Council of the European Union

NOTE

From:	Presidency
On:	15 February 2018
To:	Strategic Committee on Immigration, Frontiers and Asylum (SCIFA)
Subject:	Draft Note
	"Enhancing the returns from the European Union"

1. Return and readmission policy is a fundamental part of the EU migration policy and of the overall approach taken to deal with migration challenges. In this regard, one of the main objectives of the return and readmission policy aims is to increase the return rate. This was recently restated in the European Council's Conclusions of October 2017, which called for continued efforts by the EU and support for Member States to stem the flows and increase returns. This issue has been repeatedly addressed at Council level.

2. Some progress has been achieved in terms of the increase in return rate. According to recent data provided by the Commission in November 2017, the return rate in 2016 for the EU as a whole was 45, 80%, a marked increase to 2015 (36, 80%)[1]. The intense action that the EU has taken and developed in the area of return and readmission, both at internal and external level, has certainly provided an important contribution in this respect.

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[1] Progress Report on the European Agenda on Migration in November, Annex 5 on returns (14473/17 ADD 5).

3.   At <u>internal level</u>, on 29 September 2017 the Commission issued the Renewed Return Handbook to be used by Member States' competent authorities when carrying out return-related tasks. The Renewed Return Handbook was developed in close cooperation with the Member States and is an updated version of the first Handbook issued in 2015. A key objective was that of incorporating within the Handbook a series of recommendations issued by the Commission in March 2017[2]. The aim is to improve the return system through a more uniform implementation of the Return Directive by the Member States. This involves addressing any shortcomings in the implementation of the Return Directive, so as to help to increase the return rate.

4.   It is extremely important, too, to address this issue at <u>external level</u>, as effective cooperation with third countries is fundamental for a successful implementation of the EU migration policy and of the return and readmission policy. The implementation of the Partnership Framework, launched in June 2016, has enabled to develop and reinforce cooperation in the area of migration significantly, including in the field of return and readmission. In this context, special attention has been devoted to a number of third countries that are of particular importance for the EU and its Member States. In addition to the conventional readmission agreements, a number of non-legally binding informal arrangements aimed at reinforcing cooperation in the area of return policy have been concluded with a number of relevant third-countries. The timely implementation of such arrangements is expected to contribute to an increase of returns.

5.   It is worth noting the new process which enables to take measures in the field of visa policy in relation to those third countries which do not cooperate or do not sufficiently cooperate in the area of return and readmission. This process was defined by COREPER at its meeting on 31 May 2017[3].

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[2]   Commission recommendation on making returns more effective when implementing the Return Directive (6943/17 + ADD 1.
[3]   11375/17 EU RESTRICTED

6.   The new tasks that the European Border and Coast Guard Agency (hereinafter "the Agency") has been allocated under its new Regulation should also have a positive impact in this area. Among other measures, the Agency, which has created a Return Unit, has developed new tools in the area of returns, offering support in organizing scheduled (commercial) flights, currently in the form of a pilot project, with destinations to Algeria and Morocco. Better use of this will allow for a well-founded assessment for future use. Chartering of aircrafts has also been put in place, providing a new tool for Member States to use in return operations which is currently underused. The Agency also supports the deployment of Member States' experts as Return Specialists and encourages Member States to use the forced-return escorts' pool.

7.   Issues related to return were also discussed under the item "Integrated Border Management" (IBM) at the Informal Meeting of the Justice and Home Affairs Ministers, held in Sofia on 25-26 January 2018.

    Among other proposals, delegations stressed the need for developing cooperation with third countries with a view to ensuring a more effective management of return and stated that this could be done through the Agency's Liaison Officers. Delegations also underlined the need for the Agency to play an active role in supporting Member States in implementing returns at all the various phases. This involves improving and developing the exchange of information with relevant third countries. Delegations referred to the possible scope of using IBM cooperation with third countries as a lever to reinforce relations in the field of return policy.

8.   The efforts made by the EU and its Member States, and the measures that have been developed and applied, have resulted in progress in return policy. However, there is still room for improvement. The gap between the orders to leave the territory and the effectively implemented returns remains significant. In particular, cooperation with relevant African countries is still totally unsatisfactory. The EU and its Member States should continue their efforts in this area, both at internal and external level.

9. Effective return is a prerequisite for the proper functioning of the asylum system. For example, the effectiveness of the implementation of the 'safe third country' concept depends on the possibility of return. Persons who are denied international protection need to be returned to their country of origin or to a transit country. There is a need to examine the link between the two procedures, so as to better understand how they impact on one another.

10. At the internal level, as comprehensive IT-systems to manage the cases of irregular migrants subject to return procedures are instrumental for their swift implementation, an increased focus on the improvement of such systems should be considered.

11. On this background, delegations are invited to provide their views on the following questions:

    –   How and to what extent could cooperation in the field of IBM with third countries contribute to a successful implementation of the return policy and to an increase in return rate?

    –   What specific and concrete measures could be taken that might have a positive impact on return policy?

    –   How can the role of the EU Agencies at all stages of asylum and return procedures can be improved and streamlined?

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