

ReSOMA

RESEARCH SOCIAL
PLATFORM ON MIGRATION
AND ASYLUM

NATIONAL
STAKEHOLDER
REPORT

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MIGRATION

EU return policy





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The **National stakeholder reports** aim at taking the academic debate provided by the ReSOMA discussion briefs to the national level throughout the EU. For each topic, a **structured feedback process** has been implemented in a number of Member States where the issue at hand is most relevant in terms of current developments and upcoming trends. Leading experts discussed the **possible consequences of evolving (or lacking) EU policies for the Member State**, and the **country's role in shaping the EU agenda**. These feedback loops enabled researchers, practitioners and policy-makers to exchange experiences and strategies to face issues related to migration, asylum and integration matters.

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National stakeholder report

EU return policy*

Return Rates

Return of migrants staying irregularly in the EU member states has been a central topic on the EU agenda since 2015. The EU has concluded 17 [readmission agreements](#) since 2004. Seeing unsatisfactory results in implementation, the '[Return Handbook](#)' was adopted in 2015 together with the [EU Action Plan on return](#), which were then followed with a [renewed Action Plan on return](#) and [revised version of the Return Handbook](#) in 2017. This Action Plan granted significant new competences to the European Border and Coast Guard Agency with the goal of ensuring more 'effective' expulsion procedures and common standards in the EU. To enhance cooperation by key third countries and countries of origin, EC encouraged collective mobilization of all the incentives and leverages available at the EU level, including coordinated visa measures.¹

As mentioned in the [Ask the Expert policy brief](#), the policy gap between readmission agreements signed on papers and the practical implementation of their provisions often leads to emergence of informal patterns of bilateral cooperation. This trend towards 'informalization' carries high risks as it helps member states to avoid compliance with the rule of law

standards and judicial oversight by the European Court of Justice.

Stakeholder outreach and feedback

This report reaches out to stakeholders from various countries where return rates are seen as a controversial topic. It provides an overview and analysis of the feedback provided by these stakeholders in relation to return rates, that have been developed in [earlier ReSOMA publications](#). This involves the following countries:

- France
- Germany
- Greece
- Hungary
- Italy
- Spain

In each of these countries, between 6 and 10 stakeholders were consulted (see appendix for a full but anonymized overview). This includes policy actors working at the national as well as the local level, NGOs working in the social field and experts from the various national contexts with specific topic of the consultation. In many cases, the consultation took the form of an individual interview (via Skype or Gotomeeting); in several cases where this was seen as appropriate, the consultation took a form of a virtual meeting with several stakeholders at the same time, allowing for interaction on specific topics. The consultations followed a

¹ See ReSOMA Ask the Expert Brief on migration and the ReSOMA Synthetic state of the art policy brief on Return Rates, 2018.



standardized template and were implemented by experts with access to networks in the selected countries. For this report, this involved the European University Institute (Italy, Germany and Greece), UPF-Barcelona (Spain, France) and the Institute for Minority Studies of the HAS Centre for Social Sciences (Hungary). Based on reports of the stakeholder consultations, this stakeholder outreach report was compiled by the ReSOMA team of Erasmus University Rotterdam.

The consultations focused on three topics that emerged as central from the [Ask the Expert policy briefs](#) and the synthetic state of the art report on return rates. These three topics include:

- *State of return rates*: How relevant is the topic of return migration on member states' policy agenda? And what are key factors promoting or inhibiting return orders?
- *Controversial issues*: What are key controversies in member states involved in the expulsion of migrants with irregular status through joint operations and cooperation with third countries and countries of origin? And what are the views on such arrangements' effectiveness and legitimacy?
- *Informal expulsions*: Are there informal or flexible readmission arrangements with third countries? What are the reasons and implications of such arrangements?

State of Return Rates

Return rates are a crucial topic in France and Germany whereas it has low priority in policy agendas in Hungary and Spain.

In Greece and Italy, it is a high priority issue but with serious limitations on implementation. Especially German and French NGOs mention bilateral agreements signed with Afghanistan, and Senegal and Mali respectively and express their concerns about the safety of people who are forced to return. Although it is mentioned that Germany suspended returns temporarily for reasons of safety, the French advocacy groups complain about increasing pace of processing returns which sometimes leaves less than 24 hours to prepare and appeal to the expulsion order.

As opposed to the fast track process in France and to some extent in Germany, it is widely accepted that lack of capacity to return migrants in especially Italy and Greece leads to longer periods of detention just to obtain valid travel documents and complete the return trip. The notwithstanding lack of sufficient information on return numbers, and despite all the challenges and tensions that lengthy waiting periods cause, Greek NGOs seem to agree that there is a rather "protective and positive-leaning approach" to international protection and migration in general. The consultations also reveal that, as a positive side of the longer periods of detention, Greek civil society seems more actively involved in preventing expulsions compared to other countries consulted.

"Greece is trying to keep away the minors from this [expulsion] process. There were different cases of activism from the Greek civil society to stop the returns of the minors, even the accompanied ones." (Greek NGO)



In Spain, NGOs criticize the national government for using 40% of the AMIF-funds for returns rather than integration. Yet it has been possible to develop some barriers to expulsion at the local level. As highlighted by one representative from Barcelona municipality, documents and city-level registrations provided by the municipality intent to limit the likelihood of expulsion for people who are already well integrated.

There are several factors, common across the six examined countries, that make expulsion orders quite ineffective and unfair in practice. For ineffectiveness, lack of proper travel documents and identification, and having a recognized vulnerability are the most repeated reasons. In Hungary and Italy, governmental actors also underlined two additional barriers to effective implementation of return. Firstly, many countries of origin do not agree to cooperate with them. Secondly, the costs of expulsion are too high for some countries. One Italian NGO gave the example of the cost of returning a Chinese national compared with an Albanian national. For unfairness, stakeholder accounts show that country of origin matters more than one's subjective conditions. French NGOs complain about the immediate expulsion of unaccompanied minors coming from Albania, whereas victims of torture or unaccompanied minors from other places are exempted from expulsion.

Controversial issues

There are conflicting accounts between governmental and nongovernmental stakeholders within each country regarding effectiveness and legitimacy of the

returns. For example, in Germany, advocacy groups say that many people actually do not fit under the expulsion criteria, which makes them an ineffective policy tool, whereas a political stakeholder notes that it has actually been implemented proven by the fact that around 26 thousand persons have already been returned and many more are waiting to be returned. Besides disagreements about effectiveness, one German NGO also complains how informal agreements between administrative authorities actually speed up the return process without serious consideration of readmitted person's safety.

In a similar vein, in Hungary, there are conflicting views on the legitimacy of quick and forced returns. While a government representative observes that the push back procedure between Hungary and Serbia is applied properly, NGOs express their concern for unilateral pushback on its southern border. One Hungarian NGO expert stresses that the government authorities let irregular migrants, who were/are supposedly involved in extreme groups, go to Serbian border and cross over to Serbia without further administration or screening.

Majority of NGOs consulted in Italy and France are very critical of cooperating with third countries to implement return policies. In all six countries, and especially in Germany and Greece, NGOs express their concern about the safety of returned migrants from Germany to Afghanistan, Mali and Burkina Faso, and from Greece to Turkey. IOs and NGOs active in Greece and Italy mention as a key controversy lack of official readmission arrangements and lack of transparency in



the existing agreements, except the EU-Turkey deal. Thus, the whole process – before, during and after the return of migrants– carries various overlapping controversies stemming from, but not limited to, the lack of transparency and publicly accessible information.

Beyond these forced return policies, only few stakeholders in Spain and Hungary mention voluntary return programs as a possible policy option. According to one Hungarian NGO, voluntary return has some potential for success in the longer term especially when they are considered in coordination with reintegration programs in countries of origin.

Informal expulsions

NGOs especially in Germany, France and Spain are highly concerned informal agreements between the public authorities which public authorities portray as a positive trait for making return process faster. One Greek advocacy group gives the example of how Greece maintains good diplomatic relations with Pakistani authorities, in their view, in order to proceed with deportations easily. As just mentioned, Hungarian NGOs also are critical of the pushback mechanisms applied at Hungarian-Serbian border where the Serbian authorities informally cooperate with the Hungarian authorities.

Some NGOs resentfully state that these practices have legal grounds. According to an Italian NGO, informal agreements are often stipulated by the heads of police force and not governments who are normally obliged to obey constitutional principles in all steps. However, police officers would get involved in informal agreements only if they are supported

and encouraged by governments and policy makers. It is noted that this was the case for Italy's agreement with Sudan (now 'frozen') and for the Khartoum process. Similarly, one Spanish NGO draws attention to the 2015 citizen security act which offers a legal coverage to the "summary expulsions" between Spain and Morocco. This type of repatriation gives no chance to apply for international protection and, despite being denounced by activists, has been practiced for many years.

Overall there is one common, perhaps obvious, critique. As informal exchanges between authorities become normal and acceptable practices, it leads to less transparent processes that are prone to severe human rights violations and makes it almost impossible to appeal expulsion orders, stop return or seek remedy for unlawful returns, hence no access to justice.

Conclusion

Stakeholders accounts show that there is no standard expulsion procedure or pace among member states. From public authorities' perspective, faster expulsion is a sign of effective implementation. However, NGOs from across six countries draw attention to the inverse relationship between effectiveness and fairness from migrants' perspectives. As examples from Greece and Spain show, the slower the process, the more societal actors are able to involve in it. This pushes for transparency and for case by case decision-making which is necessary to avoid further personal injuries and injustices especially in the case of vulnerable groups.

Three key observations can be drawn from the feedback provided by stake-



holders that are relevant for future policies:

- Although return might be legitimate for various reasons and EU funds may be allocated to this, personal safety before and after expulsion must be the first priority in next steps for simplification and/or informalization of the return procedures.
- Related to the first point, as Spanish ombudsperson states, detention centers for foreigners should be only the last resort. EU funds could be used for effective voluntary return schemes

which might be more sustainable in the long run.

- Transparency and publicly accessible information for the whole return process are essential for personal safety of returned subjects and sustainability of return in the longer run. This requires more formal than informal arrangements that would not allow legal oversight.



Appendix I: Consulted stakeholders

Country	City	Institution
France	Nantes	Expert
France	Paris	Coordination Sud
France	Paris	CERI-CNRS
France	Paris	Expert-Advocate
France	Paris	Expert
France	Paris	Forum réfugiés
Germany	Hannover	Lower Saxony Refugee Council
Germany	Berlin	Office of a member of Parliament
Germany	Berlin	Jesuit Refugee Service Germany (JRS)
Germany	Berlin	German Diakonie
Germany	Kiel	Medibüro
Germany	Gütersloh	Bertelsmann Stiftung
Germany	Berlin	University of Berlin
Greece	Athens	Solidarity Now
Greece	Athens	Norwegian Refugee Council
Greece	Athens	Ministry of Migration Policy
Greece	Athens	Danish Refugee Council
Greece	Athens, Thessaloni- niki	Diotima Centre for Research on Women Issues
Greece	Athens	Babel Day Centre for Migrants' Mental Health
Greece	Thessaloniki	Association for the Social Support of Youth (ARSIS)
Greece	Athens	Greek Council for Refugees
Hungary	Budapest	IOM Hungary
Hungary	Budapest	National Police Headquarters
Hungary	Budapest	Menedék Association
Hungary	Budapest	Menedék Association
Hungary	Budapest	Prime Minister's Office
Hungary	Budapest	Hungarian Helsinki Committee
Hungary	Budapest	UNHCR Regional Representation
Hungary	Budapest	Metropolitan Municipality of Budapest
Hungary	Budapest	Central Statistical Office
Italy	Rome	Civico Zero
Italy	Rome	IOM Italy
Italy	Rome	Caritas
Italy	Palermo	Centro Astalli
Italy	Bergamo	CESVI
Italy	Rome	"Victims of Torture Programs"- Médecins Sans Frontières
Italy	Milan	NAGA
Italy	Udine	SIMM
Italy	Rome	UNAR and Università la Sapienza
Spain	Barcelona	In Strategies
Spain	Murcia	Cepaim Foundation
Spain	Brussels	EU affairs adviser Autonomous Region of Catalonia
Spain	Barcelona	Barcelona Municipality
Spain	Madrid	ACCEM foundation
Spain	Madrid	ACCEM foundation
Spain	Barcelona	General directorship of equality migration citizenship. Au- tonomous Region of Catalonia
Spain	Barcelona	General directorship of equality migration citizenship. Au- tonomous Region of Catalonia

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ReSOMA - Research Social Platform on Migration and Asylum

is a project funded under the Horizon 2020 Programme that aims at creating a platform for regular collaboration and exchange between Europe's well-developed networks of migration researchers, stakeholders and practitioners to foster evidence-based policymaking. Being a Coordination and Support Action (CSA), ReSOMA is meant to communicate directly with policy makers by providing ready-to-use evidence on policy, policy perceptions and policy options on migration, asylum and integration gathered among researchers, stakeholders and practitioners.

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