

Return and reintegration of third country nationals: How to make it sustainable?

Conference of the European Migration Network: Overview and Conclusions¹

Barbara
Orloff and
Marion
Pajumets

Introduction

The conference provided a closer insight into **the current state of play regarding returning third country nationals** (TCNs) from the European Union (EU) as well **reintegrating them to their countries of origin**. The conference brought together representatives from relevant EU institutions and agencies, third countries, Member States (MSs) as well as Intergovernmental Organisations active in this field.

The conference was opened by the National Coordinator of EMN Estonia **dr Ave Lauren**, who emphasised that return, readmission and reintegration are topics that have been high up on the political agenda across the EU and are widely seen as integral to well-functioning migration systems.

In his opening speech **Mr Magnus Ovilius** (European Commission) emphasised that return and readmission is a global challenge and highlighted the importance of the Global Compact for Migration, the UN framework on migration. He also gave an overview of the new developments in the field of return, readmission and reintegration at the European level, shedding light on the Recast Return directive. He touched upon the new border procedure, changes in issuing the return decisions, simplified voluntary returns system and harmonised concept for risk of absconding. He also highlighted the need to have a common approach to reintegration packages, the importance of capacity building in third countries and the importance of cooperation.

In the second opening speech **Mr Nicola Graviano** (International Organization for Migration (IOM)) pointed out that there is more **geographical diversity** as well as more **funding** and **donor diversity** and more actors involved today in voluntary return and reintegration. He also highlighted the need to agree on common definitions for **sustainable return** and **reintegration**. For IOM reintegration is sustainable when returnees have reached levels of **economic self-sufficiency**, **social stability within their communities** and **psychosocial well-being** that allow them to cope with (re)migration drivers.

Opening session was concluded by **Mr Andres Anvelt**, Estonian Minister of the Interior, who emphasised that return and reintegration are fundamental components in managing migration flows. The minister pointed out the importance of **speed** in return procedure as such, as well as in **information exchange** and emphasised the need to have relevant IT solutions. He stressed that Europe has to adapt to new challenges in migration and to be one step ahead of the problems.

¹ The conference was held at Tallinn University on 23rd of October 2018.



Photo 1. Ms Ave Lauren, Mr Andres Anvelt, Mr Magnus Ovilius and Mr Nicola Graviano

Key takeaways

- ▶ The EU has to deal with the biggest number of returnees ever. **It is not about stopping migration, but managing it so that it would be predictable.**
- ▶ **Return, readmission and reintegration are a global challenges**, hence cooperation and further dialogue between the relevant stakeholders is crucial.
- ▶ There is a need for common definitions for **sustainable return and reintegration.**
- ▶ **Different procedures and standards in place in different MSs** encourage secondary movements, return and reintegration assistance shopping. **Approximation if not harmonisation across MSs** would reduce unclarity and increase efficiency.
- ▶ There is no one-size fits all reintegration approach to all third countries. The solutions should be specifically designed to a country and should be **holistic and a needs-based.**
- ▶ European Commission is interested in helping third countries in building their **administrative and technological capacity** to manage migration.

Session I: Preconditions for efficient return

While efficient return of TCNs who have no legal basis to stay in the EU legitimises EU's immigration policy, EU in general has not been able to increase the rate of return as quickly as planned. This session provided a perspective of the EU and its MSs as well as third countries on **how to make return policy more efficient and sustainable in future.**

Ms **Tatiana Kistruga** from the EMN Service Provider gave an overview of the EMN 2017 Study **"The effectiveness of return in EU Member States: challenges and good practices linked to EU rules and standards"**. The study analysed the impact of EU rules on return – including the Return Directive and related case law from the Court of Justice of the European Union (CJEU) – on MS's return policies and practices and hence on the effectiveness of return decisions issued across the EU. The presentation focused mainly on issuing a return decision, risk of absconding, voluntary departure, detention and entry bans.

The next speaker, Ms **Lotje van der Made**, presented the key challenges from the operational aspect from the Frontex perspective. Firstly, there is still **lack of awareness and knowledge** among third countries and returnees. In this regard Frontex provides support with "familiarisation" and "sensitisation" visits. The second challenge is **identification and documentation**. Frontex tries to bring different authorities together to discuss their roles. They also facilitate identification missions and provide videoconferencing for identifications.

Thirdly, Ms van der Made mentioned the challenge of **operational cooperation** and gave an overview of the different types of return operations in the EU.

The session continued with the presentation on cooperation between Pakistan and the EU on return by Mr **Michael Popp**, who is a European Migration Liaison Officer in the Delegation of the EU to Pakistan. He highlighted the importance of the **EU- Pakistan Readmission Agreement** that entered into force in 2010 and gave an overview of the **Electronic Platform for Return and Readmission** that makes return more efficient and is currently piloted in Greece, Belgium, France and Germany.

The session was concluded by Mr **Giorgi Grigalashvili**, the initiator of the **Georgian Readmission Case Management Electronic System**, who gave an overview of the features and benefits, recent developments and future prospect of the system. He highlighted that the system is a new approach for processing applications and enables users to be involved in and monitor the entire case processing. He also pointed out that one of the success factors of the system is the time, labour and fund efficiency.

Panel Discussion I: How to avoid secondary movements of TCNs subject to return?

Secondary movements of TCNs who have been ordered to leave are considerable in the EU. This phenomenon undermines the authority of law enforcement agencies, prolongs the processes of return. In this panel discussion **the key obstacles in policy and practice levels** to control secondary movement were discussed by **Mr Georgios Spyrelis** (Migration Management Division, Hellenic Police Headquarters), **Ms Lotje van der Made** (Frontex), **Mr Marcin Pruss** (ERRIN), **Mr Veljo Uustal** and **Mr Egert Belitšev** (Estonian Police and Border Guard Board). The second focus of this discussion was on **innovative alternatives to the detention** of TCNs subject to return. **Following issues were raised:**

- ▀ The EU has to deal with the biggest number of returnees ever. The EU and MSs need to recognise that more migration is happening. **It is not about stopping migration, but managing it so that it would be predictable.** That includes developing efficient and comprehensive return systems.
- ▀ Returnees do not make return an easy task. E.g. quite a big percentage of **return operations are cancelled** at the last moment because returnees have absconded or file in last minute or secondary asylum requests to avoid return. Due to secondary movements MSs are dealing with the same person and case repeatedly wasting time and other resources.
- ▀ If needed, detention related measures should be used. However, whenever it is reasonable, alternatives to detention e.g. keeping a passport / ID document; demanding regular visits; using GPS trackers should be considered.
- ▀ **Different procedures and standards in place in different MSs** encourage secondary movements, return and reintegration assistance shopping. **Approximation if not harmonisation across MSs** would reduce unclarity among TCNs subject to return, and help the EU considerably improve its return efficiency.
- ▀ EU agencies like EASO, FRONTEX as well as EU funded projects like ERRIN can flag the best practices and help establish common

standards for return. At the end of the day **harmonisation depends on political will of national political leaders.**

Session II: Sustainable reintegration

Efficient reintegration of returnees to third countries backs up sustainability of returns from the EU and decreases remigration risks. This session, facilitated by **Ms Laurence Hunzinger** (IOM Regional Office for the European Economic Area (EEA), the EU and NATO) focused on **preconditions of sustainable reintegration**, and was concluded with a discussion on **how to monitor and measure the efficiency of reintegration programmes.**

The session was opened by **Mr Nicola Graviano** who called for a **holistic and a needs-based approach**, one that takes into consideration the various factors impacting on reintegration, including economic, social, and psychosocial dimensions, across individual, community, and structural levels.

Mr Graviano was seconded by **Amb. Lawal Hamidu** (National Commission for Refugees, Migrants and IDPs) who emphasised that **an efficient system has to address the factors that pushed people to emigrate in the first place.** Thus, the differences in self-sufficiency and prospects of those people who left the country of origin (returnees) and those that stayed, should be addressed by reintegration assistance.

Mr Marcin Pruss, a representative of ERRIN, which is a MSs' initiative to jointly tender reintegration services in selected countries of origin argued that **reintegration starts from return**, and stressed the need to inform TCNs about voluntary return and reintegration support options as soon as they file in asylum applications. **Managing TCNs' expectations and building an inner motivation to return** are among the biggest challenges reintegration service providers face according to Pruss.

The engagement of peers and communities in the design and implementation of reintegration programmes was unanimously argued for by speakers. It was stressed that **local communities must not be disadvantaged by the return** but rather **benefit** from the newly acquired or enhanced skills of the returning migrants.

Alongside the individual motivation to return and rebuild a life in the place of origin, and the welcoming attitude of the receiving community, **the ownership of the country of origin** needs to be achieved regarding readmission and reintegration of their citizens. A good example is Nigeria, where a standard operating procedure (SOP) to handle returns has been developed. **Amb. Lawal Hamidu** explained, that the SOP addresses, upon arrival the registration and profiling of returnees to **determine their individual needs**. This provides the basis for referrals, monitoring and evaluation of the reintegration process.

The session was concluded by Mr **Joris Kennis** (Federal Agency for the Reception of Asylum Seekers, Belgium), who gave an overview of the methodology of FEDASIL's **online reintegration monitoring study**. It provides FEDASIL with an insight into sustainability of returns from Belgium to a variety of third countries. Online questionnaire focuses on returnees' satisfaction (economic and social; psychosocial; network) with their lives in the country of origin, their happiness with reintegration assistance they received as well as their plans to remigrate. The importance of **knowledge based enhancement of reintegration assistance programmes** was lauded by all speakers.

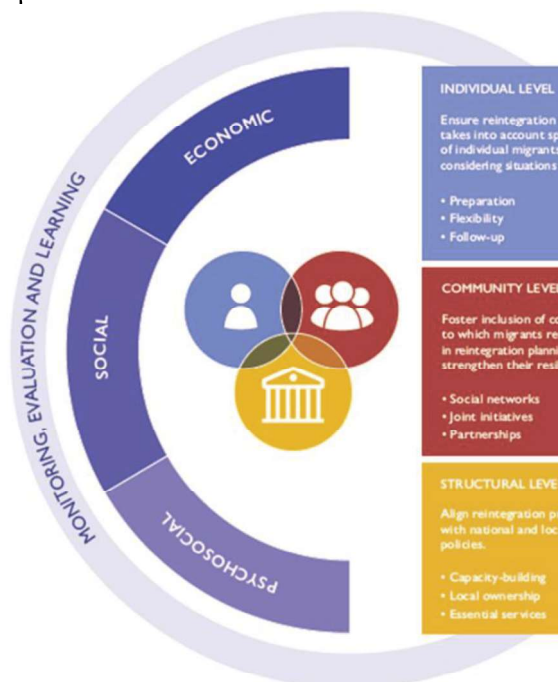


Figure 1: IOM's Integrated Approach to Reintegration

Panel Discussion II: How to make return and reintegration more appealing to third countries and TCNs?

Cooperation with third countries and TCNs is substantial to successful return policy and raising return rates from the EU. As announced in the 2015 Action Plan on Return, the European Union has significantly increased its engagement with the main countries of origin, both in Africa and Asia. However, not always is collaboration effective. In this panel discussion **the biggest challenges regarding the cooperation between third countries and the EU MSs in the field of return and reintegration** were discussed by **Michael Popp** (Delegation of the EU to Pakistan), **Amb. Lawal Hamidu** (National Commission for Refugees, Migrants and IDPs), **Magnus Ovilius** (European Commission), **Laurence Hunzinger** (IOM) and **Ave Lauren** (EMN).

The following points were raised:

- **The importance of cooperation** and further dialogue was outlined.
- **The administrative and technological capacity** of the third countries has to be built. The European Commission is interested in helping third countries in this regard and is willing to provide them the tools to manage migration.
- There is **no one approach to all third countries** and there is a need of a designed solutions for every country.
- The question of **legal pathways** to Europe was raised. New, innovative pathways of temporary character could be piloted.
- Using development aid as leverage in return and readmission policy discussions is concerning for some organisations working in this field.
- **Irregular migration is bad for everybody**, also for the third countries. At the same time it should be borne in mind that leaving one's country of origin is a right of every individual.
- **Voluntary return does not work without forced return**, but at the same time forced returns should be avoided as much as possible.



Photo 2. Amb. Lawal Hamidu, Mr Michael Popp, Mr Magnus Ovilius and Ms Laurence Hunzinger

Conclusions

Egert Belitšev, the Moderator of the Conference concluded that Europe has made mistakes in the field of return and reintegration and **learnt its lessons**. He was sure that in future cooperation between all parties - MSs, EU Agencies and third countries will be prioritised and achieved. He especially emphasised the need to get migrants emotionally attached to reintegration, and stressed the necessity to provide migrants **the means to become self-sustainable in the country of origin** and to be able to provide for their dependent ones.

In his final words **Magnus Ovilius** stressed that the EU has means and tools to support third countries in building their return, readmission and reintegration systems. Such systems would be **owned and managed by third countries** themselves, he explained. In order to gain the trust and cooperation of political leaders of Europe as well as third countries the Commission needs more **pilot projects** that work, said Ovilius. Gambia is already supported by the EU in building its return system, and the Commission would warmly welcome similar **bilateral partnerships** from more significant countries of origin such as Nigeria. Finally, he thanked all participants for their insights and promised that the European Commission would follow up on some of the ideas discussed in Tallinn.



The European Migration Network (EMN), established by the Council of the European Union in 2008 and co-ordinated by the European Commission, is a network for information collection and exchange on migration and asylum issues, comprised of National Contact Points (EMN NCPs) and national networks of relevant stakeholder organisations.

The EMN plays a key role in providing up-to-date, objective, reliable and comparable information on migration and asylum topics to policy makers (at EU and Member State level) and the general public.

European Migration Network Estonian Contact Point

Address: Narva mnt 25, 10120 Tallinn, Estonia

Phone: +372 640 9464

E-mail: emn@tlu.ee

Web: <http://emn.ee>

Programme: Return and reintegration of third country nationals: How to make it sustainable?

8:30-09:15	Registration and morning coffee
09:15-10:05	Opening Session Session Facilitator – Dr Ave Lauren , National Coordinator of EMN Estonia
09:15-09:20	<i>Welcoming note</i> Dr Ave Lauren , EMN Estonia
09:20-10:05	<i>Opening speeches:</i> Magnus Ovilius , EMN Chair, DG Home, European Commission Nicola Graviano , Senior Assisted Voluntary Return and Reintegration Specialist, International Organization for Migration (IOM) Andres Anvelt , Minister of the Interior of the Republic of Estonia
10:05-10:25	Coffee break
10:25-11:45	Session I: Preconditions for efficient return Session Facilitator – Egert Belitšev , Head of Integrated Border Management Bureau, Police and Border Guard Board (PBGB)
10:25-10:45	<i>The effectiveness of return in EU Member States</i> Tatiana Kistruga , Consultant, EMN Service Provider
10:45-11:05	<i>Improving cooperation with third countries</i> Lotje van der Made , Head of Pre-Return Assistance Sector, European Centre for Returns, European Border and Coast Guard Agency (Frontex)
11:05-11:25	<i>Cooperation between Pakistan and the EU on return</i> Michael Popp , European Migration Liaison Officer, Delegation of the EU to Pakistan
11:25-11:45	<i>Georgian Readmission Case Management Electronic System (RCMES) in the implementation of the readmission agreements</i> Giorgi Grigalashvili , Initiator of the Georgian RCMES, former Deputy Director of the Consular Department of the Ministry of Foreign Affairs
11:45 -12:45	Panel Discussion I: How to avoid secondary movements of third country nationals subject to return? Panel Discussion Facilitator, Egert Belitšev , PBGP <i>Participants:</i> Wolfgang Nieter , Head of Voluntary Return, Reintegration & Communication Division, Federal Ministry of the Interior, Building and Communication (Germany) Georgios Spyrelis , Police Captain, Hellenic Police Headquarters, Migration Management Division

12:45-13:45
13:45-15:05

13:45-14:05

14:05-14:25

14:25-14:45

14:45-15:05

15:05-15:30

15:30-16:30

16:30-16:50

Lotje van der Made, Frontex

Lunch

Session II: Sustainable reintegration

Session Facilitator – **Laurence Hunzinger**, Regional Thematic Specialist, IOM Regional Office for the European Economic Area (EEA), the EU and NATO

Preconditions and challenges of reintegration
Nicola Graviano, IOM

Practical challenges faced by reintegration service providers working in different countries

Marcin Pruss, The European Return and Reintegration Network (ERRIN)

What is efficient reintegration from the third country perspective?

Amb. Lawal Hamidu, the Director for Refugees and Migrants, Nigerian National Commission for Refugees, Migrants and IDPs (NCFRMI)

Feedback on reintegration experiences: a way forward to sustainability

Joris Kennis, Federal Agency for the reception of asylum seekers (FEDASIL)

Coffee break

Panel Discussion II: How to make return and reintegration more appealing to third countries and TCNs?

Panel Discussion Facilitator – **Dr Ave Lauren**, EMN Estonia

Participants:

Michael Popp, Delegation of the EU to Pakistan

Amb. Lawal Hamidu, NCFRMI

Magnus Ovilius, European Commission

Laurence Hunzinger, IOM

Conclusions

Egert Belitšev, PBGP

Magnus Ovilius, EMN Chair, European Commission



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