



OPINION

European Economic and Social Committee

Voluntary return and reintegration strategy

Communication from the Commission to the European Parliament and the Council
The EU strategy on voluntary return and reintegration
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SOC/694

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1. **Conclusions and recommendations**

- 1.1 The strategy on voluntary return and reintegration aims to establish a shared approach to the design, development and implementation of the assisted voluntary return and reintegration programmes (AVRR) run by the Member States, identifying common objectives and fostering coherence between national programmes and between these programmes and the European Union. It also seeks to promote and establish common tools and to improve cooperation between Member States in these areas.
- 1.2 So far, having a wide array of instruments and approaches with regard to voluntary return and reintegration has translated into a melting-pot of initiatives, programmes and projects, which in many cases lack common reference frameworks. This makes it difficult to evaluate them and to implement them properly. The aim of this strategy is to further harmonise these reference frameworks and to encourage cooperation between European countries on the development of AVRR programmes.
- 1.3 The EESC welcomes the strategy as a management tool that seeks to improve coordination and Member States' shared objectives in the field of migration governance. The EESC agrees with the Commission's approach of further reviewing and harmonising the instruments, and improving data collection and counselling mechanisms for those affected, in order to, among other things, improve the fragmented approach to the issue, reduce the costs of return and increase the funding allocated to these programmes.
- 1.4 However, as on previous occasions, the EESC regrets that measures to improve legal entry routes, i.e. those which affect the majority of foreign nationals resident in the European Union, are being developed later than the proposals aimed at resolving irregular migration issues and in a more limited manner. A comprehensive approach to mobility is essential in order to offer alternatives that go beyond border control and return.
- 1.5 The EESC stresses that the majority of returns do not work properly due to the lack of involvement of the countries of origin, and because of the reluctance of people in irregular situations to participate. Accordingly, while appreciating the Commission's efforts, the EESC cannot help but doubt the effectiveness of some of the proposals put forward, such as the issue of sponsored return.
- 1.6 The EESC is also concerned about the future role of Frontex, especially given the publication of the European Parliament's report on the violation of rights by this European agency¹. In the EESC's view, it is essential to demand the establishment of flexible and effective accountability mechanisms for Frontex's activities, as well as ensuring that they are carried out with respect for human rights.

¹ See the *Report on the fact-finding investigation on Frontex concerning alleged fundamental rights violations*, LIBE Committee on Civil Liberties, Justice and Home Affairs, 14 July 2021.
https://www.europarl.europa.eu/cmsdata/238156/14072021%20Final%20Report%20FSWG_en.pdf

- 1.7 The EESC supports better coordination between all stakeholders as well as the planned improvements to strengthen solidarity between Member States and cooperation with third countries. It also supports efforts to improve counselling and guidance on the issue of returns, and civil society's involvement in returns, especially sustainable reintegration. It also welcomes efforts to improve the availability of resources and the collection of data, as well as the exchange of best practices in these areas.
- 1.8 The EESC is concerned about the stated objective of increasing swift voluntary returns from the external borders, due to the lack of guarantees that they may entail. In particular, it is concerned that voluntary return may become a euphemism for expulsions or financial compensation paid to the destination countries that receive returnees, without ever taking sufficient consideration of their wishes, or, even more worryingly, their rights. The EESC also warns of the contradiction involved in offering incentives via programmes that are based on the existence of persons in irregular situations, as this may discourage countries of origin from trying to reduce the flow of migrants.
- 1.9 In this respect, the EESC continues to hold the view that the strategic weakness of the European Union's immigration and asylum policy is its almost exclusive focus on tackling irregular situations, whether at the border or through voluntary and forced returns. To that end, it again calls on the Commission to review its reference framework and effectively work towards an integrated approach to immigration and asylum policy that promotes orderly, legal and safe mobility.

2. **Background**

- 2.1 Facilitating voluntary return has been a strategic objective of the European Union's migration policy since the Return Directive was adopted in 2018 and as confirmed by the New Pact on Migration and Asylum.
- 2.2 Voluntary return refers to the mechanism which enables irregular migrants in the EU to return to their countries of origin. It is an instrument that allows a voluntary decision to be made by migrants, facilitates readmission to the country of origin and allows for better reintegration into the host society than forced return procedures. Of the 491 195 irregular third-country nationals who were ordered to return in 2019, 142 320 actually returned to a third country.
- 2.3 The aim of the strategy is to establish a shared approach to the design, development and implementation of the assisted voluntary return and reintegration programmes (AVRR) run by the Member States, identifying common objectives and fostering coherence between national programmes and between these programmes and the EU. It also seeks to promote and establish common tools and to improve cooperation between Member States.
- 2.4 The purpose of return and reintegration assistance is to assist irregular migrants to return voluntarily and start an independent life in their country of origin, thereby reducing the risk of further irregular immigration. Return assistance may include, for example, pre-departure counselling, psychosocial support and help making travel arrangements, assistance to meet immediate medical needs and/or financial support to facilitate the return and establish a stable

life upon arrival. Reintegration assistance aims to help the person successfully reintegrate into society and may include immediate assistance and counselling upon arrival, support in finding or creating income-generating activities for the returnee, as well as activities with local communities.

- 2.5 The EU finances a significant number of actions linked to voluntary return and reintegration directly or through Member States' programmes. Between 2014 and 2018, nearly 60 AVRR programmes were financed through the Asylum, Migration and Integration Fund (AMIF), and similar initiatives have also been funded through the European Development Fund and instruments such as the Development Cooperation Instrument (DCI) and the Instrument for Pre-Accession Assistance (IPA). On the other hand, many Member States have their own AVRR programmes.
- 2.6 Having such an array of instruments has translated into a melting-pot of initiatives, programmes and projects, which in many cases lack common reference frameworks. This makes it difficult to evaluate them and to implement them properly. The aim of this strategy is to further harmonise these reference frameworks and to encourage cooperation between European countries on the development of AVRR programmes.
- 2.7 The strategy put forward by the Commission sets out the following objectives: 1) increasing the acceptance of voluntary returns among migrants and their share in the total number of returns; 2) creating an additional channel for cooperation and solidarity between Member States, contributing to sponsorship for returns; 3) improving the efficiency of individual and community assistance, reducing gaps and duplication and increasing synergies with other donors and third countries, including by offering better protection for vulnerable migrants; 4) setting out sustainable return and reintegration measures, to take account of and meet individual needs; 5) promoting the sustainability of returns and reducing further irregular migration, including through support for the host communities; 6) making reintegration measures more sustainable for individuals and communities and improving their contribution to third countries' development plans, including by building links with other development activities funded at national or EU level; 7) capacity-building for third countries and increasing their involvement in return, readmission and reintegration processes; 8) joining up the aforementioned objectives as part of a rights-based, migrant-centric approach.
- 2.8 Voluntary return offers returnees real opportunities and takes into account their needs, expectations and prospects upon return. Moreover, in line with the framework for cooperation with third countries, it may also involve the participation of countries of return. Reintegration is key to the efficiency and credibility of return programmes, as it involves developing tools to help migrants overcome the socio-economic and psychosocial difficulties they face when they return to their community and to make their return more sustainable. Reintegration should be designed with the involvement of national and local authorities, local host communities and civil society to help provide real prospects for the returnee and their local community.

- 2.9 To support stakeholders with its implementation, the strategy will propose specific practical arrangements for achieving the aforementioned objectives and a toolkit, ranging from IT solutions to close data gaps and facilitate data management to guidance on project management, development planning and capacity-building.
- 2.10 The strategy has been the result of an open participatory process, involving various key actors, as well as national authorities responsible for AVRR programmes, bodies involved in return projects and service networks, etc.

3. **Comments on the presentation of the strategy on voluntary return and reintegration**

- 3.1 The EESC welcomes the European strategy on voluntary return and reintegration as a management tool that seeks to improve coordination and Member States' shared objectives in the field of migration governance.
- 3.2 The EESC believes that, during a review of an instrument such as voluntary return and reintegration, there is room for improvements such as those pointed out by the Commission in its Communication. The aspects that the EESC considers key to improving the efficiency of these instruments are: improving the fragmented approach to the issue; reducing the costs of return; improving the system for collecting information; improving the counselling system for returnees; improving coordination between stakeholders; supporting the sustainability of voluntary return and reintegration projects; increasing the funding allocated to these programmes. The EESC also deems it essential to improve data collection and the identification of good practices in order to share lessons learned.
- 3.3 However, as stated on previous occasions (Opinion SOC/649-EESC-2020), the EESC regrets that measures to improve legal entry routes, i.e. those which affect the majority of foreign nationals resident in the European Union, are being developed later than the proposals aimed at resolving irregular migration issues and in a more limited manner. The Committee reiterates that a comprehensive approach to mobility is essential in order to offer alternatives that go beyond border control and return.
- 3.4 The EESC is aware of the difficulties that the majority of EU Member States face in ensuring effective returns, as well as the Commission's willingness to move to a common and effective European system of returns. However, the EESC would like to point out that the majority of returns do not work properly due to the lack of involvement of the countries of origin, and because of the reluctance of persons in irregular situations to participate. A voluntary return in order to avoid forced expulsion cannot be considered as an act of one's own accord.
- 3.5 The EESC reiterates its doubts concerning the issue of sponsored returns, as the incentives for Member States to participate in this mechanism are unclear, and it continues to be based on voluntary solidarity.

- 3.6 The EESC recognises the Commission's efforts on the issue of returns, both in terms of follow-up to national programmes and of the financial incentives provided by the EU. In this regard, the European Return and Reintegration Network, which facilitates cooperation between the authorities responsible for migration, should be highlighted. The Commission expects Frontex to take over this network's activities from 2022, which is of great concern to the EESC, given the European Parliamentary working group's report on the violation of rights by this European agency. In the EESC's view, this arrangement makes it necessary to establish flexible and effective accountability mechanisms for Frontex's activities, as well as ensuring that they are carried out with respect for human rights². This point must be emphasised, as the protection of human rights is key in all the European Union's actions, including migration policy, and in return and reintegration processes, and the supervision of Frontex's role must be carried out (and rectified if necessary) in real time.
- 3.7 Return and reintegration programmes involve a significant number of stakeholders, service and training providers, and exchanges of information and resources, in both the countries of departure and entry. This dynamic is based on the presence of people in irregular situations in Europe. It is therefore worrying to think that it could lead to the possible emergence of business activities that survive on the very existence of such persons in irregular situations, which could in turn encourage this immigration route, with the expectation of (voluntary or forced) return.

4. **Some additional considerations regarding the strategy's approach**

- 4.1 The EESC continues to hold the view that the strategic weakness of the European Union's immigration and asylum policy is its almost exclusive focus on tackling irregular situations, whether at the border or through voluntary and forced returns. Legal, flexible, safe and efficient entry mechanisms are needed to prevent irregular situations and, moreover, to limit the potential for economic exploitation based on such situations.
- 4.2 The EESC is concerned about the stated objective of increasing swift voluntary returns from the external borders, due to the lack of guarantees that they may entail. If the voluntary return process is to be understood as a mature decision (by the person concerned) comprising reintegration measures (involving the public administrations of both countries), promoting this border model would be unthinkable. Otherwise, voluntary return may be understood as a euphemism for expulsions or financial compensation paid to the destination countries that receive returnees, without ever taking sufficient consideration of their wishes, or, more worryingly, their rights.
- 4.3 Effective coordination between all stakeholders. The EESC has nothing but support for the improvements to coordination between public policy stakeholders. However, it is concerned that the network of operators and stakeholders who view voluntary return as a business opportunity is expanding, and that they do not care about the needs of returned persons.

² See the recommendations made to this effect in the *Report on the fact-finding investigation on Frontex concerning alleged fundamental rights violations*, LIBE Committee on Civil Liberties, Justice and Home Affairs, 14 July 2021. https://www.europarl.europa.eu/cmsdata/238156/14072021%20Final%20Report%20FSWG_en.pdf

- 4.4 Improving solidarity and cooperation. Returns and reintegration actions should be carried out in a framework of cooperation and solidarity between Member States. This means enhancing coordination instruments to go beyond economic contributions by also providing support through knowledge, commitments and lessons learned. Moreover, all actions should be based on respect for and cooperation with the third countries where these initiatives will take place, promoting not only institutional participation but also cooperation with and contributions from civil society.
- 4.5 Support for voluntary return and reintegration of migrants from third countries and between third countries. In the EESC's view, supporting cooperation between third countries is key to migration governance. Focusing this cooperation on instruments that link up existing resources with irregular situations does not seem the most appropriate way to discourage such situations.
- 4.6 An effective system for counselling and guidance on returns. Improving information provided to migrants throughout the process is key, based on the premise that, even during expulsion procedures, the rights of persons are inalienable and must be guaranteed. It is precisely for this reason and due to the large number of stakeholders involved in a successful voluntary return programme (in the countries of origin and destination, diaspora, etc.) that such programmes cannot be established as "express" tools, or without linking them clearly to reintegration programmes.
- 4.7 Guaranteeing the quality of support. Once again, the EESC can only agree on the importance of providing voluntary return assistance comprising a wide range of services, including: counselling, medical and psychological support, financial and legal support and practical support to help with making travel arrangements. It reiterates, therefore, that the AVRR programmes cannot be interpreted as an instrument for mass or generic use. For example, the voluntary return of families requires special consideration for minors, which is different from other types of return. The role of Frontex in the provision and evaluation of some of these services is currently a cause for concern.
- 4.8 Promoting the sustainability of reintegration support and the involvement of partner countries. This point is key, not only for returnees' futures, but also in relation to the goal of avoiding further irregular immigration. The EESC again warns of the contradiction involved in offering incentives via programmes that require the existence of persons in irregular situations, as this may discourage countries of origin from trying to reduce the flow of migrants. Moreover, depending fully on the will of third countries to ensure the effectiveness of a policy such as that of voluntary return could seriously undermine the credibility and coherence of European migration policy.
- 4.9 Funding voluntary return and reintegration. It is clear that the EU is a key player in funding various aspects of the AVRR programmes. It is essential that cooperation with third countries on any aspect be based on the third countries respecting international public law, as well as the protection of human rights and the fundamental freedoms. Any area for cooperation with third countries on human rights issues should be welcomed by the European Parliament. Making cooperation on return issues a condition of the European Union's external action and

neighbourhood policy, in a counterfactual manner, is actually more of an incentive for irregular situations than a mechanism for reducing them.

Brussels, 22 September 2021

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