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Voluntary return programmes: an effective, humane and cost effective mechanism for returning irregular migrants

Report¹

Committee on Migration, Refugees and Population

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Summary:

With around 10 million irregular migrants in Council of Europe member states, Europe needs to find effective return mechanisms which balance the needs of member states and the human rights of irregular migrants.

Voluntary return programmes for irregular migrants offer an alternative to forced return. Voluntary return is not only more humane, it is also cheaper than forced return (in certain studies one third the cost). Where the voluntary return is accompanied by reintegration assistance it is also much more attractive to potential returnees, conducive to sustainable return and can contribute to development in the country of origin.

Member states of the Council of Europe are encouraged to promote assisted voluntary programmes, using the good offices of the International Organization for Migration (IOM). In order to increase the number of voluntary returns, member states should open the programmes up to a wider categories of persons, for example including not only failed asylum seekers but all irregular migrants, and step up information campaigns for prospective returnees. Care should however be taken to ensure that returns are “voluntary” and that return programmes are monitored for their effectiveness.

The Committee of Ministers has already prepared “Twenty Guidelines on Forced Returns” adopted in May 2005 which have had a notable impact in member states and in human rights circles. The Committee of Ministers is strongly encouraged to prepare similar guidelines for assisted voluntary returns.

¹ Reference to committee: Doc. 11483, Reference 3408 of 25 January 2008

A. Draft resolution²

1. The Parliamentary Assembly has regularly expressed concerns over the need to deal with the number of irregular migrants in Europe. It is estimated that there may be about 10 million irregular migrants living in Europe, with about 500,000 additional irregular migrants entering or becoming irregular every year. The Assembly recognises that many of these persons will have to leave Europe and have a responsibility to leave Europe. Some however may not be able to meet this obligation on their own and may need assistance.
2. Return of irregular migrants is an economic, social and political priority for many European states. Two types of return are possible. The first is forced return, which often entails lengthy detention, heavy financial costs for the state concerned and, for the persons and families concerned, suffering and hardship. A much more humane type of return exists in the form of "assisted voluntary return and reintegration" which allows primarily failed asylum seekers and irregular migrants, the possibility of returning home in dignity. In certain circumstances, where reintegration assistance is provided, it also ensures a sustainable return and is substantially cheaper than forced return for host countries. In the United Kingdom, for example, a voluntary return, including reintegration assistance costs a third of the cost of a forced return.
3. Assisted voluntary programmes also have other benefits. For countries of origin they are politically and socially more acceptable. Indeed many countries of origin refuse, or make it difficult for their own nationals to be returned against the individual's will. In these circumstances assisted voluntary return for a host country may be the only realistic return option. There are also other important spin-off benefits from assisted voluntary return programmes. When reintegration assistance is provided, it contributes to a more sustainable return, limiting the likelihood of the returnee seeking to leave the country of origin on another occasion. It also provides a form of development aid to the country and region concerned, and many returnees who have been supported in setting up small scale businesses, progress well and end up employing others. A person who returns voluntarily also sends a strong message to family, friends and other contacts, that irregular migration is not the dream it is often advertised to be. The returnee can thus be a powerful advocate against irregular migration.
4. The Committee of Ministers of the Council of Europe, in its Twenty Guidelines on Forced Returns, adopted in May 2005, has already concluded that "The host state should take measures to promote voluntary returns, which should be preferred to forced returns." Much more emphasis however needs to be put on assisted voluntary returns by members states of the Council of Europe and member states and the Committee of Ministers of the Council of Europe should continue to promote these schemes.
5. Assisted voluntary returns have now been carried out across the world for almost 3 decades and more than 1.6 million persons have returned to over 160 countries. Member states such as the United Kingdom have helped over 30,000 people return in this way during the period 1999-2009. All experience points to the fact that very few returnees re-migrate, which is an indication of the effectiveness and sustainability of the programmes that have been run.
6. The main international organisation working on the issue of assisted voluntary returns is the International Organization for Migration (IOM). It works closely with governments, other international organisations, non governmental organisations, civil society and diaspora. In some countries it is the main implementer of these programmes, in other countries it shares this role with a government office and in yet other countries it has little involvement. The Assembly welcomes the IOM's contribution to the process of assisted voluntary returns and congratulates it for its achievements in the field.
7. The Assembly notes that in order for an assisted voluntary return programme to be effective it has to be able to reach out to the community concerned and have the trust and confidence of those considering return. It is therefore essential that independent advisers, such as the IOM and civil society partners, including NGOs, are involved.
8. The Assembly notes that assistance has to be considered at three stages of the return process. First, it is required at the pre-departure phase when independent counselling, provision of country and region of origin information needs to be provided and identity documents have to be sorted out. It is also required at the transportation phase, when travel expenses can be met and assistance offered at the airport and other travel points. Thirdly, it is required at the post arrival stage. If returnees face the same problems they faced when they left their country of origin, they are likely to leave again. It is therefore important that some form of reintegration assistance in kind is offered to returnees, which may include temporary housing, education,

² Draft resolution adopted unanimously by the committee on 18 May 2010.

vocational training, small business set up or job placements and that this reintegration and assistance is monitored.

9. In the light of the important role that assisted voluntary return programmes play in managing irregular migration, the Assembly calls on member states to:

9.1. give much greater priority to promoting assisted voluntary returns, using the good offices of the International Organization for Migration. In doing this, member states are encouraged to:

9.1.1. develop outreach plans for the communities most concerned and develop awareness raising campaigns promoting assisted voluntary returns, involving the communities and diasporas concerned, and make full use of publicity materials (translated into all appropriate languages), advertising in national and local papers, radio and television;

9.1.2. favour tailored approaches to assisted voluntary return programmes with individual or family plans, providing assistance in the three following areas:

9.1.2.1. pre-departure where potential returnees can benefit from counselling, receive country / region of origin information and have contact with persons in their home towns or localities, thereby allowing them to come to an informed decision as to whether voluntary return is the best option for them. They should also be assisted in obtaining travel and identity documents;

9.1.2.2. transportation, where they can be provided with travel tickets and be assisted in their travel, including at points of departure and arrival. Further assistance can be provided depending on their needs, such as if they are vulnerable persons with special needs (such as persons with medical problems, minors or victims of trafficking);

9.1.2.3. post arrival to ensure the return is sustainable. This could include temporary housing, education, vocational training, small business set up or job placements. This assistance should be monitored and evaluated.

10. Member states are also encouraged to:

10.1. ensure that assisted voluntary programmes are indeed voluntary, that their consent is not obtained under pressure or blackmail and that returnees have access to independent and impartial actors in the return process to make free and informed decisions. Confidentiality and anonymity should be guaranteed at the beginning of the process; otherwise, potential returnees will not come forward to examine assisted voluntary return as an option;

10.2. ensure that a balance is provided between assistance given in cash and assistance given in kind;

10.3. include the widest possible range of beneficiaries, such as asylum seekers, failed asylum seekers, irregular migrants, persons in transit and persons who may be held in detention;

10.4. ensure that assisted voluntary return should never put in jeopardy the right of an asylum seeker to claim asylum and protection;

10.5. distinguish between assisted voluntary returns for irregular migrants and what can be described as independent return of convicted prisoners from prisons;

10.6. take particular account of the needs of vulnerable migrants, in particular:

10.6.1. unaccompanied minors, where the needs and wishes of minors and the opinion of the guardians have to be taken into account. Contacts with family members in the country of origin have to be assured, minors may have to be accompanied on the return journey and reception in the country of origin has to be organised. This reception needs to include reintegration assistance together with possible education and other support for the minor, and possible income generation support for the family of the minor;

10.6.2. persons with health problems who may require medical assistance during the return process and who will need information on healthcare availability and institutions following their

return and ensure that proper medical support is available and accessible in the country of origin;

10.6.3. victims of human trafficking whose vulnerability needs to be taken into account. These persons may need to have close contacts with support agencies in the home country and receive psychological, legal or medical support as well as support in finding a job or taking up education or training;

10.7. encourage independent monitoring of the outcome of assisted voluntary returns and the reintegration of those persons concerned, in particular those categorised as vulnerable.

11. Furthermore the Assembly also considers that member states should:

11.1. fund and support fully IOM in its work on assisted voluntary returns;

11.2. encourage and support NGOs and diasporas to contribute to the process of assisted voluntary return;

11.3. encourage more academic studies on assisted voluntary return and their effectiveness;

11.4. remove or reduce obstacles to assisted voluntary return programmes, including insufficient reintegration support and penalising re-entry bans, which acts as one of the major disincentives for take up of assisted voluntary return programmes.

12. The Assembly invites the European Union to continue to fund assisted voluntary return programmes through programmes such as the European Refugee Fund III, the European Return Fund and the External Border Fund, and to include assistance in future funds as well.

13. The Assembly encourages the IOM to continue its work on assisted voluntary return, and in particular to provide even greater access to country / region of origin information for potential returnees and information on the return schemes available. The IOM is also encouraged to improve monitoring, including independent monitoring, of reintegration following return, in particular for women and vulnerable persons.

B. Draft recommendation³

1. The Parliamentary Assembly refers to its Resolution(2010) on Voluntary return programmes: an effective, humane and cost effective mechanism for returning irregular migrants and commends the Committee of Ministers for encouraging member states to promote voluntary returns over forced returns in its Twenty Guidelines on Forced Returns, adopted in May 2005.

2. The Assembly urges the Committee of Ministers to promote further the use of voluntary return programmes and carry out, with the assistance of one of its inter-governmental committees (such as the European Committee on Migration (CDMG)), further research and monitoring on assisted voluntary return programmes run by member states of the Council of Europe.

3. The Assembly also recommends that the Committee of Ministers invites one of its inter-governmental committees (such as the European Committee on Migration (CDMG)) to prepare guidelines on assisted voluntary returns, in co-operation with the International Organization for Migration, in order promote further the use of this return mechanism in member states of the Council of Europe. These guidelines could usefully complement the Committee of Ministers' 20 Guidelines on Forced Returns.

³ Draft recommendation adopted unanimously by the committee on 18 May 2010.

C. Explanatory memorandum by Mrs Türköne, rapporteur

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1. Introduction

1. It can be estimated that there are about 10 million irregular migrants living in Europe today, with perhaps as many as 500,000 irregular migrants entering or becoming irregular in the course of each year.

2. While some of these persons will ultimately be able to regularise their situation, many will have to return to their countries of origin. Some will leave by their own choice, using their own means, others will be forced to return by the authorities, often following a period of detention.

3. Assisted voluntary return programmes, provide a mechanism through which many member states of the Council of Europe have been able to help irregular migrants return home. They are seen as a preferable option to forced return as they allow irregular migrants the possibility to return home in dignity and, in certain countries, under certain circumstances, they can provide assistance to reintegrate once the irregular migrants returns home.

4. For irregular migrants and for member states they offer a mutually beneficial alternative to deportation or compulsory removal. Assisted voluntary return programs are less costly for the host country when compared with systems of detention and deportation. The programs can also contribute to improved relations between the host country and the country of origin.⁴

5. The Committee of Ministers of the Council of Europe has voiced itself in favour of assisted voluntary returns in its Twenty Guidelines on Forced Return, adopted in May 2005. In these, the Committee of

⁴ Assisted Voluntary Return. *IOM International Organization for Migration*. Migration Management Services Department. Geneva. <http://www.iom.int>.

Ministers concluded: "The host state should take measures to promote voluntary returns, which should be preferred to forced returns. It should regularly evaluate and improve, if necessary, the programmes which it has implemented to that effect."⁵ The European Union, in the so called "Return Directive" has also concluded that voluntary returns should be preferred over forced return.⁶ "

6. In almost 3 decades, assisted voluntary returns have aided more than 1.6 million persons to return to over 160 countries in the world. In carrying out assisted voluntary return, member states have been helped and guided by the International Organization for Migration (IOM) which has now developed a wealth of experience in carrying out these programmes across the globe.

7. In this report, the rapporteur will examine the three stages of assisted voluntary return, namely the pre-departure stage, which includes all steps leading to a decision to return and the preparation for return, the transportation phase and the post return phase, including reintegration in the home country.

8. She will examine some of the main issues and concerns arising from the use of these programmes and she will provide a number of country case studies to show how, in practice, assisted voluntary return programmes work in different countries.

9. The rapporteur in preparing this report organised a hearing on the issue in the Netherlands on 27 March 2009 and conducted a study visit to London on 25 and 26 November 2009 where she met with government representatives at the UK Border Agency, with civil society representatives and with the IOM. She would like to thank all persons who have provided input for this report and in particular staff of the IOM who have assisted the Rapporteur greatly at all stages in the development of this report.

2. Assisted voluntary return programmes: what are they?

10. Assisted voluntary return programmes are programmes set up by the IOM, primarily in support of irregular migrants and failed asylum seekers, and with the support and coordination of governments, to help these persons achieve a sustainable return home in dignity.

11. The IOM's definition of assisted voluntary return is as follows: "Assisted voluntary return (AVR) includes organisational and financial assistance for the return and where possible reintegration measures offered to the individual returning voluntarily. This voluntary decision consists of two elements: first of all, freedom of choice, which is defined by the absence of any psychological, physical or material pressure. Secondly, it is an informed decision which comprises the concept of having sufficient, correct information available on which to base the decision to return. Assisted voluntary return also offers host countries an alternative to costly and unpopular forced repatriation operations."⁷ Furthermore there are occasions in which the host country can not organise forced returns (lack of diplomatic contacts, refusal by countries of origin to issue travel documents). The only possible return option is therefore the avenue of voluntary return, should the returnee decide to use this option.

12. It is important to emphasise the "voluntariness" of the return as highlighted in the definition of the IOM, and this can be contrasted with forced returns whereby the return is organised by the government and the returnee has no option but to return at the will of the government.

13. In the voluntary return process, the involvement of a third party, such as the IOM, helps to ensure that the return is voluntary, and it is for this reason that a third party is always associated with the voluntary return process. In some countries the IOM is in fact the main implementer of the assisted voluntary return process (such as in the United Kingdom and the Netherlands). In other countries the return process is implemented by Government Offices in close co-operation with the IOM (such as in Switzerland) and often with considerable NGO involvement, in particular for return counselling. In further countries it is carried out almost

⁵ Twenty Guidelines on Forced Return. September 2005.

http://www.coe.int/t/e/legal_affairs/legal_co-operation/foreigners_and_citizens/asylum,_refugees_and_stateless_persons/texts_and_documents/2005/Twenty%20Guidelines%20on%20forced%20return%202005.pdf

⁶ Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals. "10. Where there are no reasons to believe that this would undermine the purpose of a return procedure, voluntary return should be preferred over forced return and a period for voluntary departure should be granted."

⁷ "Coping with Return: An overview of methodology development and exchange of best practices on voluntary return assistance in the enlarged European Union with particular emphasis on vulnerable asylum seekers." 2006. <http://www.iom-nederland.nl/dsresource?objectid=661&type=org>.

entirely by a government agency with little IOM involvement (such as in France and in Sweden). The IOM implements more than 20 assisted voluntary return programmes and 100 projects worldwide.

14. Assisted voluntary return can be available for different groups such as asylum seekers, rejected asylum seekers, irregular migrants, stranded persons and persons in transit. They can be focussed or be priorities on particular categories of persons, such as vulnerable persons, or persons from particular geographical localities. They are sometimes available for persons in detention awaiting return, and they can even be applied to foreign prisoners, although the rapporteur considers this latter group a separate group which should be distinguished from irregular migrants who have committed no criminal offence.

15. They may be funded by donors, host governments, or a combination of these. Although the programs differ in the type and amount of assistance offered to returnees, each consists of three main stages: pre-departure, transportation, and post-arrival.

2.1. Pre-Departure⁸

16. The first stage in assisted voluntary return is pre-departure. Irregular migrants or persons whose applications for asylum have been rejected or whose residence permits have run out, have few legal options for remaining in the host country. Many face serious difficulties, including threat of expulsion, lack of papers, exploitation and uncertainty over their future. Many are unaware of the options open to them and the help that may be available to them. Furthermore some asylum decisions who still have their decisions pending, or under appeal, may for a range of reasons no longer wish to continue with their applications and return home.

17. A first step in any assisted voluntary return programme is therefore to try and reach those members of the community who may be interested in the programmes and provide them with information through awareness raising campaigns. These campaigns can use posters and other publicity material, local radio, local community papers and other media that members of the community concerned are likely to follow.

18. General information seminars and/or individual counselling sessions are offered to those interested and there is no obligation on persons following these seminars or sessions to move forward with the voluntary return process. These are not organised by the authorities and there is no information shared with the authorities arising from participation in these events. This is essential to allow potential returnees confidence in attending and building up trust in what has to be a voluntary decision to return.

19. In individual counselling sessions, prospective returnees may discuss their concerns about returning to their countries of origin. They can receive up to date information about their country of origin, including information on the economic, political and social situation in the country or a particular region or locality. They can be put in contact with persons who have returned or with friends or family members and they have the possibility of investigating employment opportunities. This assistance is provided on an individual level, taking into account the prospective returnees specific needs, abilities and desires. All obstacles to return can be examined and considered.

20. If the prospective returnee decides to pursue voluntary return, he or she is then provided with information and/or assistance in order to obtain valid travel documents, make transportation arrangements, both to and within the destination country, and is given the time frame for return.

2.2. Transportation⁹

21. The second stage in assisted voluntary return is transportation from the host country to the final destination within the country of origin. Although assisted voluntary return programmes differ in the amount and type of assistance provided, most offer some financial assistance to cover travel expenses, including plane tickets and further travel within the destination country. Returnees may be assisted at the airports of departure and arrival with documents, baggage, and/or other related issues. Returnees who are members of vulnerable groups may be provided with escorts and/or medical assistance.

⁸ Assisted Voluntary Return (AVR). IOM International Organization for Migration. www.iom.int.

⁹ Assisted Voluntary Return (AVR). IOM International Organization for Migration. www.iom.int.

2.3. Post-Arrival¹⁰

22. The final stage in assisted voluntary return is post-arrival in the destination country. Assisted voluntary return programmes may offer assistance to returnees in reaching their final destination, finding temporary accommodations, reconnecting with family or friends, and/or making medical arrangements.

23. One of the most important goals of assisted voluntary return programmes, however, is contributing to more sustainable returns. If returnees face the same difficulties that prompted them to migrate in the first place, they will be unlikely to remain in their home countries. Thus many assisted voluntary return programmes provide some form of longer-term support for returnees to help them reintegrate and become productive members of their communities. This may include financial contributions, in cash or in kind, and/or the organisation of educational and/or employment or small business opportunities, often in coordination with local and non-governmental groups.

24. Not only does the assistance help to secure a more sustainable return of the person concerned, but it also plays an important role in discouraging irregular migration in the community. A voluntary returnee is likely to be a strong advocate against irregular migration and a daily image to those around him or her that irregular migration is not a pathway to wealth and happiness in another country. Some programmes go even further than offering assistance to just the returnee, but seek to target entire communities thereby improving the economic and/or social conditions in the community and further tackling the causes of irregular migration.

25. The IOM keeps in touch with most returning migrants for between six months and a year, or longer, depending on the mandate of the project. The rapporteur considers that long term monitoring is an essential element of AVR programmes.

3. How effective have these programmes been in terms of numbers of persons returning, the costs involved and the sustainability of the returns?

3.1. Numbers returning

26. The IOM has indicated that in almost thirty years of running such programmes, assisted voluntary returns have helped over 1.6 million persons return to over 160 countries.

27. Approximately 32,000 migrants returned under IOM AVR programmes in 2009 compared to around 23,000 in 2008.

28. In the United Kingdom, since 1999, the IOM has helped around 30,000 individuals return to about 130 countries. In 2009, for example, there were 4,945 voluntary returns, 4,301 in 2008 and 4,157 in 2007. The largest number of returnees from the United Kingdom have been persons from Iraq (4,536), Albania (4,021) and Afghanistan (2,320).

3.2. Costs

29. The costs of assisted voluntary returns are much less than for forced returns, which have to factor in detention and accompanied returns.

30. For example in the United Kingdom, in 2005, compulsory removals cost the British tax payer £11,000 per person. Voluntary returns cost £1,000 per person. When reintegration assistance was factored in, voluntary returns cost less than 1/3 the cost of forced returns¹¹. More recent estimates indicate that a forced return costs between £11,000 and £25,600, whereas voluntary returns can vary for an individual between £600 (travel only) and £5,000 (including reintegration assistance)¹².

31. Detention costs are of course a major factor and, as an indication, in the United Kingdom estimates put the cost of keeping someone in detention anywhere between £ 39,000 and £ 52,000.

32. Participatory funding for assisted voluntary returns by member states is available from the European Union. Within the framework programme "Solidarity and Management of Migration Flows (2007 -2013)", European Union funding is available from the European Refugee Fund III, the European Return Fund and

¹⁰ Assisted Voluntary Return (AVR). IOM International Organization for Migration. www.iom.int.

¹¹ National Audit Office Press Notice – "Returning Failed Asylum Applicants, 19/7/2005"

¹² National Audit Office Final Report: Costing Work Stream-NAO Asylum Strategy 18 November 2008.

the External Border Fund. The rapporteur considers it important that the European Union be encouraged to continue to provide co-funding to member states carrying out assisted voluntary returns.

3.3. Sustainability

33. In order for assisted voluntary return programmes to provide a long-term solution to the problem of irregular migration, returnees must reintegrate and become productive members in their home countries. Although some of the conditions which prompt people to migrate are beyond the control of organisations and member states that sponsor assisted voluntary return programs, certain measures, such as those which promote economic growth in communities, can reduce the incentives for people to migrate. Offering assistance in kind can ensure that funds are invested for these purposes; something that cash programmes cannot confirm.

34. There are a number of indications that assisted voluntary returns lead to more sustainable returns. In the first place the number of persons who seek to re-migrate after returning would appear to be low. In the case of a United Kingdom study (see later in the country profile), only about 4% of persons sought to leave the country of origin after returning and most of those persons who sought to leave, sought to enter another country legally. Furthermore in a study conducted in the United Kingdom covering returns in the period 2002 to 2005, half of 2,065 returnees were interviewed and 92% found reintegration assistance helpful or very helpful. 81 % were men and 19% were women. The majority were aged between 18-30 and had spent 3-5 years in the United Kingdom (38%) or more than 5 years (20%). The majority of persons opted to start small businesses (81%) and 77% of these small businesses were still operating when the study was made. Of those who opted for training, 2/3 found employment. In a separate study on voluntary returns to Afghanistan from the United Kingdom, of 165 persons provided business support, 160 were still in business, four had closed their businesses and one had disappeared.

35. A further indication of sustainability is evidence that many of the persons who opened small businesses have employed persons to work with them.

36. There is however a need for further information on the sustainability of returns and the rapporteur considers that it is necessary to carry out more work on monitoring the return and evaluating the sustainability of the return. Ideally the return and reintegration should not just favour the individual returnee but also the local community, improving capacity building and development in the country of origin. This is for example done by the Netherlands in its programmes concerning Iraq, where it finances four community activity programmes. Such programmes need to be encouraged and it is important that countries of origin are involved in the assisted voluntary return programmes.

4. How to improve assisted voluntary return programmes

37. In preparing this report the rapporteur has come across a range of criticisms of assisted voluntary return programmes and proposals for improving these programmes. In this part of the report she proposes looking at some of the main issues.

4.1. Voluntariness

38. One of the most often heard concerns about assisted voluntary returns is the extent to which they can truly be considered to be "voluntary".

39. In order for the decision of a migrant to return to his or her home country to be truly voluntary, he or she must have been informed of all of the available options, including staying in the host country, repatriating to the country of origin, or migrating to a third country. In addition to procedural information regarding travel documentation and other arrangements, candidates for return should be provided with complete information about the economic, political, and social situation in the country and community of origin. Representatives of organisations who sponsor assisted voluntary return thus must respect the wishes of prospective returnees and avoid putting pressure on them to choose assisted voluntary return.

40. There will always be push and pull factors. Push factors in the return process include fear of deportation and detention and pull factors can be missing the home country and wanting to meet up with family and friends. These all influence on the voluntary decision to return.

41. According to the European Council on Refugees and Exiles (ECRE), the term “voluntary” can only be used in cases where an individual has “a legal basis for remaining in a third country” and has “given their genuine and individual consent, without pressure of any kind.”¹³

42. In the view of the rapporteur there will always be a question over the voluntariness of a return as there is no open choice whether to leave or stay as there is no legal option to stay. Where a person is in detention there is even less of an option for the person concerned. That said, the rapporteur considers that, with the exception of return of convicted persons from prisons, the terminology of “voluntariness” is acceptable and important. She is aware of calls for the returns to be referred to as “independent” returns, but she does not favour this terminology, except perhaps for returns from prisons of convicted criminals, which pose more problems of voluntariness than other returns (see also below).

4.2. Assisted voluntary return of irregular migrants from detention centres

43. There is little doubt that forced return can be highly undignified. A voluntary return by contrast can give relief and dignity to a person who knows he or she will be returned forcibly.

44. Voluntary return from detention can significantly speed up the return process, which has benefits for the applicant, namely avoiding lengthy detention and being accompanied back to his or her country of origin. It can also save time and money for the authorities who may also have difficulty obtaining documentation without the support of the detainee and end up having to hold persons for long periods of time in detention. The issue of “voluntariness” is however much more delicate in detention and the rapporteur is aware that the IOM recognises this concern and is always doubly careful to remain impartial and only offer guidance on return when requested.

45. While reintegration assistance is offered in more than 90% of assisted voluntary return programmes, the assistance is often reduced for those who are held in detention pending a forced removal. This is understandable in terms of incentives to be given to those returning before the last moment. It is also understandable in the political context of the migration debate in Europe. That said the rapporteur considers that the distinction between those in detention and outside of detention should not be over-exaggerated. The goal remains the same for governments, namely to ensure that as many people go back as possible and that they integrate in their home country and do not seek to leave a further time.

46. The issue of encouraging returns of foreign convicted prisoners is, in the opinion of the rapporteur, a separate issue. While certain governments provide incentives for these persons to return to their home countries, the rapporteur has chosen not to consider this group of persons within the context of this report on assisted voluntary returns for irregular migrants.

4.3. Vulnerable groups

47. The rapporteur recognises that vulnerable groups require particular assistance in the context of assisted voluntary returns. In particular, unaccompanied minors, persons with health problems and victims of trafficking are three of the groups which are often highlighted as in need of special assistance.

48. Unaccompanied minors not only have to agree to voluntary returns, but their guardian has to be involved in the process and has to give his or her assent. Family members have to be traced and contacted in the home country. Minors require specialised counsellors and specialised assistance on departure and arrival. Furthermore they may need to be escorted during the travel. Temporary accommodation may also need to be sorted out prior to arrival. Reintegration assistance is important and can take different forms, including education fees, study grants and income generation support for the family of the returnee.

49. Persons with health problems require particular assistance and safeguards, including medical confidentiality, information on feasibility of treatment in the home country, preparation of treatment before during and following return, transfer of information between physicians and special assistance during travel. Special reintegration assistance programmes are required for persons with chronic illnesses, such as HIV, although long term medical assistance is rarely available under assisted voluntary return programmes.

50. Victims of trafficking also have specific needs and their repatriation requires careful preparation, sometimes with involvement of the police and support agencies to protect the persons from reprisals or falling into a new cycle of trafficking. Assistance on reception, including temporary shelter, psychological,

¹³ European Council on Refugees and Exiles. Voluntary Return Handbook. [http://reliefweb.int/rw/lib.nsf/db900sid/JBRN-6WPCD8/\\$file/ECRE%20March%202006.pdf?openelement](http://reliefweb.int/rw/lib.nsf/db900sid/JBRN-6WPCD8/$file/ECRE%20March%202006.pdf?openelement).

trauma, legal and medical support may also be necessary as well as assistance in finding employment or taking up education or training.

4.4. Re-entry bans

51. One of the issues that acts a major deterrent to people taking up assisted voluntary returns is the application of lengthy re-entry bans. In the United Kingdom, for example, the re-entry ban following a voluntary return, where the public purse is involved, is 5 years. A forced deportation comes with a 10 year re-entry ban.

52. Many persons may retain strong links with the host country and may have family and relatives living there. A re-entry ban may therefore weigh heavily against a decision to return voluntarily and the rapporteur considers that member states should keep such bans to a minimum.

53. Getting information to prospective returnees: one of the key components of assisted voluntary return programs is the transmission of information to prospective returnees. Firstly, information about the programs must be available to migrants in their local communities and in their native language, when possible. When a migrant wants to pursue assisted voluntary return, he or she should be able to meet with a representative of the organisation sponsoring the program in individual, family, or group counselling sessions to discuss specific components of the programs. When possible, this representative should speak the prospective returnee's native language and/or have an understanding of the returnee's cultural background and values. If the returnee decides to participate in an assisted voluntary return program, he or she should be given personalised advice regarding employment and/or educational opportunities in the destination country.

54. Gaining confidence of prospective returnees: many migrants, especially those who entered the host country illegally, are wary of assisted voluntary return programs and the organisations that run them. It is important that these organisations do not pass information on to the authorities in the beginning phases which might lead to the arrest of those exploring the possibility of a voluntary return. It should be highlighted that the IOM never passes such information on to the authorities. Prospective returnees must always be treated with respect and, when possible, should have opportunities to meet with representatives of the organisation who understand the returnee's cultural background and values. Prospective returnees should also have opportunities to communicate with previous participants in the program who can share their experiences and offer advice. It is also extremely important to gain the confidence and support of diaspora organisations and other organisations and community leaders, who will often also play an important role in the process.

55. In a recent study of voluntary return programs in Europe, entitled "Increasing Refugee Participation in the Field of Voluntary Return," the European Council on Refugees and Exiles (ECRE) highlighted the potential impact of Refugee Community Organisations in disseminating information within migrant communities and in monitoring the success of returnees in the longer term. Many migrants are more likely to approach a non governmental organisation, at least for a first contact, rather than an international organisation that they may perceive to be an agent of the government in the host country. Notwithstanding that the IOM takes every step possible to assure applicants that they are not acting as an agent for the Government, some potential applicants remain under this apprehension.

4.5. Co-operation between host country and destination country governments

56. The rapporteur has highlighted on a number of occasions the importance of involving both the host country and the country of origin in the assisted voluntary return programmes. Not only is this important for facilitating travel and obtaining the relevant documents, it is also important for obtaining good country / region of origin information for potential returnees. It is also essential for guaranteeing the sustainability of the return, the political and social perception in the country of origin and the long term development of the country of origin.

4.6. Some concerns of returnees

57. In collecting material for this report the rapporteur is aware of a number of issues that returnees have brought up in terms of their concerns about the operation of assisted voluntary return and matters that would facilitate returns in the future.

58. In the pre-departure phase, returnees have called for more country / region of origin information, including information on housing, employment, social integration, welfare, family support, living expenses and socio economic changes. For some persons, in particular failed asylum seekers, the issue of safety

remains an important concern. They have also asked for greater access to tools, such as computers and telephone lines, to plan their return as well as increased possibilities for discussing with returnees their experiences (for example through satellite links or telephone links). Psychological counselling has also been raised as a necessity for some returnees at the pre-departure phase. Another concern is confidentiality and anonymity which are essential pre-requirements before many returnees are prepared to engage in return discussions.

59. During the transportation phase, baggage restrictions is often raised as a point of criticism.

60. In the post arrival phase, the need for more business training would appear to be an issue and the possibility of extending the period of reintegration aid over longer periods has also been raised. Problems with accommodation on arrival would also appear to be a problem in some cases.

4.7. Dealing with some of the populist criticisms

61. The rapporteur is aware of a number of criticisms that have been voiced, often in the populist media, about assisted voluntary return programmes. She considers that it is important to deal with these and in particular the three following issues:

62. Serial beneficiaries: this is one of the “urban myths”, namely that people flock to take the benefits and then return to claim them one or more times. There is little evidence that migrants emigrate to a country multiple times to take advantage of its return assistance packages.

63. In the United Kingdom there are statistics to show that in 2003, 5% of persons (118 in total) attempted to re-enter the United Kingdom having previously benefitted from one of the schemes. In 2004 and 2005 the figures were 4% (104) and 3% (83) respectively. Most of these persons were seeking to re-enter legally (for example as spouses of settled persons). During this period one person succeeded in having his return paid twice and nobody received reintegration assistance twice. From these statistics there is therefore little or no evidence of there being a problem of serial beneficiaries¹⁴. Some people will re-migrate, but will not receive assistance a second time.

64. It is the view of the rapporteur that, notwithstanding the lack of serial beneficiaries, member states should ensure that the financial assistance components of assisted voluntary return programmes are not exploited. Organisations and governments should therefore keep accurate and up-to-date records of past and current participants in its assisted voluntary return programmes. Participants should be carefully screened before being offered financial assistance. When possible, financial assistance should be offered in kind, rather than in cash, and its uses should be monitored by the responsible organisation or government agency.

65. Reintegration assistance as a bribe: according to recent studies, migrants are motivated to return to their home countries primarily by factors other than financial incentives, such as a desire to see family and friends or a lack of opportunities in the host country. In general, financial assistance merely facilitates return and is not a bribe. Many persons can not return without assistance and reintegration assistance allows them to return with something and with a hope for the future. It also allows them to return without losing face, which is an important psychological element, as often family and friends have invested financially in the original departure of the irregular migrant.

66. Makes some countries more attractive than others for migrants: there is no evidence that indicates that European countries experienced a higher volume of irregular migration after implementing assisted voluntary return programs.

67. Most migrants in reaching their chosen countries have spent much more money than the reintegration assistance package and this is not a pull factor for migrants. Furthermore if one looks at the example of Calais in France, where there have been cash offerings to persons wishing to go home, there is no evidence of persons flocking to Calais from the rest of France to benefit from this offer.

¹⁴ All statistics taken from replies to a Home Office questionnaire: of the persons who sought to return 42% were spouses of settled persons, 13% were dependents and 7% claimed asylum. Of these persons only 9% were illegal entrants or overstayers and 8% were refused entry as visitors. During this period a total of 9 persons attempted to claim benefits twice and one person succeeded in having his return paid twice. Nobody received reintegration assistance on more than one occasion.

5. Conclusions

68. The rapporteur is convinced that much greater use should be made of assisted voluntary return programmes across Europe.

69. It is clear that they make financial sense for member states, they are more humane than forced returns, and they may, on occasions, succeed where forced returns fail. They can contribute to a sustainable return, help development in the country of origin and also provide valuable publicity in countries of origin that irregular migration is not a pathway to riches and happiness abroad.

70. Assisted voluntary returns is not an answer for all irregular migrants and it is just one of a number of different measures that need to be supported by member states to tackle irregular migration. It is important that the IOM continues its work in this area, and is supported fully by member states, the international community and local communities and civil society.

71. The rapporteur considers that member states have to be encouraged further to expand and improve assisted voluntary return programmes and in this respect considers that the Committee of Ministers could usefully prepare "Guidelines on assisted voluntary returns" to supplement the excellent guidelines previously prepared by the Committee of Ministers on "Forced Returns".

APPENDIX

Country profiles

1. United Kingdom

The International Organization for Migration operates two large assisted voluntary return programmes in the United Kingdom. Between 1999 and 2009, the programmes have helped over 30,000 people to return to over 130 countries. The programmes are co-funded on the one hand by the European Refugee Fund III, the European Return Fund and the European Integration Fund of the European Union and the United Kingdom Home Office on the other.¹⁵ The largest number of returns over this period was to Iraq (4,536), Albania (4,021) and Afghanistan (2,320).

The Voluntary Assisted Return and Reintegration Program (VAARP) assists asylum seekers whose application for asylum are pending, rejected, under appeal, or finally rejected, or who have been granted exceptional leave to remain. The United Kingdom Home Office determines whether an applicant qualifies for the programme.

VAARP assists returnees in obtaining travel documents, arranges and pays for flights, offers assistance at the airports of departure and/or arrival, and coordinates travel to the returnees' "home doorstep" within the destination country.¹⁶ VAARP participants also receive cash grants at the airport in the United Kingdom, after they have withdrawn any outstanding applications for residence in the United Kingdom and additional reintegration assistance is available to VAARP participants once they have returned to their countries of origin.

In late 2007, the IOM UK created a new approach to assisted voluntary return based less on 'one-size-fits-all' than on the needs and preferences of individual returnees. Each prospective returnee is involved in creating a detailed plan for his or her reintegration in their home country thus helping make the transition easier for returnees when they arrive.

Under these individual return plans the type of reintegration offered to individuals includes:

Resettlement needs:	relocation grant at pre-departure (£500) Baggage allowance
Temporary housing	up to three months, accommodation
A choice of:	<p>Education:</p> <ul style="list-style-type: none"> - schooling fees (primary and secondary or university) - Childcare fees for infants <p>Vocational training:</p> <ul style="list-style-type: none"> - Fees for up to 2 months of vocational training <p>Business set up¹⁷:</p> <ul style="list-style-type: none"> - training for the breadwinner, two weeks up to one month, with subsistence. - financial support for the purchase of equipment or supplies for the business (up to £1500) - an additional £500 support in kind – after 6 months' review of the business <p>Job placements:</p> <ul style="list-style-type: none"> - salary and support for the initial 3 months of an agreed 12 month contract with an identified employer

It is the opinion of the IOM and the British Home Office that this type of assistance is more effective in promoting sustainable returns than cash alone.

¹⁵ IOM International Organization for Migration. Briefing. 19/10/2007.

¹⁶ IOM UK. Voluntary Return Programs. 1/11/07.

¹⁷ This is by far the most popular form of assistance with 80% of returnees opting for this alternative.

Reintegration assistance was introduced in 2002 at a value of £500. This was increased in 2005 to £1,000 and then £3,000 in 2006. It is available to each family member including children.

The assistance does not cover medical or accommodation expenses, except in the case of returnees from vulnerable groups, such as unaccompanied minors.¹⁸

VAARP has offices in London, Liverpool, Glasgow and Bristol and works with the non-governmental organisations Refugee Action, North of England Refugee Services, Safe Haven Yorkshire, Refugee and Migrant Centre.

A second programme operated in the United Kingdom is the Assisted Voluntary Return for Irregular Migrants (AVRIM) program which assists those who do not qualify for VAARP, including those who have overstayed their visas or were victims of trafficking or otherwise entered the United Kingdom illegally. The United Kingdom Home Office will not prosecute people wishing to return to their home countries for minor immigration offences committed when entering the United Kingdom. Returnees must have some sort of travel documentation. The IOM UK will arrange and pay for flights and coordinate transportation to the returnee's "home doorstep," but reintegration assistance is not usually available. The exception is for vulnerable persons such as victims of trafficking, unaccompanied minors and the disabled who may receive reintegration assistance of up to £1,000 in kind.

Failed asylum seekers who do not leave the United Kingdom during a specified period of time can be detained by the British government and forcibly removed from the country. In an effort to make this removal more dignified and less costly, the IOM UK offers assisted voluntary return from detention. (Detainees who were failed asylum seekers return under the VARRP with reintegration assistance while detainees who never touched the asylum system travel as normal passengers in a dignified manner (under the AVRIM programme) but do not generally receive any post-arrival reintegration assistance).

A further program run in the United Kingdom is the Facilitated Return Scheme (FRS) designed to help foreign national prisoners return home and build a better life. This is available to all non-European Economic Area foreign national prisoners. They can get early removal up to 270 days before the end of their sentence and a package of up to £5,000 if they return whilst serving their sentence or up to £3,000 if they apply after their sentence has been served.

The British National Audit Office has shown that assisted voluntary return makes economic sense. The cost of voluntary return with reintegration assistance is less than one third of the cost of compulsory removal, which costs the British tax payer £11,000 per head¹⁹. More recent estimates indicate that a forced return costs between £11,000 and £25,600, whereas voluntary return can vary for an individual between £600 (travel costs only) and £5,000 (including reintegration assistance)²⁰.

2. The Netherlands²¹

The International Organization for Migration in the Netherlands offers several options for voluntary return. The largest program, Return and Emigration of Aliens from the Netherlands (REAN), has been in existence since 1992 and has assisted more than 24,000 persons to return to third countries or their countries of origin since 1998.

Persons who are eligible to participate in the REAN program include those who entered the Netherlands with the intention of living in that country in the long-term and who agree to withdraw any applications or permits regarding immigration and naturalization, or residence, in the Netherlands. Participants must be unable to pay for their return journey and must intend to leave the Netherlands permanently.

Returnees who meet all of the above conditions are eligible to receive some or all of the following forms of assistance: information on return issues, airport assistance prior to departure and upon arrival, financial reimbursement for expenses associated with the procurement of travel documents, airline tickets and other transportation arrangements. Financial assistance is also available to returnees who have applied for residence in the Netherlands to encourage their reintegration in the country of origin. The amount of financial assistance available depends on the returnee's legal status in the Netherlands.

¹⁸ IOM UK. Voluntary Return Programs. 1/11/07.

¹⁹ National Audit Office Press Notice – "Returning Failed Asylum Applicants, 19/7/2005"

²⁰ National Audit Office Final Report: Costing Work Stream-NAO Asylum Strategy 18 November 2008.

²¹ IOM Internationale Organisatie voor Migratie. www.iom-nederland.nl.

In an effort to avoid repeat participants in the REAN program, applicants must not have left the Netherlands with the help of the program or at the expense of the Dutch government during the previous five years. The program is funded by the Ministry of Justice.²²

A second program offered in the Netherlands is the Return and Reintegration Regulation scheme. This program targets aliens who applied for asylum in the Netherlands before 1 January 2008 and offers to returnees additional financial contributions of €1,750 per adult and €895 per minor.

The International Organization for Migration in the Netherlands is currently temporarily offering an assisted voluntary return program for migrants in detention, financed by the European Return Fund. As voluntary return is less expensive for the host country than detention and forced return, the IOM has expanded its efforts to inform detainees about this option, particularly at the Rotterdam and Alphen aan den Rijn detention centers. They offer counselling, support with travel documents and facilitate the departure at the airport. Less time is spent in detention and a dignified return is possible. IOM has expanded its efforts to inform detainees about this option in all detention centres for Aliens.

Another program offered in the Netherlands is the Return Initiative Irregular Migrants (RIIM) programme, which is available to irregular migrants who are in the Netherlands. One unique feature of this program is the availability of 'native counsellors,' persons from various countries of origin who communicate with irregular migrants in their own language and explain the option of voluntary return as an alternative to living in the Netherlands as an illegal alien. The IOM also co-operates with various non-governmental and migrant organisations that support irregular migrants.

The IOM in the Netherlands also provides additional support to returnees from vulnerable groups, including unaccompanied minors, migrants with health problems and victims of human trafficking. Assistance is made available based on the particular needs of individual returnees and may include financial support, tracing of family or friends in the country of origin, language courses, translation of important documents, assistance in making contacts with health organisations in the country of origin and the arrangement of temporary accommodation. For persons with chronic diseases, the REAN programme can offer the opportunity to receive reintegration grants in kind that support the returnee to build up a livelihood after return in order to cater for medical needs. The availability of this assistance depends on medical assessments and reports provided to the IOM.

3. Switzerland²³

Assisted voluntary return from Switzerland is coordinated by the Return Assistance Section of the Federal Office of Migration (FOM). Its programmes are implemented by the International Organization for Migration in Bern. The FOM also works with the Swiss Agency for Development and Co-operation. Coordination among these agencies is managed by the Interdepartmental Steering Group on Return Assistance.

From 1997 to 2007, approximately 65,000 persons voluntarily returned to their countries of origin using return assistance. Today, approximately 130 persons return each month. In addition to individual assisted voluntary returns, Switzerland also manages nine country- or region-specific programmes, which help migrants return to Georgia, Iraq, Nigeria, Guinea, and the Western Balkans. All costs of these programmes are covered by the Swiss federal government.

Persons eligible for assisted voluntary return in Switzerland include asylum seekers and refugees, regardless of their application status. Certain types of "foreign nationals," such as victims of human trafficking, are also eligible. Immigrants wishing to return to their countries of origin may be eligible for limited return assistance. Because Switzerland is a federal state, return assistance responsibility for "foreign nationals"/ irregular migrants is at the cantonal level. Two cantons have developed return assistance projects for this target group also implemented by the IOM. Other cantons operate on a case by case basis and mandate the IOM for return or reintegration assistance in these cases. Return assistance is not available to convicted offenders or to persons "who have misused the asylum system."

The first stage of Swiss assisted voluntary return is implemented at the cantonal level through the Return Counselling Services (RCS), a network of agencies responsible for conveying information to prospective returnees. The RCS, which includes both cantonal migration departments and NGOs, assists prospective returnees in planning their return and reintegration into their country of origin. Meetings with the RCS are confidential and do not require any commitment to participate in the programme. The RCS encourages

²² IOM Assisted Voluntary Return Programs in Europe. www.iom.int.

²³ Federal Office for Migration. <http://www.bfm.admin.ch/bfm/en/home/themen/rueckkehr.html>

individual returnees to take the lead in developing return and reintegration plans and to take responsibility for the success or failure of the plans. The IOM provides the RCS with country-specific information, such as housing costs and the availability of medical care, as well as more general information about the country's political and economic situation, so that the prospective returnee can make an informed decision. When an RCS and a prospective returnee agree upon a return plan, it must be submitted to the Federal Office of Migration for approval and implementation.

Financial assistance is available to all returnees who have applied for asylum in Switzerland. The Federal Office of Migration pays for the return journey and offers a standard cash allowance of up to 1,000 Swiss francs for adults and 500 Swiss francs for minors. The amount of return assistance available to a returnee depends partially on the duration of his or her stay in Switzerland. As of 2001, returnees may also receive an additional 3,000 Swiss francs for a social or professional reintegration project. Depending on the individual medical needs of the returnee, he or she may also be eligible for an allowance to cover medical expenses, such as medicines and/or a medical escort during the return journey.

Switzerland's individually-tailored return assistance scheme has been effective in reducing the number of programme participants who then remigrate back to Switzerland. The percentage of returnees who benefit from personalised reintegration assistance and then remigrated back to Switzerland is one quarter of the rate of returnees who received only the standard assistance package.

In addition to individual return assistance, the Federal Office of Migration also manages and funds structural aid projects in certain countries. These programmes assist not only returnees, but also the local population and authorities. They include activities such as job development and the construction of schools or medical facilities. The goal of such programmes is to improve local infrastructure and discourage irregular migration from these countries in the future.