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FRONTEX

12/12/2024

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Outcome Report
6th Voluntary Return Network Meeting
Hybrid mode: Warsaw and videoconference 3 October 2024

personal data

Background information

Chairperson:	[redacted]
Note taker:	[redacted]
Attendees:	• Frontex Return Division (organizer), • Fundamental Rights Office of the Agency • Member States and Schengen Associated Countries (MS): AUT, BEL, BGR, CHE, CZE, DEU, ESP, EST, FIN, FRA, HRV, HUN, ISL, ITA, LTU, LVA, NOR, POL, PRT, ROM, SWE • European Commission (COM)

Key points and conclusions

1. Welcome and adoption of the agenda

The Chairperson welcomed attendees and presented the agenda, which was promptly approved by VRN members. The Chair informed participants about the structure of the new Return Division within Frontex which took effect in May 2024.

2. Outcome of the return audit

The Return Operations and Voluntary Returns Unit (RVR) presented the outcomes of the audit conducted by the Internal Audit Service (IAS) of the European Commission on the management of returns in the Agency. The objective of the audit was to assess the adequacy of the design and the effectiveness of the procedures implemented by Frontex for the management of returns, including the mechanisms supporting the Agency's compliance with fundamental rights provisions and principles during return operations.

The audit scope covered the following processes: (1) the governance on return activities; (2) pre-return activities; (3) return operations; (4) post-return activities; and (5) the monitoring and reporting of fundamental rights.

For the purpose of the audit, IAS staff conducted fieldwork on the spot, which was finalised in February 2024 and the final report was issued in the summer of the same year. In the final report, the IAS concludes that the procedures implemented by Frontex for the management of its return activities are overall adequately designed and effectively implemented.

Nonetheless, the IAS made two key recommendations:

1. Design and implement a process for regularly collecting and assessing the Member States' needs, as well as collecting feedback from Member States on the assistance provided by Frontex: Frontex will implement this recommendation through surveys, FAR, network meetings, and other mechanisms, starting soon. Commitment is required from both Frontex and Member States.
2. Systematically collect information via FAR on return and reintegration counselling & the possibility to complain: Frontex will introduce new features into the FAR module of IRMA to collect

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information on whether return and reintegration counselling was provided to the returnee(s) and the way Member States intend to inform returnees about their right to complain, in the form of disclaimers.

Member States' comments

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3. Voluntary return with return decision- state of play

During the meeting, RVR highlighted the increasing number of voluntary returns being organized and emphasized the necessity for Member States to issue return decisions for third-country nationals participating in these returns, as required by the EU Return Directive.

Starting in 2025, Frontex will require all Member States to issue return decisions for individuals participating in voluntary returns as a precondition for receiving Frontex support. Additional time will be given to Member States to adjust their policies and legislation before this requirement takes effect. Additionally, Frontex will categorize all returns as voluntary returns, given the lack of a clear definition at the EU level.
This measure aims to ensure alignment with EU regulations, improve data management, and facilitate tracking and monitoring of return operations. Accurate tracking of return decisions and implementation rates is essential for assessing return efficiency and providing reliable statistics on voluntary returns.

Member States' comments

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4. Stories behind the numbers; Positive experiences and successful cooperation with Frontex - examples

The meeting highlighted inspiring examples of successful cooperation between Frontex and Member States in facilitating voluntary-based returns. These examples demonstrate the importance of collaboration, flexibility, and cooperation with airlines and reintegration partners in ensuring successful

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returns and underscore the need for Member States to work together to share best practices and overcome challenges.

Member States' comments

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internati onal relations + Internal decision-making (Relation ship with third countries - Returns

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5. Frontex support: conditions, legal basis, awareness

The Agency's support to Member States (MS) for voluntary returns is based on Regulation (EU) 2019/1896, which constitutes the main legal basis for the implementation of return activities. The Regulation forms the basis for operational plans, including the Frontex Operational Activity Plan for Return (FOA-R) and the Rolling Operational Plan (ROP), which are binding on the Agency, the host Member State, and participating Member States. When using Frontex support for voluntary returns, MS must comply with recommendations made by the Agency in line with applicable decisions and provisions of the FOA-R and ROP.
To ensure successful voluntary returns, the Agency assesses cost-effectiveness and fundamental rights, and may ask for alternative routes or suspensions of operations to certain countries. For example, the Agency does not conduct voluntary returns to Afghanistan or Syria, and constantly monitors the situation to suspend operations to several countries. In cases where MS request support for voluntary returns, the Agency may require additional information, such as background information on the individual.

Furthermore, RVR emphasized the importance of MS compliance with obligations, including finalization of final reports and flash reports, knowledge of the Frontex Return Application (FAR), and designation of a focal point for 24/7 contact. Moreover, RVR encouraged MS to be flexible and adapt to changing circumstances, such as changes in flight schedules. Finally, RVR noted that the Agency works according to the legal basis agreed upon by MS and suggested that awareness sessions could be organized to clarify procedures and rules, and to address difficulties and frustrations arising from a lack of knowledge of the basic rules.

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Modus perandi cooperati on with Member States)

Member States' comments

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6. Roundtable discussion: Member States experience in effectively monitoring the voluntary-based returns - Communication with the third country nationals (hereinafter 'TCNs') before, during and after departure

The roundtable discussion focused on the effective monitoring of voluntary-based returns, with a particular emphasis on communication with third country nationals (TCNs). RVR emphasized the importance of having a contact focal point in Member States to facilitate communication in urgent situations and highlighted the need for relevant communication ways with TCNs, particularly in cases of flight cancellations. The discussion centred around the following four key questions:
Question 1: What is the frequency and way of communication with the TCNs throughout the return process? Is there a system in place to track and confirm the TCN's arrival at the airport on the scheduled date? Do you receive any feedback and or confirmation from the TCNs when they reach their final destination?
Question 2: What challenges do you face in maintaining open communication with TCNs during the return process?
Question 3: Are the TCNs informed about the details of the itinerary, such as details about the transit, change of terminals, time between flights? In case of longer transit time, and families with children, are those provided with any pocket money for purchasing food and beverages?
Question 4: Do you provide the returnees with the contact number to the competent national authorities to call in case of emergency?

Roundtable Discussion- Member States' Comments:
The following Member States reported on their practices regarding communication with third country nationals (TCNs) during the return process:
[redacted]

modus operandi of law enforcement (returns)

Sensitive operational information

[redacted]

7. Roundtable discussion: Planning returns with vulnerable groups:

The roundtable discussion focused on prioritizing the needs of vulnerable individuals, including unaccompanied minors, disabled individuals, elderly people, and possibly single mothers, in the return process. The discussion aimed to exchange approaches and strategies for planning returns that are tailored to the specific needs of these groups, ensuring their dignity and well-being are protected throughout the process.
Member States were asked to share their experiences on:
1. Conducting vulnerability assessments to identify individuals who require special attention during the return process.
2. The presence of doctors or medical staff during returns, including fit-to-travel assessments and specific national legislation requirements.
3. The main challenges faced when organizing returns for vulnerable groups.

The discussion aimed to support the exchange of best practices and strategies for planning returns that cater to the unique needs of vulnerable individuals, ensuring a humane and effective return system. Member States shared their experiences and approaches.

Member States' Comments:
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The Pre- Return Unit (PRE) presented its "Good Practices on Returning Children with Families" document, which aims to compile best practices from Member States and promote them at the EU level. The discussion focused on the use of Frontex materials, specifically the books for children, which were prepared for both type of returns (forced and VR) and launched in 2023. PRE reported that over 40,000 books have been ordered in 16 languages, and a digital version is available on the Frontex website in 15 languages. The digital version is tablet and mobile-friendly, and an activity book is also available in physical copy.

PRE is also preparing an animated video guide for children, which is designed for those who may not be able to read or have never attended school.

PRE plans to conduct a survey to gather feedback from Member States on the development of new tools for vulnerable groups. The survey aims to identify the real needs of Member States in terms of developments and to gather ideas for a new toolbox for vulnerable groups. In addition, plans to launch a pilot project for a train-the-trainers program for returning families. The training will cover topics such as self-care, child psychology, and the legal framework.

A training program on "Families and Children in Returns" will also be open to Standing Corps and Member State representatives.

8. Closure of the meeting

No further comments or points of discussion were raised.
Next meeting: date to be confirmed.
The presentation from the meeting and the minutes will be available on IRMA webpage dedicated to VRN meeting.