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NOTE

from :	General Secretariat of the Council
to :	Expulsion Working Party
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Subject :	Updated information on assistance for the voluntary repatriation of third-country nationals (see Telex No. 1859 dated 27/4/99)

Delegations will find herewith updated information on assistance for the voluntary repatriation of third-country nationals received from the Netherlands, Austria, Finland and the United Kingdom.

Greece, Ireland and Italy have confirmed that they have not developed any programmes to support the voluntary repatriation of third country-nationals.

QUESTIONNAIRE

1. Has your country taken steps to develop programmes to support the voluntary return of third-country nationals?

2. If so, please answer the following questions:

(a) what is the scope of the programme in terms of the persons and third countries covered?

Do the procedures differ according to the arrangement applicable to the persons concerned?

(b) what authorities are responsible for carrying out the programme? (non-governmental and/or international organizations and/or national authorities)?

(c) what further requirements, if any, must individual returnees meet in order to be considered for assistance under the programme?

(d) what requirements, if any, must be met by the country of origin under the programme?

(e) what type and level of assistance is granted (e.g. travel expenses for the returnee and his/her family, removal costs, repatriation allowance)?

Are development aid subsidies available ?

Do the persons using the programme continue to benefit from social security benefits in your country in the event of repatriation?

(f) Is the assistance granted by the programme transferred to the third-country national or to another body?

3. Please carry out an estimate of the effects of the programme according to the scheme applicable (number of beneficiaries, occurrence of any incentive effects, etc.).

4. Does the programme provide for the possibility of "regret" on the part of the returnee?

What are the terms of this "regret" clause (maximum duration, contribution to repatriation expenses, etc.)?

1. Yes. (See also replies given in April 1998).

2.(a)

2.(a)(i)

The remigration arrangements described in the 1998 replies remain unchanged. Indeed, these regulations have now been formally established under the Remigration Act passed by the First Chamber on 20 April of this year. The facilities provided under the Act include the following:

- a remigration allowance for people aged 45 or over;
- medical cover;
- an allowance for both partners after a divorce or separation;
- an allowance for remigrating children up to the age of majority, in cases where both parents are deceased;
- reimbursement of transport costs and a contribution towards the cost of resettling in the country of destination.

The Act is mainly aimed at those who do not (also) have Dutch nationality or who voluntarily renounce it. These people come from Surinam, Morocco, Tunisia, Cape Verde, Turkey and the countries of former Yugoslavia. Refugees, those entitled to asylum and older foreign workers from Portugal, Spain, Italy and Greece who came to the Netherlands in the sixties and seventies, may benefit from the remigration provisions.

In the meantime, the specific repatriation programmes for Ethiopia and Angola have gone ahead. Beginning in November 1996, a pilot project for Ethiopia and Angola was introduced jointly by the Netherlands Ministry of Justice and the Ministry of Foreign Affairs. Those countries were chosen because there is a development cooperation relationship with them and because it was considered feasible to repatriate people safely, with dignity and with reasonable prospects. This involved between 700 and 900 rejected asylum-seekers in the case of Ethiopia and roughly 300, including 100 minors, in the case of Angola.

Cooperation agreements in support of voluntary repatriation were concluded with Ethiopia on 22 August 1997 and with Angola on 25 September 1997. The agreements are to remain in force for three years from the date of signing. The group targeted by the agreements comprises rejected Ethiopian and Angolan asylum-seekers who submitted applications for asylum in the Netherlands before the agreements were signed.

Repatriation policy in Somalia

In June 1997 the Netherlands signed an agreement with the authorities in "Somaliland" which provided for both voluntary and forced repatriation of rejected Somali applicants. This was followed in January 1998 by a tripartite agreement (Netherlands/Somaliland/International Organisation for Migration (IOM)) to further expand voluntary repatriation (the so-called "IOM Plus Programme").

THE NETHERLANDS

This IOM Plus Programme consists of pre-counselling, the provision of an air ticket to Hargeisa, a sum of money to be paid before and after arrival in "Somaliland" and an additional sum to help make a start in Somaliland (e.g. by setting up a small business to speed up the process of reintegration), as well as some assistance to a community fund.

As indicated in the application for funding sent to the European Commission, the main project consists of:

- pre-departure counselling
- a pre-departure allowance
- a post-arrival allowance
- an individual reintegration package
- the services of an expatriate project manager
- monitoring and evaluation
- overheads.

In addition, it was pointed out that the overall Netherlands Government/IOM project also involves other aspects, including community development.

Procedure for identifying candidates

Briefly, the following procedure is carried out to achieve this:

- (a) an inventory is being drawn up of people from "Somaliland" who no longer have the right to stay in the Netherlands, the so-called "rejectees". (Selection is based on clan relations and/or the last place of residence in Somalia);
- (b) files are investigated;
- (c) a selection is made of those eligible for repatriation;
- (d) those selected are given an information leaflet (specifically designed for this purpose - see Annex), as well as a covering letter on facilitated returns to Somaliland. At the same time, an initial pre-counselling session with properly trained members of the aliens police is held in order to examine the available options (i.e. obligation on the selected "rejectee" to leave the Netherlands under the programme - see also 2(a)2).

It is pointed out that if a person selected does not take part in the IOM Plus programme, government benefits such as allowances and housing will be terminated (see under 4(d)).

- (e) those selected must make their decision known during a second interview held within 15 days. All appropriate measures are taken to withhold the aforementioned benefits from anyone refusing to participate in the programme;
- (f) the pre-counselling leaflet is also circulated to a great many other bodies such as local authorities, etc.

Further details of this procedure are described in a case-study.

2.(a)(ii)

Remigration arrangements: unchanged (see April 1998).

Repatriation arrangements (GTAA): No, the procedures are basically the same for each participant. The decision to make use of the arrangement is voluntary, although there is a penalty for rejected asylum-seekers who are unwilling either to use the programme or to return to the country of origin. The penalty consists of withdrawing all forms of benefit (in accordance with the Phased Benefit Withdrawal Scheme).

2.(b) No changes (see April 1998 reply).

2.(c) No changes (see April 1998 reply).

- 2.(d) No changes (see April 1998 reply).
- 2.(e) No changes (see April 1998 reply).
- 2.(f) No changes (see April 1998 reply).

3. The remigration arrangements have been in application since 1985. Each year some 400 to 500 people submit requests (sometimes with their families) to make use of the arrangements and between 200 and 300 are accepted.

The Ethiopia and Angola project started up in April 1998. Repatriation to Angola is not currently possible because a policy decision to suspend departures has been in force since 20 August 1998.

340 of the 700-900 Ethiopian asylum-seekers have become acquainted with the Ethiopia project since April 1998; 223 of these have actually received offers from the Aliens Office or the IND. As project evaluation has not yet taken place, it is not yet clear how many people make use of the repatriation arrangements. What is clear, however, is that only a small number of asylum-seekers (fewer than 10) are involved. In accordance with the Phased Benefit Withdrawal Scheme, action is taken to withdraw benefits from those Ethiopian asylum-seekers whose cases are closed and who neither make use of the arrangements nor leave the Netherlands voluntarily.

Somalia project:

The Netherlands began offering the IOM Plus programme to an initial selection of 19 Somalis in August 1998, none of whom opted for the programme. A second selection, made at the end of 1998/beginning of 1999, currently comprises 67 people. So far, three people have agreed to participate and have opted for the IOM Plus programme. Six people ultimately refused to participate, while the others are still considering their final decision.

Independently of the programme, a total of seven rejected asylum-seekers from Somalia have contacted the IOM about voluntary return. None of those has yet flown back with IOM assistance. Nevertheless they have all left their places of residence in the meantime.

4. The remigration arrangements give remigrants the option of returning to the Netherlands within a year.

The repatriation arrangements for Ethiopia, Angola and Somalia have no "regret" clause.

Question 1:

Austria has laid down rules for programmes to assist voluntary repatriation.

Question 2(a):

The programme applies to:

- persons whose asylum applications have been rejected and recognised refugees in respect of whom the procedure for the withdrawal of refugee status has been initiated;
- persons withdrawing applications for asylum or appeals (legal redress);
- persons against whom deportation orders or residence prohibitions have been issued and who are not able to finance their own return;
- persons who, after detailed counselling at the airport, withdraw their applications for admission to Austria.

The detailed arrangements are the same for all groups.

Question 2(b):

The following are involved in the programme: IOM (international organisation), Caritas (non-governmental organisation) and the Federal Ministry of the Interior (national authority).

Question 2(c):

The following requirements must be met for admission to the programme:

- the person wishing to leave the country must be needy;
- a person is eligible for payment of travel costs once only;
- the person must return to his/her country of origin or other host country voluntarily and permanently;
- recognised refugees returning to their country of origin or travelling on to a third country must report their return to the Federal Asylum Office in Vienna or one of its branches;
- travel costs will be met by the Federal Ministry of the Interior only when they cannot be met by any other body.

Question 2(d):

No requirements need to be met by the country of origin.

Question 2(e):

The Federal Ministry of the Interior meets only travel costs and the cost of repatriation counselling by Caritas. Caritas may provide a repatriation grant out of its own funds. Persons who have made use of the programme will receive social benefits after their return, providing they were legally resident in Austria.

Question 2(f):

Payments by the Federal Ministry of the Interior are made to the IOM.

Question 3:

There is no evidence of the programme acting as an incentive to immigration.

Question 4:

The programme does not provide for the possibility of "regret".

FINLAND

1. The Finnish Ministry of the Interior began cooperation with the IOM in the autumn of 1997 in offering assistance for voluntary repatriation. Out of this cooperation the "Rejected Asylum Applicants Programme for Voluntary Repatriation from Finland" pilot scheme developed. The scheme targets asylum applicants whose applications have been rejected and who may not remain in Finland, but wish to leave the country voluntarily under the IOM programme, as well as asylum applicants who have withdrawn their asylum applications. Only in 1999, after receiving support from the EU, has the scheme progressed to practical operations.

2a. The scheme covers all asylum applicants required to leave Finland as mentioned in paragraph 1 and wishing to return voluntarily to their country of origin or to a country in which they will receive a residence permit. There are no other restrictions as regards country or nationality.

Since assistance for voluntary return is concerned, the procedures are the same for all aliens wishing to participate in the scheme.

2b. The bodies effectively applying the scheme are the Ministry of the Interior and the IOM, who are responsible for the scheme's operation. Parties consulted are Tampere jurisdictional district police department, Tampere reception centre, the Ministry of Labour, the Aliens Representative, Pakolaisneuvonta (Refugee Advice) RY, the Finnish Red Cross and the Church Foreign Aid organisation.

2c. The alien must apply to join the scheme. He must complete an application showing whether he fulfils the required conditions. The application is sent to the IOM. Application forms may be obtained from the local police, the IOM or the reception centres.

2d. Contact does not have to be maintained as a matter of course with the authorities of the country of origin of the person applying to be included in the scheme. The country of origin is contacted chiefly where the alien has no valid travel document or no travel document at all.

2e. The alien's travel expenses are covered in full by the government, where the individual himself does not possess the necessary funds. In certain cases the alien may after consideration be given a small amount (a few hundred marks) of repatriation assistance, which is intended principally to cover unavoidable costs relating to the return journey.

The repatriation assistance is not "integration assistance" permitting the individual e.g. to start a business in his home country.

A person who returns to his home country cannot obtain any further financial aid from Finland under this scheme after his departure.

2f. Repatriation assistance paid under the scheme is remitted directly to the returnee via the IOM representative.

The returnee's tickets are booked and paid for by the IOM, which charges the expenses to the authorities later.

3. The scheme will provide experience and information regarding the practical value of this type of action in similar cases in the future. The aim of the scheme during 1999 is to have 50 foreign nationals returned to their countries of origin. The scheme will allow information to be gained on whether it is worth continuing with such a measure in the future, if there are only a few dozen cases a year.

4. An individual who has applied to take part in the scheme may at any time give notice that he does not after all wish to leave Finland. Maintaining the decision to leave cannot be a requirement as the voluntary element is central to the scheme. We have not yet had experience of the course of action to take where an individual gives notice that he again wishes to leave the country under the scheme.

By applying to take part in the scheme an individual undertakes to refund the expenses incurred to the government if he returns to Finland within a few months.

1. **Has your country taken steps to develop programmes to support the voluntary return of third country nationals?**

The Home Office is funding a 6-month Voluntary Assisted Returns (VAR) pilot project.

2. **If so, please answer the following questions:**

- (a) **What is the scope of the programme in terms of the persons and third countries covered? Do the procedures differ according to the arrangement applicable to the persons concerned?**

The pilot project aims to assist those with pending or rejected asylum applications to return to their country of origin. Special consideration will be given to vulnerable people, such as unaccompanied minors, but it is open to applicants from any country.

Arrangements for return are made by the International Organization for Migration (IOM) – see part (b) – so the Home Office has little to do with procedures except to verify that the person is a suitable candidate for return. This is done by reference to immigration records.

- (b) **What authorities are responsible for carrying out the programme?**

The VAR project is run by the IOM who work in close partnership with Refugee Action and involves full consultation with refugee agencies and other associated organisations who may refer to the project such as the British Red Cross. UNHCR has offered its full support for this joint proposal.

- (c) **What further requirements, if any, must individual returnees meet in order to be considered for assistance under the programme?**

Applicants must be pending or rejected asylum seekers and considered suitable for return.

- (d) **What requirements, if any, must be met by the country of origin under the programme?**

None, but IOM's offices in the country concerned may be called upon to assist with transit and arrival assistance.

- (e) **What type and level of assistance is granted (e.g. travel expenses for the returnee and his/her family, removal costs, repatriation allowance)?**

Are development aid subsidies available?

Do the persons using the programme continue to benefit from social security benefits in your country in the event of repatriation? --

Return costs are paid by the programme. Any other incidental costs or emergency payments for destitute families may be covered by IOM but are not taken from the Home Office budget. Development aid subsidies are not available. Social security benefits cease on return to the country of origin.

- (f) **Is the assistance granted by the programme transferred to the third-country national or to another body?**

Any assistance given by IOM is given direct to the person.

3. **Please carry out an estimate of the effects of the programme to the scheme applicable (number of beneficiaries, occurrence of any incentive effects, etc.).**

The pilot project began in mid-February and has been running for about 10 weeks. We have so far returned 10 people, including dependants, with a further 6 awaiting repatriation. It is too early to evaluate the financial savings, if any.

We have returned what were potentially difficult cases, such as an Iranian male, an Ethiopian mother and child, a Slovak family group. There are other "problem" nationalities awaiting repatriation, from Somalia, Iraq, Iran and Albania and "problem" types, such as family groups, those with ill health, and unaccompanied minors. However, we still encounter some problems with issue of a travel document, particularly from the Iraq Embassy which is hindering some returns.

4. **Does the programme provide for the possibility of "regret" on the part of the returnee?**

What are terms of this "regret" clause?

The programme provides no such clause.