migrants return for family reasons, a failure to adapt at a new place, to obtain asylum, and for cultural difference.

8. Voluntary return must be offered to all groups of migrants

Different countries have a different approach. Some countries are inclined to offer assisted voluntary return solely to failed asylum seekers. Irregular migrants are not eligible for this assistance. Other countries attempt to help all migrant groups, even EU nationals. For example, Germany has a very wide range of migrants who can avail of assisted voluntary return, hence it is offered to various irregular migrants. Other countries, such as Norway, apply voluntary return programmes only to failed asylum seekers or to groups of migrants of a specific nationality.

However, during 2004-2009 this position underwent major changes. A good example is Denmark, which in the *Repatriation Act* provides for support not only for residents who have been granted a 'humanitarian residence permit', but also for other groups of migrants. Another good example is the growing number of programmes providing assistance to victims of trafficking in human beings or enabling detained migrants to avail of assisted voluntary return.

VIII. RECOMMENDATIONS

VIII.1. FORMATION OF STRATEGIC NETWORKS FOR THE PURPOSES OF A NATIONAL VOLUNTARY RETURN SYSTEM

1. In order to ensure an effective functioning of the system of voluntary return, it is important that the strategic documents forming guidelines for the migration regulation policy of the Republic of Lithuania to include the explicit provisions identifying the objectives, goals and key tasks relating to the system of voluntary return. The concepts of voluntary return and assisted return should appear in the Economic Migration Regulation Strategy and the National Strategy on Population Policy. The principal task in such documents should be development of a long-term national assisted voluntary return programme, appointment of the responsible institution and securing of long-term funding.

2. Taking into consideration the experience of the other EU Member States and Lithuania's situation (the volume of immigration is small, Lithuania is a small country), it is expedient to centralise assisted voluntary return in Lithuania. As the International Organization for Migration has accumulated the most extensive experience in providing assisted voluntary return worldwide and has a wide international network of its missions, it is appropriate for this organisation to become the main organisation offering assisted voluntary return in Lithuania. On the other hand, by making use of the experience accumulated by the International Organization for Migration Vilnius Office, the Government of the Republic of Lithuania should formulate strategic provisions in respect of creation of the system of voluntary return for the coming 3-5 years. It is a matter of importance to identify the key objectives in the context of international policy and migration, reveal the benefit of this system to the Republic of Lithuania by using the quantitative criteria which could be objectively measured and determine the proper political communication channels ensuring the support of legislators and politicians as well as consolidating the role of IOM in shaping return policy in Lithuania.

3. The ratio of the number of immigrants who availed of assisted voluntary return to the number of immigrants forcibly returned from the Republic of Lithuania during 2005-2008 was 1:10, with on average 150 migrants forcibly returned each year. The proposal for the Government of the Republic of Lithuania and IOM is to have as one of strategic goals for the coming five-year period the reduction of this difference down to 1:2 by increasing the number of voluntary returns and reducing the number of third-country nationals subject to expulsion from the Republic of Lithuania.

4. With a view to consolidating political communication, it is expedient to organise a meeting of heads of the International Organization for Migration with the President of the Republic, the Government and the Seimas, during which it would be possible to make an official presentation of arguments, opportunities, action plans and thus secure political support for the development of a long-term national voluntary return programme.

VIII.2. FORMATION OF PUBLIC OPINION

5. As the idea of voluntary return is known in Lithuania only to a small number of professionals, it is necessary to develop a better awareness of the public, politicians and the media of voluntary

return and assistance to migrants returning to their country of origin. A positive image must be formed in the public realm precluding misconception and a negative attitude based on biased views and unfounded presumptions.

6. In forming public opinion, it is of importance to use the factual arguments related to the statistics of return of immigrants, costs of assisted voluntary return, financial benefit, the possibilities of obtaining the support of EU funds. The use of these arguments is most appropriate when holding debates, where topical questions are formulated and the proposed ways of solving problems are presented. Thus, it is proposed to present the idea of voluntary return more explicitly on popular Lithuanian news websites, such as *Delfi*, *Balsas.lt* or *Bernardinai*, as well as in radio debates. This communication could be linked with discussion of implementation of provisions of the Return Directive, marking of the Migrants Day or the Human Rights Day.

7. When forming public opinion, it is expedient to engage representatives of various EU institutions in the Republic of Lithuania, which could more evidently show links of the concept of voluntary return with the EU immigration policy and possibilities of financial support. It is expedient to involve in such an information campaign Lithuania's representatives at the European Parliament, who represent different political views (for example, Laima Andrikiene, Vilija Blinkevičiute, Leonidas Donskis, Algirdas Saudargas), as well as the European Commission Representation in Lithuania.

VIII.3. LEGAL REGULATION

8. The practice of many EU countries shows that national legal acts indicate that state institutions, most often the Ministry of the Interior, must organise voluntary return programmes and are under the obligation to ensure the funding of such programmes. Such a provision should appear also in legal acts of the Republic of Lithuania, because it would provide a legal basis for introduction of a long-term national assisted voluntary return programme. The law should also define the concept of voluntary return, which would create legal preconditions for the functioning of the voluntary return system.

9. In legal acts, it is a matter of importance to separate the functions of the institutions conducting expulsion of third-country nationals from the Republic of Lithuania and those offering assisted return. The Law of the Republic of Lithuania on the *Legal Status of Aliens* should include a separate article identifying the role and functions of IOM in the migration regulation system, and linking IOM with organisation of assisted voluntary return. Such a definition of the competences of IOM in this law can be successfully accomplished, because Article 91 of the law *Cooperation with International Organisations* contains an explicit definition of the competences of representatives of the United Nations High Commissioner for Refugees in dealing with the problems of asylum seekers.

10. In order to create conditions for a successful functioning of the voluntary return system in Lithuania, it is expedient to define specific forms of assisted voluntary return and the categories of migrants which are eligible for such assistance in the agreements or memorandums between implementing bodies and the Ministry of the Interior, which if necessary could be updated, rather than in laws. Such a decision would allow for a much more flexible organisation of assisted voluntary return and a prompter response to the changing tendencies of international migration, the shift in national priorities, budget resources and the goals of other potential donors of the programme.

11. It is expedient to preserve for implementing bodies a greater freedom of decision-making, which would be primarily linked with financial assistance measures. The proposal is, when establishing the amounts of financial assistance provided to migrants in a memorandum or agreements on implementation of a programme, to indicate only the maximum amount of the financial allowance. In a specific case, the amount of financial support granted would depend on the individual needs of a migrant, which would be evaluated by a member of the staff organising assistance. This means that one migrant can receive much less than the specified maximum amount of the allowance, whereas the other – the entire possible amount of the financial allowance. In other words, the amount of the financial allowance would be determined by a member of the staff concerned with the immigrant's return. Such a practice would permit to rationally manage the budget of the voluntary return programme and adopt decisions having regard both to the available financial resources of the programme and the individual needs of the migrant. The staff providing assistance thus preserve the freedom of decision-making, the assistance provided by them is not restricted in the event of a small budget of a programme and prevents, to a certain extent, returning migrants from abusing the offered assistance.

VIII.4. CREATION OF INFORMATION SPACE

12. For migrants to be well-informed of the possibility of availing of assisted voluntary return, it is necessary to act through the information channels which they tend to trust most. Many EU Member States use immigrant communities and organisations for the purpose of disseminating information and reaching the target groups. Lithuania needs to identify the information channels and community formations which would ensure an appropriate and effective dissemination of information. It is expedient to place links to the website of IOM concerning voluntary return on the websites of the non-governmental organisations dealing with the problems faced by immigrants, human rights or attempting to tackle the problems caused by international migration.

13. It is expedient to disseminate information about assisted voluntary return also via embassies and consular posts of foreign countries, which could refer their citizens who find themselves in a difficult situation to IOM. Such information could be published on the websites of embassies containing a link to IOM as well as in the information booklets and leaflets available at the premises for visitors. Embassies and consular posts are the institutions which issue travel documents and to which the citizens of those countries inevitably apply for various assistance. It is necessary for the staff of embassies to be aware of the possibilities of assisted voluntary return and be able to disseminate such information.

14. In the event of a large number of potential beneficiaries of assistance in the long-term perspective, it is expedient to create a separate website intended for presentation of voluntary return possibilities and operating in several foreign languages. Such a website not only should present procedures and opportunities, but also create a specific space for open discussions, sharing of opinions and experience, criticism, presentation of success stories. Such an information measure would allow for involving in the information provision process also returnees. On the other hand, it is expedient to make use of social networks, such as *Facebook*, where various organisations offering assisted voluntary return would be joined in a common social network.

15. In providing migrants with information on the situation in their countries of origin, it is expedient to employ the information products created by the other EU Member States, namely, success stories, booklets, websites, information systems and counselling centres. The websites of IOM and the Migration Department could contain information links to the IRRiCO and ZIRF

websites, which provide information on the situation in the countries of origin and which permit submission of individual queries.

16. With a view to familiarising with immigrant communities, their communication channels and concentration locations, it is expedient to conduct research of communities of immigrants of specific nationalities. Research should involve foreign students studying at Lithuanian higher education institutions, who are capable of finding their compatriots, obtaining trust and collecting the required information more easily. Targeted strategies for disseminating information and reaching migrants could be developed on the basis of such pilot research.

17. The websites of the state institutions responsible for return of immigrants must contain separate pages in several foreign languages on assisted voluntary return and links to the website of IOM. Therefore, the website of the Ministry of the Interior www.vrm.lt and the website of the Migration Department www.migracija.lt should introduce explicit links to the information sources which enable to familiarise with assisted voluntary return. It is appropriate for the websites of these institutions to present in detail the information on the idea and system of voluntary return as well as the possibility of availing of assistance in Lithuania.

VIII.5. INSTITUTIONAL COOPERATION

18. When providing assisted voluntary return, it is necessary to clearly define the functions of each institution, which would permit prompt decision-making and would prevent conflicts of interest. Each institution must have confidence in its partners, be aware of its own and others' possibilities and limitations. With regards to this cooperation, it is important for power structures to have a clear awareness of the peculiarities of organisation of assistance provision and know the arguments why it is worthwhile proposing that immigrants choose the voluntary return scheme. As early as at the stage of establishing initial contacts, asylum seekers and irregular migrants must be offered to avail of the possibility of voluntary return.

19. In terms of cooperation with non-governmental organisations, which enable to reach target migrant groups more easily, the proposal is to grant the status of exclusive partners. Granting of this status is of importance for non-governmental organisations, because it manifests their social value and international recognition. The status of the exclusive partner is an important factor of close cooperation, trust and motivation.

20. In providing assisted voluntary return, it is expedient to compile a list of all non-governmental organisations which assist the EU Member States in introducing voluntary return and reintegration measures. International cooperation and accumulated experience are the fundamental guarantee of success in providing assisted voluntary return, allow for taking over advanced work methods and methodology and securing international support in seeking to achieve common goals.

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