



# Reorientation of the Migration Project

## Return and Reintegration Options

11<sup>th</sup> International Metropolis Conference



Lisbon, 2nd-6th of Octobre 2006

Workshop of 4<sup>th</sup> of Octobre



# Facts related to Migration and AVR Programs



- How does a state achieve the **balance between the need for control of its borders and the need to facilitate movement across its borders for legitimate purposes ?**
  - **The right of each country to determine who enters and remains in its territory impacts the question of who is not authorized to remain in the country and therefore needs to return to the country of origin**
- 
- **A large number of migrants return home spontaneously at any time without being further noticed**
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- **Migration management is, however, required to achieve an orderly, sustainable and humane return of migrants**
  - **Return is most likely to be orderly and sustainable when it comes as the free and informed choice of the individual.**



# AVR

## Assisted Voluntary Return

# The EU Perspective

11<sup>th</sup> International Metropolis Conference

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# Voluntary Return – Council Conclusions of 12 October 2005



The European Council, at its special meeting in **Tampere on 15-16 October 1999**, underlined the need for more efficient management of migration flows at all their stages.



The Comprehensive Plan to combat illegal immigration and trafficking of human beings in the European Union, adopted by the Council on 28 February 2002 and based on the Commission's Communication of 15 November 2001 on a common policy on illegal immigration, states that **readmission and return policy is an integral and vital component of the fight against illegal immigration.**



The European Council, at its meeting in Seville on 21 and 22 June 2002, highlighted the need to **fight against illegal immigration and attached top priority – inter alia – to return policy.**

# Voluntary Return – Council Conclusions of 12 October 2005



The Return Action Programme, approved by the Council on 28 November 2002 and based on the Commission's Communication of 14 October 2002 on a Community Return Policy on Illegal Residents, **recognised the importance of voluntary returns.**



The **Council Conclusions of 8 June 2004** on elements for establishing preparatory actions for a financial instrument for return management in the area of migration envisaged Community **support for integrated return plans, including voluntary returns.**



The Hague Programme for strengthening freedom, security and justice in the European Union approved by the European Council at its meeting on **5 November 2004 stated**, in line with Article 23 of the Schengen Agreement, **that migrants who do not or no longer have the right to stay legally in the EU must return on a voluntary or, if necessary, compulsory basis.**

# Voluntary Return – Council Conclusions of 12 October 2005



- The Council Conclusions of 2 December 2004 on best practices on return with regard to specific countries of third country nationals illegally staying on the territory of the Member States included in the indicative list of **best practices the promotion of existing assisted voluntary return programmes and return counselling at the earliest opportunity and clear communication of the availability of voluntary return.**



- Return management should be implemented with due respect for human rights and fundamental freedoms, and in particular for the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading treatment or Punishment of 10 December 1984, the Geneva Convention of 28 July 1951 and the New York Protocol there to of 31 January 1967, relating to the Status of Refugees, the Convention on the Rights of the Child of 20 November 1989, and the Charter of Fundamental Rights of the European Union of 18 December 2000, as far as they are applicable

# Voluntary Return – Council Conclusions of 12 October 2005



## THE COUNCIL CONSIDERS THAT (1)

- Return management is an essential element of a comprehensive approach to the efficient management of migration flows. Furthermore, within the broader framework of a coherent migration policy, it can prove beneficial to the host country, the country of return and the persons concerned. **Voluntary return is an important component of a balanced, effective and sustainable approach to the return and, where applicable, reintegration of unsuccessful asylum seekers, individuals currently in the asylum or international protection system but wishing to return, and other migrants. Such a balanced approach needs to include the prospect, where appropriate, of enforced return.**
- More broadly, effective immigration and asylum policies which are compatible and complementary to applicable **capacity building and development assistance programmes in countries of return, can help strengthen the sustainability of voluntary returns operated by Member States.** Furthermore, strengthened co-operation between the host country and the country of return, as well as with relevant international organisations and non-governmental organisations, where considered appropriate by Member States, can contribute substantially to the success of voluntary return programmes.

# Voluntary Return – Council Conclusions of 12 October 2005



THE COUNCIL CONSIDERS THAT (2)

- **Voluntary return, carried out in conformity with obligations deriving from applicable international instruments, is the assisted or independent departure to the country of return based on the will of the returnee and his/her informed decision to return.**
- Voluntary return can be most effective where its scope covers a wide range of third country nationals wishing to return home. This may include, without prejudice to the applicable rules under national legislation, unsuccessful asylum seekers or those awaiting a final decision, those with a temporary protection status and, where applicable, illegally staying third country nationals and/or legal migrants.





# Voluntary Return – Council Conclusions of 12 October 2005



## THE COUNCIL CONSIDERS THAT (3)

- In addition to general voluntary return programmes, there can be significant added value in **establishing programmes tailored to the circumstances and needs of specific categories of persons, in particular those who are deemed to be more vulnerable or with other special needs**. Tailor-made programmes might also be envisaged for certain destination countries. Programmes that assist the voluntary return of qualified and skilled persons, as well as those which include labour market oriented training for unskilled persons immediately following their return, can contribute to the development and reconstruction of countries.
- Information **on the possibility of voluntary return should be made readily available and as early as possible**. In order to facilitate sustainable voluntary returns, this may include the provision of pre-return information and counselling, for example, in respect of the conditions and circumstances in the country of return. Innovative Member States' approaches, such as those which raise awareness amongst prospective returnees of conditions in the country of return, might also be useful in this respect.

# Voluntary Return – Council Conclusions of 12 October 2005



THE COUNCIL CONSIDERS THAT (4)

- Assisted Voluntary Return programmes, which entail a greater level of support from the host country, can also contribute to the general objective of sustainable voluntary returns. Where appropriate, such programmes may, for example, include assistance **in respect of some or all of the following:**
  - (i) travel arrangements (which may cover costs, travel documents, transit arrangements, transport of belongings);
  - (ii) medical assistance, where applicable;
  - (iii) reception on arrival in the country of return and referral to relevant local bodies/agencies;
  - (iv) onward transportation to the final destination in that country;
  - (v) adequate temporary accommodation for the first few days after arrival;
  - (vi) **essential initial expenses after return;**
  - (vii) relevant training, including that which is labour market oriented, and help in finding employment;
  - (viii) **limited start-up assistance for economic activities, for example micro-credit schemes;** and
  - (ix) post return assistance and counselling.



# Voluntary Return – Council Conclusions of 12 October 2005



THE COUNCIL CONSIDERS THAT (5)

- The implementation of voluntary return programmes should be **monitored and evaluated** with a view to informing future policy and programmes and facilitating exchanges of good practice between Member States.
- Given the importance of these issues to the operation of effective policies on return at national and EU level, as well as in respect of immigration and asylum more generally, the Council invites the appropriate bodies to further examine these matters, in particular with a view to:
  - facilitating the exchange of best practice between Member States, including the promotion and effective implementation of voluntary return programmes as a suitable alternative to forced return;
  - identifying opportunities to strengthen practical co-operation between Member States and relevant third countries, international organisations and non-governmental organisations, where considered appropriate by Member States, including through joint projects, research and evaluation; and
  - making maximum use of the possibilities afforded under appropriate Community funding programmes in support of the above."





# IOM

## Assisted Voluntary Returns





116 Member States

280 offices in different countries

Network of partners including international, governmental and non governmental organizations (NGOs)



**“Migration will be one of the major policy concerns of the twenty-first century. In our shrinking world, more and more people will look to migration - temporary or permanent - as a path to employment, education, freedom or other opportunities” B. Mckinley DG IOM.**



# AVR Key Policy Considerations



- Integrity of Regular Migration
- International principles and standards
- Role of the of Countries of Origin
- Root Causes of Irregular Migration





- 22 Years of Experience
- More than 1.6 Million People Assisted
- 160 Destination Countries

*Voluntary return is based on a decision freely taken by the individual. A voluntary decision embraces two elements: **Freedom of choice**, which is defined by the absence of any physical, psychological or material pressure; and an **informed decision** which comprises the concept of having enough available, accurate and objective information on which to base the decision.*





# Types of AVR Programs

30 AVR Programs Currently Active World Wide

3 levels of Assistance

- General Return Assistance
- Specific Return Assistance
- Assistance to stranded migrants







- Pre- Departure
- Transportation
- Post Arrival

The level of each component is the result of negotiations between

