FRONTEX

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Outcome Report

5th Voluntary Return Network (VRN) meeting

Videoconference, 11 April 2024

Background information

The Return Operations and Voluntary Returns Unit (RVR) of the European Centre for Returns Division (ECRET) organized the fifth meeting of the Voluntary Return Network. The meeting was held as a videoconference.

Chair: [redacted] Head of Unit, Return Operations and Voluntary Returns Unit, ECRET

Co-chair: [redacted] Senior Team Leader, Operational Implementation Team

personal data

Participants:

- Frontex **European Centre for Returns Division** (organizer)
- Member States and Schengen Associated Countries: AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, HR, HU, IE, IS, IT, LT, LU, MT, NO, PL, PT, RO, SE, SI, SK
- European Commission (**COM**)

Key points and conclusions

1. Welcome and adoption of the agenda / update by the Belgian Presidency

The Chair welcomed the attendees and presented the agenda of the meeting, which was promptly approved by the VRN members.

Following the welcome, updates were provided by the Chair on the re-organization of the Agency, in particular the establishment of the Operations Directorate and restructuring the ECRET, which will be renamed to 'Return Division' as of 2nd May. [redacted] will continue as Director of the Return Division and [redacted] will continue as the Head of Return Operations and Voluntary Returns Unit, which will be enhanced with three newly established sectors: Return Operations Sector (ROS), Return Support Sector (RESEC), and Return Planning and Evaluation Sector (REPES), with the current Team Leaders assuming the role of Heads of Sectors. Additionally, a horizontal level Return Knowledge Office (RKO) will be established to facilitate knowledge sharing, while the Joint Reintegration Services (JRS) have been renamed to EU Reintegration Programme (EURP). Moreover, networks across all Agency business areas were reshaped based on an Executive Director (ED) decision, with the Management Board positioned at the top of the network hierarchy. When it comes to return-related matters, issues identified during network meetings need to be escalated to the Management Board through the High-Level Roundtable (HLRT) on Returns.

Next, a representative of the Belgian Presidency of the Council of the European Union (BE PRES) presented their priorities around return focused on reflecting on the current state and future direction of the EU return policy. Attention was drawn to upcoming activities, including the next IMEX in April 2024, where voluntary return and reintegration strategy discussions will take place. The technical discussions covered the IMEX calendar overview, and key discussions on the definition of voluntary return, while the strategic discussions addressed Article 25a of the Visa Code, Frontex's mandate, liaison officers' role, Schengen evaluations' outcomes, and plans for making the EU return system more effective. Future discussions include a follow-up on voluntary return and reintegration and integration with other relevant working groups.

2. Frontex-supported voluntary-based returns in 2023-2024

Frontex presented the growing trend of the share of returns supported by Frontex in the overall number of effective returns at EU level. In the first quarter of 2024, there was a significant increase in returns supported by the Agency (+49% including forced and voluntary returns) compared to the same period in the previous year, attributed largely to the use of scheduled flights by Member States[1] (MS).

The support to voluntary-based returns also witnessed a remarkable surge, which compared to the first quarter of 2023 showed an 82% increase. In the first quarter of 2024, voluntary-based returns represented 61% of Frontex supported returns while forced returns accounted for 39%. Voluntary returns were carried out almost exclusively by means of scheduled flights.

The activities of the top 5 Organizing Member States in voluntary returns, and voluntary departures by scheduled flights have been summarized. Frontex also provided the map of reached return destinations by both, charter, and scheduled flights. Overall, the data underscored the increasing efficiency and scope of Frontex-supported returns and departures.

Internatio nal relations Internal decision-making (Relation ship with third countries - Returns)

Updates on two recent important voluntary returns (VR) by scheduled flights were also provided. The first involved a VR from Iceland [redacted], addressing challenges in finding connections to far destinations from Iceland. The cooperation with the Spanish authorities was of paramount importance for the facilitation of transit through [redacted], highlighting the necessity of agreements between MS for such returns. [redacted] Frontex partner in the field of returns, was of key importance to implement the VR.

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The second success story involved a VR from Belgium [redacted]. The return, facilitated [redacted], demonstrated the feasibility of using scheduled flights (SF) for VR. This test flight served as a promising foundation for future VR [redacted], emphasizing the importance of building on successful initiatives.

3. Implementing rules for voluntary returns

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During the meeting, the criteria and the implementing rules and procedures for the evaluation and approval of voluntary return needs were presented to VRN members. The latter were formally adopted with a Decision of the Executive Director.

The Decision foresees that the assessment process starts when MS submit their needs in FAR. At that point, Frontex starts the assessment of the request against the criteria of security, respect for fundamental rights, cost-effectiveness, time-effectiveness, operational conditions and flexibility, the external action policy of the European Union, security and environmental sustainability. When assessing a request by a

[1] *The term "Member State" means for the purpose of this document a Member State of the European Union or a Country associated with the implementation, application and development of the Schengen acquis in the meaning of the Treaty on the Functioning of the European Union and its Protocol (No 19) on the Schengen acquis integrated into the framework of the European Union.*

Member State, a dialogue between the Agency and that Member State may take place in order to best align the needs of the Member State and the requirements from the Agency.

The assessment of the voluntary return need based on the above criteria may lead to the approval or rejection of the specific voluntary return need, or to making recommendations to be fulfilled by the requesting Member State (e.g., offering the use of scheduled flights instead of a charter flight, providing alternative dates and/or routes). Recommendations can be of two types: mandatory to implement and desirable to implement. It will be highlighted to the requesting Member State if it is mandatory to implement a particular recommendation in order to receive support from the Agency. Failure to implement the mandatory recommendation shall lead to the rejection of the voluntary return need. Failure to implement any other recommendation may lead to the rejection of the voluntary return need unless a Member State provides sufficient justification why its implementation is not possible.

The power to evaluate, coordinate, and approve MS requests for voluntary returns was recently sub-delegated to ECRET staff, enabling specific personnel to assess MS needs in FAR and make decisions accordingly.

4. FAR developments

During this point, RVR presented the latest FAR developments, specifically focusing on mandatory disclaimers and legal provisions to ensure the safeguarding of fundamental rights. It was emphasized that marking the disclaimers box should accurately reflect the situation of the returnee, with clarification sought from Frontex as needed. In certain cases, bans may be imposed depending on the situation in the destination country, highlighting the importance of careful consideration. A pilot project was announced, involving the creation of a list of suspended destinations. Next month, plans are set to launch the same feature for Member State (MS) users, providing a full list of operational limited areas. This list will detail the types of returns possible to each destination along with a brief explanation of the restrictions. The list will be regularly updated and consulted with the Fundamental Rights Officers (FRO). Finally, the presentation focused on post-arrival and post-return support, detailing the usage of the program and its assessment for further improvement, and tailoring of support. It was noted that filling out information regarding post-arrival and post-return support is mandatory during the creation of an operation.

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Member States' comments:

[redacted]

5. Country of nationality vs. Country of return

The conversation revolved around Article 3(3) of the Return Directive, which defines the concept of return. This article specifies that 'return' entails the process of a third-country national (TCN) going back either to their country of origin, (2) to a country of transit in accordance with Community or bilateral readmission agreements or (3) to another third country, to which the third-country national concerned voluntarily decides to return and in which he or she will be accepted.

Guidelines were discussed concerning the country of return in relation to nationality. It was highlighted that additional clarification via FAR is necessary when the nationality does not match the country of

return, thus ensuring a comprehensive understanding of the situation. Examples were provided, and there was a request to upload additional documentation in FAR to support voluntary returns.

Roundtable Discussion- Member States' Comments:
The roundtable discussion focused on national practices regarding the organization of voluntary returns and the criteria for returnees to be admitted in a Third Country. Here are the key points shared by various Member States (MS):
[redacted]

Modus Operandi cooperation with Member States)

Sensitive operational information

6. Return decisions in voluntary-based returns

Information was provided regarding the survey that was conducted to gather information on national practices regarding voluntary returns. The results of the survey were shared as follows:

- **22 MS** reported that they always issue a return decision in the case of voluntary returns,
- **9 MS** do not issue return decisions at all or do not always issue a return decision in the case of voluntary returns. This represents close to one third of MS, indicating a significant proportion that does not consistently issue returns decisions for third-country nationals (TCNs) illegally staying in the EU who express their willingness to return voluntarily.

It was emphasised that the results of the survey are not quite reliable, because it became evident that what many MS were communicating and defining as voluntary returns are in fact voluntary departures (i.e., return decision issued with time limit set to leave the EU between 7 and 30 days).

One MS changed its legislation to always issue return decisions in all cases of voluntary-based returns, implementing the change since October. As a result, the gap between VR and VD started to shrink progressively.

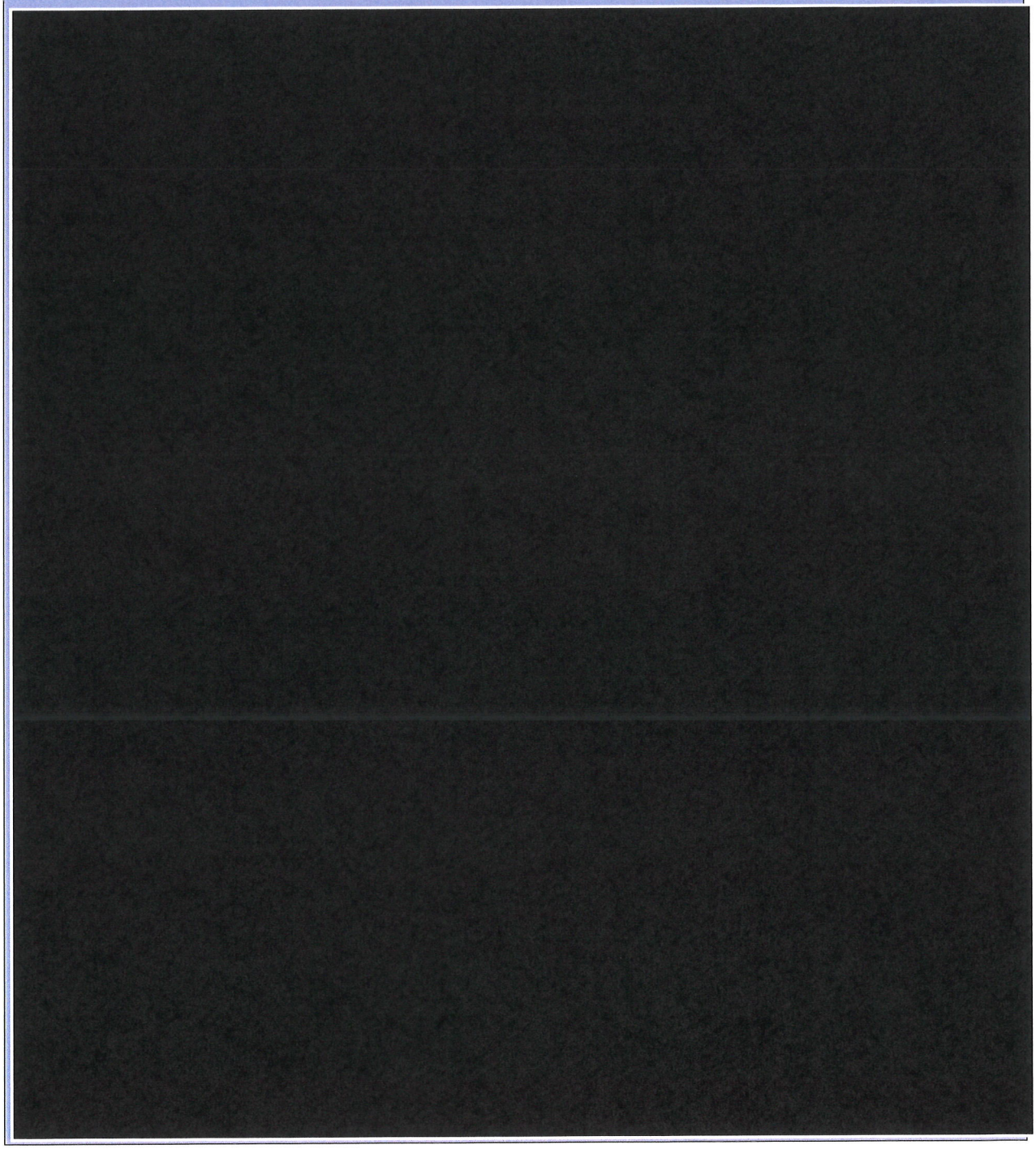
Roundtable Discussion

During the roundtable discussion, each participating MS was requested to answer the following questions:

a. The reason for not issuing return decisions (for the 9 Member States),

b. If the support of the Agency in relation to voluntary returns becomes dependent on the issuance of RD, how this would impact the national procedures.

Key points shared by Member States that do not always issue a return decision:



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Key points shared by Member States that issue a return decision:

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COM: Several key points were highlighted:

1. Compliance with the EU Return Directive: Art. 6(1) of the Return Directive mandates MS to issue a return decision for TCNs staying illegally on their territory. This obligation is also reflected in national legislation and is crucial at both the EU and national level.
2. Link to National Asylum, Migration, and Integration Fund (AMIF), where funding for return measures is directly tied to the issuance of return decision.
3. Importance of data: proper data management, including tracking return decisions and implementation rates, is crucial for assessing return efficiency rate. With the implementation of the Schengen Information System (SIS) it becomes even more critical to have accurate data on return decisions.
4. Moreover, according to Art. 50 of the Frontex Regulation it is noted that Frontex support requires the existence of a return decision. The need to integrate return decisions into processes for voluntary-based returns was stressed.

7. Latest update on voluntary-based returns by charter flights

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In 2023 [redacted] had 4 mixed flights (JRO/VRD) [redacted] The pilot proved the cost-effectiveness and operational sustainability of combining a forced operation and a voluntary return-departure. [redacted] organized 1 mixed flight with 14 returnees. [redacted] conducted 1 charter flight with 180 returnees. For 2024 [redacted] will continue with combined operations. Furthermore, a new VRD by charter from [redacted] will be organized as soon as a round of high-level meetings will clarify the terms of the cooperation between the two countries.

Main challenges experienced on the field:

- communication flow with the authorities of TC.
- securing landing permits.
- ensuring cost-effectiveness with a suitable number of passengers on board.

8. Vulnerable groups in voluntary-based returns

During the discussion on procedures for families and children, several key points were highlighted. Emphasis was placed on ensuring family well-being and unit cohesion during travel arrangements, such as child-friendly seating and priority boarding. The process begins with identifying family needs and submitting requests through FAR, with Frontex staff facilitating assistance with airlines. Document verification, particularly when surnames don't match, ensures the integrity of family units.

Moreover, the Families and Children in Return (FACIR) pilot study was presented, aimed at facilitating the return of vulnerable groups, especially children and families. This program provides training to professionals involved in the return process, focusing on the best interests of the child, including psychological support and education on legal rights.

In the discussion on vulnerable groups in the return process, such as people with disabilities, the elderly, or those with special needs, a clear procedure was outlined. When a need is identified by Member States (MS), a special service request can be made to Frontex (FX), which can coordinate with airlines to ensure necessary assistance during the return. Practical examples by FRESO coordinators at Larnaca and Paris CDG airports highlighted the importance of immediate action.

sensitive operational information

Modus operandi (cooperation with Member States)

Member States' Comments:

[redacted]

Best practices for handling cases of unaccompanied minors (UAM):

Frontex provides support for UAM in voluntary return processes, prioritizing the safety and the best interests of the child. Effective communication between Member States, Frontex, and destination countries is emphasized. A formal policy on the support of the Agency to voluntary returns (and under exception, voluntary departures) of UAM will be adopted as soon as the IRMA encryption tool is ready (scheduled for July).

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Member States' comments:

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9. Closing remarks and closure of the meeting

No further comments or points of discussion were raised.

Next meeting: date to be confirmed most probably during October. The presentation from the meeting and the minutes will be available on IRMA workspace dedicated to VRN meetings.