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DIRECTORATE-GENERAL MIGRATION and HOME AFFAIRS

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Mr. Claude Moraes, MEP
Chair of the Committee on Civil
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European Parliament

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Subject: EU readmission developments – State of play October 2017

Dear Chair,

In response to your email of September 13, 2017 and in view of our dialogue in the LIBE Committee on 20-21 November, I am pleased to provide you with the information requested on the state of play of the EU's negotiations on, and implementation of, non-binding arrangements to facilitate readmission.

With persistent migratory flows on the Central Mediterranean route and the expected increase in the number of rejected asylum seekers over the next year, the EU continues to face a significant challenge regarding return and readmission. In a credible and effective EU migration management system, those who are not eligible for international protection must be returned to their countries of origin. This also aims to break the smugglers' business model, one that relies on migrants' expectation that once they have reached Europe's shores, the likelihood of being returned is very low. Cooperation with third countries on readmission therefore remains a priority.

You discussed, during the LIBE committee meeting in September, with my Deputy Director-General Simon Mordue the progress made in the implementation of existing readmission agreements and in negotiations on new such instruments in some detail. Most third countries however, do not want to engage in negotiations on readmission agreements mainly due to internal political considerations, as such agreements can be a source of public hostility. As a result, the ongoing negotiations with Morocco and Algeria are at a standstill and those that were launched in 2016 with Nigeria, Jordan and Tunisia have not progressed as needed. The EU must therefore remain flexible on the form a cooperation framework takes, and focus on the feasibility of achieving results, while respecting international and European law.

The Commission's focus is therefore on improving practical cooperation. Practical arrangements on return and readmission can facilitate cooperation, as they allow the administrations of third countries and Member States to work more transparently, efficiently and predictably on the identification and return of irregularly staying persons. They also

represent a first step in establishing mutual trust as well as towards the launch of formal negotiations for fully-fledged readmission agreements.

These arrangements aim to facilitate cooperation on the readmission of own nationals, which is an obligation under international customary law in general and under various cooperation agreements – such as the Cotonou Agreement (Article 13) for ACP countries. Being non-legally binding, they do not have any effect on Member States' and third country's obligations under international, EU and national law, and do not have an impact on the rights of irregular migrants. For returns facilitated by such instruments of cooperation as, indeed, for any other returns carried out by Member States, legal remedies, appeal safeguards and the respect of the principle of *non-refoulement* are guaranteed by the Return Directive.

To ensure the European Parliament's political scrutiny over such soft law instruments or political commitments used to enhance cooperation on readmission, the Commission has reported regularly to the European Parliament. Details on overall progress and on the evolution of the dialogue with each relevant country of origin or transit have been provided through the five implementation reports on the Partnership Framework and the seven reports on the EU-Turkey Statement. This regular reporting will continue with a comprehensive report on the implementation of the European Agenda on Migration, starting on 14 November 2017.

The Commission will also continue updating the LIBE Committee on an *ad hoc* basis on the implementation of non-binding readmission arrangements. With this in mind, you will find below the most recent developments.

The implementation of the *Joint Way Forward*, signed on 2 October 2016 by EU and **Afghanistan** continues in a satisfactory manner. Arrivals of irregular migrants from Afghanistan dropped substantially from 54,385 in 2016 to 3,125 between January and July 2017.

The total number of returns to Afghanistan (including voluntary) increased from 1,520 in 2015 to 8,325 in 2016. At the same time, since its entry into force, 17 charter flights have taken place with 269 returnees on board. Member States are in general satisfied with the cooperation with Afghan authorities; any obstacles to cooperation are discussed with the Afghan authorities at the regular Joint Working Group meetings.

On 20 September 2017, the EU agreed with **Bangladesh** on *Standard Operating Procedures for the identification and return of persons without an authorisation to stay*. These are applicable as of 25 September. The first information on the state of implementation will be collected from Member States in January 2018 as the arrangement foresees an assessment after the first three months of its implementation.

Standard Operating Procedures for the identification and return of persons without an authorisation to stay had been negotiated by the Commission with **Mali** in 2016. This arrangement was endorsed by the JHA Council on 8 December 2016, but Mali eventually retracted from the foreseen signature. The arrangement is therefore not agreed and not being implemented. A reopening of discussions with the Malian authorities is not foreseen for the time being.

Draft procedures for cooperation on return and readmission have been shared with **Ethiopia** and are currently being discussed.

Good Practices for the efficient operation of the return procedure have been approved by the **Guinean** Government, and endorsed by the Council in July 2017. The arrangement is now applicable. Information on the state of implementation will be collected from Member States towards the end of the year, in view of an EU-Guinea technical working group to monitor the application of the Good Practices.

The Commission proposed similar good practices to **Ivory Coast** in June 2017, to **Ghana** in July 2017 and to the **Gambia** in October 2017. No feedback has been received yet from these three countries.

Furthermore, the EU also facilitates voluntary return and supports **reintegration** programmes in these countries.

Afghanistan, Bangladesh and Pakistan are covered by a regional programme totalling *circa* EUR 92 million, adopted in 2016, supporting the reintegration of persons returning to those countries. The action is complementary to reintegration support financed by EU Member States' programmes. The families of returnees and their host communities will also be targeted in order to enhance the sustainability of the reintegration. The action furthermore focuses on improving migration governance in these three countries.

Ethiopia is covered by the EU Trust Fund for Africa regional programme for the Horn of Africa "*Facility on Sustainable and Dignified Return and Reintegration in support of the Khartoum Process*" totalling EUR 25 million. The programme facilitates the sustainable return and reintegration of all categories of migrants, and supports communities and institutions in the countries of origin. The action is complementary to reintegration support financed by EU Member States' programmes.

Mali benefits from a project of EUR 15 million under the EU Trust Fund for Africa aimed at providing return and sustainable reintegration assistance to migrants.

The EU Trust Fund for Africa project "*Strengthening the management and governance of migration and the sustainable reintegration of returning migrants*", supports Guinea, Ghana and Ivory Coast (and Guinea Bissau) in the return and reintegration of migrants, also targets government institutions to increase their capacity to provide sustainable reintegration, and local communities with awareness-raising actions. The value of the action is EUR 13.930.000, and it is complementary to reintegration support financed by EU Member States' programmes.

The Gambia is eligible for funding under the EU Trust Fund for Migration, and two projects for a total amount of €14.9 million are currently being implemented. "*The Gambia Youth Empowerment Scheme*" is aimed at increasing job opportunities for youth.

In annex, you will also find for ease of use, as agreed on the 7 of September, an **extract of return statistics from the Eurostat database rates for the main countries of origin as well as calculation of the return rate**.

We hope you will find this information useful and the exchange of views to be held later this month, when Simon Mordue will be joining you, is a further opportunity to answer any questions you may have.

Yours sincerely,

Matthias RUETE
[e-Signed]

Annex 1: Returns from the EU to third countries of nationals from main third countries

	2014			2015			2016		
	Ordered to leave	Returned to a TC	Return rate	Ordered to leave	Returned to a TC	Return rate	Ordered to leave	Returned to a TC	Return rate
Mauritania	1,525	75	4.9%	1,175	45	3.8%	1,185	40	3.4%
Guinea-Bissau	1,215	55	4.5%	1,050	65	6.2%	1,145	30	2.6%
Jamaica	1,365	515	37.7%	1,415	585	41.3%	1,100	525	47.7%
Palestine	1,870	305	16.3%	2,830	295	10.4%	1,075	130	12.1%
Angola	1,490	280	18.8%	1,080	205	19.0%	1,055	195	18.5%
Cape Verde	1,250	125	10.0%	1,110	100	9.0%	950	50	5.3%
Dominican Republic	1,475	330	22.4%	1,260	315	25.0%	920	340	37.0%
Burkina Faso	915	80	8.7%	785	45	5.7%	870	45	5.2%
Ecuador	1,720	820	47.7%	1,405	645	45.9%	830	320	38.6%
Suriname	910	370	40.7%	665	325	48.9%	795	285	35.8%
Venezuela	765	385	50.3%	765	250	32.7%	785	330	42.0%
Honduras	935	490	52.4%	930	530	57.0%	755	405	53.6%
Paraguay	1,545	790	51.1%	1,090	665	61.0%	750	350	46.7%
Sierra Leone	1,110	110	9.9%	665	165	24.8%	720	105	14.6%
Cuba	690	95	13.8%	670	100	14.9%	705	110	15.6%
Bolivia	1,950	1,020	52.3%	1,375	740	53.8%	705	315	44.7%
Trinidad and Tobago	100	120	120.0%	460	115	25.0%	700	115	16.4%
Japan	660	205	31.1%	405	160	39.5%	690	155	22.5%
Gabon	770	60	7.8%	660	50	7.6%	680	45	6.6%
Comoros	810	60	7.4%	650	30	4.6%	680	55	8.1%
Thailand	770	415	53.9%	700	455	65.0%	670	460	68.7%
South Africa	570	455	79.8%	500	435	87.0%	635	460	72.4%
Peru	875	385	44.0%	680	250	36.8%	635	290	45.7%
Chile	775	530	68.4%	685	480	70.1%	615	430	69.9%
Uzbekistan	635	330	52.0%	480	405	84.4%	605	305	50.4%
Zimbabwe	550	240	43.6%	560	225	40.2%	595	180	30.3%
Kazakhstan	790	500	63.3%	545	400	73.4%	595	390	65.5%
Indonesia	430	290	67.4%	430	320	74.4%	580	330	56.9%
Mauritius	845	395	46.7%	670	370	55.2%	565	350	61.9%
Togo	760	55	7.2%	585	40	6.8%	550	50	9.1%
Kenya	585	325	55.6%	580	265	45.7%	545	245	45.0%
Benin	625	45	7.2%	480	40	8.3%	535	55	10.3%
Canada	440	560	127.3%	410	510	124.4%	520	465	89.4%
El Salvador	305	165	54.1%	340	195	57.4%	500	250	50.0%
Israel	390	315	80.8%	470	425	90.4%	490	335	68.4%
Argentina	805	475	59.0%	605	400	66.1%	485	230	47.4%
Uganda	685	210	30.7%	695	175	25.2%	470	140	29.8%
Malaysia	555	605	109.0%	355	500	140.8%	470	545	116.0%
Tajikistan	240	205	85.4%	235	195	83.0%	450	325	72.2%
Mexico	450	345	76.7%	440	305	69.3%	445	280	62.9%
Kuwait	355	370	104.2%	345	415	120.3%	445	430	96.6%
Haiti	635	30	4.7%	415	25	6.0%	425	20	4.7%
Chad	900	20	2.2%	505	30	5.9%	420	30	7.1%
Nicaragua	685	275	40.1%	490	265	54.1%	415	200	48.2%
South Korea	450	240	53.3%	400	220	55.0%	410	170	41.5%