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NOTE

from: Incoming Spanish Presidency

to : Migration Working Party (Expulsion)

Subject: Questionnaire on national practices concerning assistance for the voluntary repatriation of third-country nationals residing illegally in the territory of the Member States of the European Union

(A) INTRODUCTION

Article K.1 of the Treaty on European Union states that Member States shall regard combating unauthorized immigration, residence and work by nationals of third countries on the territory of Member States as a matter of common interest.

It is on the basis of that Article that the incoming Presidency of the Union has drawn up this questionnaire in order to ascertain the practice followed by each of the Member States of the European Union as regards granting assistance to third-country nationals residing illegally in the territory of the particular Member State and wishing to return to their country of origin.

The proposal of the incoming Spanish Presidency was included in the French Presidency's work programme, which stated that a questionnaire on national practices concerning assistance for voluntary repatriation would be sent out so that use could be made of it under the Spanish Presidency.

The content of the questionnaire may be summarized under the following main headings,

- analysis of legislation and practice in each Member State;
- conditions to be met for eligibility for assistance;
- types of assistance granted;
- statistics on assistance granted over the previous two years to third-country nationals voluntarily returning to their country of origin.

Delegations may also wish to provide other information on the question with a view to building up a clear picture of the practice followed in each Member State.

Delegations are invited to send their replies to the General Secretariat of the Council before 30 June 1995 to allow evaluation of the information provided.

(B) **QUESTIONNAIRE ON NATIONAL PRACTICES CONCERNING ASSISTANCE FOR THE VOLUNTARY REPATRIATION OF THIRD-COUNTRY NATIONALS RESIDING ILLEGALLY IN THE TERRITORY OF THE MEMBER STATES OF THE EUROPEAN UNION**

I. LEGISLATION IN FORCE AND PRACTICE FOLLOWED

1. Is there any specific national legislation governing the granting of assistance of any kind for the voluntary repatriation of third-country nationals residing illegally in your territory?
2. If not, what is the practice followed for granting such assistance? Is there a specific programme of assistance to such persons to enable them to return to their own countries?

3. Is there any organization in your country with the resources and infrastructures necessary to organize the return of such persons? If so, is it the authority responsible for issuing residence permits, or some other authority?
4. Are aliens given information concerning the existence of assistance for voluntary repatriation? If so, through what body?
5. Has your country signed any re-admission agreements under which some type of assistance is granted for the voluntary repatriation of nationals of the State with which the agreement has been concluded?
6. Have other international agreements been concluded with third countries to grant assistance for voluntary repatriation to nationals of those countries residing illegally in your territory?

II. CONDITIONS WHICH MUST BE MET BY ALIENS

7. As a general rule, what conditions must be met by third-country nationals residing illegally in your country and wishing to apply for assistance in order to return voluntarily to the territory of the State of which they are nationals?
8. Are some forms of aid granted to a specific group of unlawfully resident persons who are, for example asylum seekers whose applications have been rejected, or aliens imprisoned after committing an offence?
9. Is assistance granted once only or may it be granted to a person who has already received assistance, has returned to your territory and is again residing illegally?
10. Can assistance be granted to the spouse and children? Is such assistance conditional upon the repatriation of the whole family?
11. What documents proving that they are nationals of a particular country and that they will be admitted by the third country must such persons produce to be able to apply for assistance?

12. May aliens who have been the subject of a removal or expulsion measure which has not been carried out claim such assistance?
13. What happens if an alien meeting the requirements for obtaining assistance does not leave your territory by the due date? In that case, may he/she be the subject of a removal/expulsion measure?

III. TYPES OF ASSISTANCE GRANTED

14. If assistance is granted, of what does it consist? Money or assistance? If money, how much?
15. What items are covered by the assistance provided? Cost of the journey to the third country, technical assistance, etc?
16. Is assistance granted directly to the person concerned or to the country of which he/she is a national?
17. When is the assistance delivered? Before the alien leaves your territory, after leaving it, or both?
18. Does any non-Governmental organization collaborate in the procedure of voluntary repatriation?

IV. STATISTICS

19. What assistance has been granted over the last two years to nationals of third countries residing illegally in your territory to enable them to return voluntarily to their own countries?
20. Of which countries were the persons involved nationals?
21. What is the amount of the assistance granted under this heading?