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I. Introduction

Return of migrants is the integral and one of the major components of people's mobility. The article 13(2) of the Universal Declaration of Human Rights, states: "everyone has the right to leave any country, including his own, and to return to his country". Moreover, it is a principle of customary international law that each country should take back its own nationals to their country¹.

Return always constituted one of the most complex and sensitive issues of migration policy, on global as well as on regional and national levels. The Migration Crisis 2015 has made this issue even more "hot" and put it in the agenda of various high-level discussions and consultative processes.

The challenges related to return of migrants are recognized by the states and international community and various initiatives are being elaborated and implemented in order to improve existing relevant policy and practice.

One of the latest and most important documents adopted at the global level – New York Declaration on Refugees and Migrants² – sets the commitment of all UN Member States **to cooperate closely to facilitate and ensure safe, orderly and regular migration, including return and readmission**, taking into account national legislation.

In its Communication³ of 2 March 2017 dedicated to the adoption of the renewed Action Plan on Return⁴ and a Recommendation on making returns more effective when implementing the Return Directive 2008/115/EC of the European Parliament and of the Council, the European Commission stressed once again that an effective and humane return policy is an essential part of the EU's comprehensive approach to addressing migration and reducing the incentives for irregular migration as set out in the European Agenda on Migration of May 2015.

One of the most important parts of the EU Action Plan on Return is a set of actions directed to the enhancement of cooperation with countries of origin and transit. While the Eastern Partnership (EaP) countries are not the main source of concern for the current EU return policy, they remain EU strategic partners in the Eastern Europe and Caucasus region. The cooperation in migration field between EU and EaP states is constantly developing through various instruments and initiatives. Mutual commitments of EU and EaP states regarding human mobility require effective and efficient collaboration on various issues including return of migrants.

In 2013 the EaP Panel on Migration and Asylum already provided a platform for discussion of return, readmission and reintegration for EU and EaP experts, as well as representatives of academia and civil society. Considering the significant developments in policy and practice in this field during the past four years, the 2017 Panel meeting will provide an opportunity for all participants to share their recent achievements and challenges, in order to further continue their work on improvement of relevant national legislation and practices.

To facilitate the discussion, the present paper was developed as a background and preparatory information basis for the meeting participants. This document provides: (i) an overview of the legal

¹ <http://publications.iom.int/system/files/pdf/readmit.pdf>

² <http://www.unhcr.org/events/conferences/57e39d987/new-york-declaration-refugees-migrants.html>

³ [http://europa.eu/rapid/press-release MEMO-17-351_en.htm](http://europa.eu/rapid/press-release_MEMO-17-351_en.htm)

⁴ Following the Conclusions of the European Council of 20-21 October 2016 and the Malta Declaration of Heads and State or Government of 3 February 2017, a revised Action Plan was presented by the Commission to complement and reinforce the actions presented in the Commission's first Action Plan on Return adopted in September 2015.



frameworks on forced return, including policies on detention and entry bans; (ii) developments on negotiation of readmission agreement and implementing protocols; and (iii) an overview of voluntary return and reintegration policy, including best practices of international cooperation in implementation of Assisted Voluntary Return and Reintegration (AVRR) programmes.

The discussion paper was prepared based on the answers received from nine EU Member States (MS)⁵ and five EaP countries⁶ to a questionnaire ([Annex I](#)) specifically designed for this purpose. The questionnaire sent to the participating states comprised seven questions aimed at finding out more on the policies and practices concerning return, readmission and reintegration in the EU MS and EaP countries. Other sources of information on the EU policy and individual countries' programmes were also used, where applicable, including regarding those countries who did not submit their inputs.

⁵ The following EU MS provided input: the Czech Republic, France, Hungary, Netherlands, Latvia, Lithuania, the Republic of Poland, the Slovak Republic, and Sweden.

⁶ The following EaP countries provided input: Armenia, Azerbaijan, Georgia, Moldova, Ukraine.



II. Current EU approach to return

The Directive 2008/115/EC of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals (the “EU Return Directive”) was adopted on 16 December 2008.

This EU acquis still remains the most important document regulating the various aspects of return management and defining the common standards and procedures to be applied by EU MS for returning non-EU nationals staying illegally on their territories.

To summarize⁷ its key provisions, the Return Directive requires the EU MS to ensure that any return of non-EU nationals does not put them in danger (a principle known as *non-refoulement*) and take into consideration the best interest of children, family life and the health of the person concerned.

According to the Return Directive, a **return decision** must be issued by an EU country to the non-EU national staying illegally on its territory. If the non-EU national has a valid residence permit or equivalent from another EU country, s/he must immediately return to that country. If another EU country takes back an illegally staying non-EU national under a bilateral agreement, that country will be responsible for issuing the return decision. An EU country may provide an illegally staying non-EU national with an autonomous residence permit or an equivalent right to stay. EU countries should not issue return decisions before the pending procedures for renewing such permits have come to an end.

The return decision must allow for a period of **voluntary departure** of between 7 and 30 days for the illegally staying non-EU national. EU countries may require that this period is applied for by the person in question. In particular circumstances, the period for voluntary departure may be prolonged. EU countries may also impose certain obligations on the non-EU national for the duration of this period in order to prevent him/her from fleeing or absconding. When the illegally staying non-EU national risks fleeing, has submitted a fraudulent application or poses a risk to public/national security, the EU country may grant a shorter period of voluntary departure or no period at all.

If no period is granted, or if the non-EU national has not complied with the return decision within the period granted, the EU country must enforce his/her **removal**. Coercive measures that are proportionate and do not exceed reasonable force may be used only as a **final solution** to remove non-EU nationals. The removal of non-EU nationals must be **postponed** if it risks putting their lives in danger (the principle of *non-refoulement*) or if the return decision has been temporarily suspended. EU countries may also postpone removals in particular circumstances.

An **entry ban** may be given together with a return decision. However, it must be provided when no period of voluntary departure is granted or when the illegally staying non-EU national has not complied with the return decision. The duration of the entry ban must be set on a case-by-case basis, taking into consideration the particular circumstances of the person concerned. In principle, the duration **may not be longer than 5 years**, unless the third-country national poses a threat to public/national security. EU countries may choose to withdraw or suspend an entry ban for particular reasons. In humanitarian cases, they may even decide to not issue such a ban.

Decisions on returns, entry bans and removals must be provided **in writing** and accompanied by information on available remedies. On request, the EU country must provide a translation of these to

⁷ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3Ajl0014>



the non-EU national, unless it issues decisions by means of a standard form as set out under national legislation⁸.

Non-EU nationals must be given the possibility **to appeal** against or seek review of return decisions, as well as to obtain legal assistance/representation free of charge. The decisions are to be reviewed by a competent judicial or administrative authority or a competent body composed of members who are impartial and who enjoy safeguards of independence. The review body will have the power to temporarily suspend the enforcement of the decisions.

In specific cases, and when less coercive measures are not sufficient, EU countries may **detain** a non-EU national during the return procedure if s/he risks fleeing or avoids/obstructs the preparation of return or the removal process. Detentions are ordered in writing by administrative or judicial authorities and must be reviewed regularly. The detention period must be as short as possible and not more than **6 months**. Only in particular circumstances, when the removal of a non-EU national might exceed the time limit set, EU countries may prolong detention by a **maximum of 12 months, for a total of 18 months**. **Specialized detention** facilities are to be used for the purpose; however, if this is not feasible, EU countries may use prison accommodation with separate quarters for the non-EU nationals.

The EU Return Directive, which entered into force in 2010, sets clear, transparent and fair common rules for the return of irregularly staying migrants, in full respect of fundamental and human rights. However, its inconsistent transposition in national legislation has had a negative impact on the effectiveness of EU return policy. The European Council in its Conclusions of 20-21 October 2016 called for reinforcing national administrative processes for returns and the Malta Declaration of Heads of State or Government of 3 February 2017 highlighted the need for a critical review of European return policy with an analysis of how the tools available at national and at Union level are applied⁹.

The Recommendation to better ensure the effective implementation of the existing EU legislation on return adopted on March 2017 have introduced the guidance to MS on how to step up return rates and to make full use of existing EU legislation in full compliance with the EU Return Directive, fundamental rights and the principle of *non-refoulement*. The renewed Action Plan on return sets a number of actions that should be undertaken by MS, the Commission and the EU agencies to support an effective return policy.

In particular, the following areas¹⁰ shall be subject of improvement through the suggested measures:

- Reinforced and better return capacities
- Systematic Issuance of Return Decisions
- Effective Enforcement of Return Decisions
- Procedural safeguards and remedies
- Respect of family and children's rights
- Risk of absconding
- Voluntary departure
- Assisted Voluntary Return programmes
- Entry bans.

⁸ Article 12.3 of EU Return Directive: Member States shall make available generalised information sheets explaining the main elements of the standard form in at least five of those languages which are most frequently used or understood by illegal migrants entering the Member State concerned.

⁹ http://europa.eu/rapid/press-release_MEMO-17-351_en.htm

¹⁰ <http://europeanmemoranda.cabinetoffice.gov.uk/files/2017/03/ST-6949-2017-INIT-EN.pdf>



The measures proposed by the Commission in the Recommendation of March 2017 focus on a better implementation of the EU Return Directive and guidance on how to make better use of its provisions. No legal changes are being introduced. At the same time, based on the experience with the implementation of the Recommendation and depending on the need to take further actions to substantially increase the return rates, the Commission expressed its readiness to launch a revision of the Return Directive.¹¹

¹¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017DC0200>



III. National practices related to forced return

Currently there is no unified definition of return. Various definitions could be found in different national or sub-national legislation, academic research or glossaries.

For example, Article 3 of EU Return Directive defines **return** as the process of a third-country national going back - whether **in voluntary compliance with an obligation to return, or enforced** - to: 1) his or her country of origin, or 2) a country of transit in accordance with Community or bilateral readmission agreements or other arrangements, or 3) another third country, to which the third-country national concerned voluntarily decides to return and in which he or she will be accepted.

At the same time, IOM Glossary on Migration contains more wide definition of **return**, which is, in a general sense, the act or process of going back to the point of departure. This could be within the territorial boundaries of a country, as in the case of returning internally displaced persons (IDPs) and demobilized combatants; or between a host country (either transit or destination) and a country of origin, as in the case of migrant workers, refugees, asylum-seekers, and qualified nationals. There are subcategories of return which can describe the way the return is implemented, e.g. **voluntary, forced**, assisted and spontaneous return; as well as sub-categories which describe who is participating in the return, e.g. repatriation (for refugees).¹²

Both definitions mentioned above highlight that there is a distinction between forced and voluntary return.

National policy on return may vary significantly depending on the current migration challenges each particular state faces in one or another period of time. To choose which type of return, voluntary or forced, should be identified as a basis for national return policy is a sovereign right of each state and is grounded on existing political, economic and social conditions. At the same time, adoption of the relevant return policy should always be done with due consideration of international obligations in force.

From this perspective, the forced return policy in all cases requires more reasonable and justifiable approach bearing in mind the sensitivity of issue and balance between the needs of national security and humanitarian commitments of governments.

A. Legislative framework

The return policy of each state is being implemented in accordance with the adopted legislation that includes different laws, legal regulations as well as international agreements in force.

The type of legal acts regulating the forced return depends on existing legal practice in each particular state. In case of EU MS, either there could be 1) legal acts adopted specifically for the purpose of implementing the EU Return Directive (**Poland**) or 2) previously existing legislative provisions adjusted to meet the criteria set out in the Directive (**Hungary**).

In Poland, the Act of 12 December 2013 on foreigners (representing the transposition of the EU Return Directive and its implementation in the national law) regulates the administrative proceedings on obliging a foreigner to return.

In Hungary, the main national regulation is the Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals. The details of the execution are in low-

¹² IOM Glossary on Migration, 2nd edition, 2011

level regulations, like Government Decree 114/2007 (V.24.) on the implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals and another regulation called Ministry Decree 26/2007 (V.31.) IRM on the rules of removal.

*The **Dutch** legislation regarding forced removals is based on the EU Return Directive, in particular Article 8.*

In the most of EaP countries grounds and procedures of forced return are provided for in separate laws on foreigner's (alien) status (**Armenia, Georgia, Moldova, Ukraine**). Another approach is applicable in Azerbaijan where the relevant provisions on forced return are included in the Migration Code.

*The chapter "Regime of removal of foreigners from the territory of the Republic of **Moldova**" of the Law of the Republic of Moldova no. 200 of 16.07.2010 on the regime of foreigners in the Republic of Moldova provide those restrictive measures that could be applied to foreigners who have violated the rules of stay on the territory of the country.*

*Law of the Republic of **Armenia** on Foreigners provides for the grounds and procedure of the expulsion of foreigners as well as defines the circumstances banning the expulsion of foreign citizens.*

*Law of **Ukraine** on Legal Status of Foreigners and Stateless Persons of 22.09.2011 mainly regulates the forced return of migrants. The Law stipulates the grounds and procedure of return, including deadlines for return and procedure of appeal of administrative decisions to the court.*

*The **Georgian** Law on the Legal Status of Aliens and Stateless Persons stipulates a general rule according to which foreigners are obliged to leave the territory of Georgia before the expiry of the term of legal stay in Georgia. The Law also provides grounds for expulsion of foreigners from Georgia and stipulates the grounds when decision regarding the expulsion of foreign citizens is made by the Ministry of Internal Affairs (MIA) Migration Department and grounds when the decision on expulsion shall be made by the court.*

*Migration Code of **Azerbaijan** provides for the circumstances under which the foreigners and stateless persons can be expelled. The Migration Code also defines the categories of persons to whom the compulsory expulsion cannot be applied.*

The answers provided by the states participating in the questionnaire distributed ahead of the Panel Meeting on Readmission Return and Reintegration of June 2017, show that, in EU MS as well as in EaP countries, there is no common approach to the institutional aspect of return process. The competent authorities involved in the process of forced return also may differ from country to country. In most cases, there are several authorities in each state responsible for different stage of return (from the decision making to its execution and supervision). The authorities in charge of the return process, as mentioned by the responding states, are: the Police (**Armenia, Czech Republic, Slovak Republic, Sweden**), migration authorities (**Ukraine, Sweden, Latvia, Hungary, Azerbaijan**), Border Guards (**Ukraine, Latvia, Poland**), Ministry of Internal Affairs (**Moldova**).



*The Police of the **Czech Republic** is responsible for all steps leading to expulsion; including communication with responsible bodies of the respective third country for the purpose of identity verification and issuance of the Laissez Passer, booking of flight tickets and escort of the foreigner to the country of origin.*

*According to national legislation the **Swedish** Migration Agency works with returning persons on a voluntarily basis. The Swedish Migration Agency has the option to hand over cases to the Swedish Police authorities if the returnee refuses to leave the country voluntarily or has absconded. The Police authority has the possibility to return rejected applicants by force.*

*In **Moldova** an administrative decision on removal is issued by the Bureau for migration and asylum of Ministry of Internal Affairs.*

There are also other authorities mentioned which are not directly participating in the execution of the return decisions, however they play an important role in the return process, e.g. national Courts (**Armenia, Ukraine**) and Ombudsman (**Latvia**).

*In **Ukraine**, foreigners and stateless persons can be compulsory expelled from the country only based on rulings of administrative courts, if they failed to comply with decisions on their compulsory return within the due periods of time specified in Law.*

*In accordance with national law of **Latvia**, decision on forced return of a foreigner can be taken either by the Office of Citizenship and Migration Affairs or by the State Border Guard. Removal of a foreigner is organized and carried out by the State Border Guard. The removal process is observed by the Ombudsman.*

More information regarding national legal frameworks regulating forced return can be found in [Annex II](#).

B. Policy on detention

Detention is connected to restriction of freedom of movement through confinement that is ordered by an administrative or judicial authority.¹³

There are **two types** of detention: **criminal detention**, having as a purpose punishment for a crime committed; and **administrative detention**, guaranteeing that another administrative measure (such as deportation or expulsion) can be implemented. In the majority of countries, irregular migrants are subject to administrative detention, as they have violated immigration laws and regulations that are not considered to be crimes. In many states, a non-national may also be administratively detained pending a decision on refugee status or on admission to or removal from the state.

Detention is probably one of the most contradictive and sensitive parts of return process causing criticism from the side of human rights defenders. Often, while implementing detention measures, the states are not able to ensure in practice all legal safeguards of detainees even in the cases where such legal safeguards are clearly prescribed by law.

¹³ IOM Glossary on Migration, 2nd edition, 2011

The current international legal framework and EU law are quite strict in relation to detention, giving unambiguous definition of what can be ground for detention, what the maximum period of detention is and who cannot be subject of detention.

The EU Return Directive defines the following principles regarding detention:

- Pre-removal detention can be used under strict conditions and where considered necessary in individual circumstances in particular when there is a risk of absconding;
- Detention **should only be used** if no other sufficient but less coercive measures can be applied effectively.
- Detention can be necessary for the successful preparation and organization of return operations by ensuring that illegally staying third-country nationals do not abscond.
- The detention period should always be as short as possible and with a view to completing the return procedure successfully.

In its Communication¹⁴ of 2 March 2017, the Commission recommends that all Member States foresee the possibility to make use, in cases where it is necessary, of the maximum detention period allowed for by EU law, to be adapted in light of the individual circumstances of the case: a maximum initial period of detention of 6 months and the possibility to prolong detention up to a maximum of 18 months when necessary.

The Commission also set out a number of criteria to assist Member States in assessing whether a risk of absconding exists. **Objective circumstances for a risk of absconding** include for example the refusal to cooperate in the identification process (e.g. by using false or forged documents), violent or fraudulent opposition to a return operation, failure to comply with measures aimed at preventing absconding such as reporting to the competent authorities or staying at a certain place when required to do so and unauthorized secondary movements to another Member State. Indicative criteria to be taken into account by the relevant authorities should be an explicit expression to not comply with a return decision, non-compliance with a period for voluntary departure and an existing conviction for a serious criminal offence in an EU Member State.

Separate attention is also given by the Commission to detention of families and minors¹⁵. In respect of the fundamental rights and of the conditions set by the EU Return Directive, MS should not preclude in their national legislation the possibility to place minors in detention, where this is strictly necessary to ensure the execution of a final return decision insofar as MS are not able to ensure less coercive measures than detention that can be applied effectively in view of ensuring effective return.

The New York Declaration on Refugees and Migrants¹⁶ contains commitments of the United Nations MS to pursue alternatives to detention while the assessments of legal status of foreigners are under way. Furthermore, recognizing that detention for the purposes of determining migration status is seldom, if ever, in the best interest of the child, UN MS will use it only as a measure of last resort. It should be applied in the least restrictive setting, for the shortest possible period of time, under conditions that respect their human rights and in a manner that takes into account, as a primary consideration, the best interest of the child, and will work towards the ending of this practice.

The information provided by the EU MS and EaP countries show that all of them seek to make its legislation and practice regarding detention **consistent with the EU standards** and international obligations.

¹⁴ [http://europa.eu/rapid/press-release MEMO-17-351_en.htm](http://europa.eu/rapid/press-release_MEMO-17-351_en.htm)

¹⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1497116387526&uri=CELEX:52017DC0200>

¹⁶ <http://www.unhcr.org/events/conferences/57e39d987/new-york-declaration-refugees-migrants.html>



All states, except the **Slovak Republic**, confirmed the presence in respective legislation of provisions allowing detention for the purpose of removal.

Most of EU MS indicated that the maximum period of detention should be **6 months (Azerbaijan)** with possibility of extension to **12 months (Hungary, Latvia, Lithuania, Moldova, Netherlands, Sweden,)** or, in exceptional cases, to **18 months (Czech Republic, Poland and Ukraine)**. Legislation of some states specifies clearly a reduced period of detention applicable to the minors (**Czech Republic, Hungary**).

In Armenia, the detention can be applied until the decision of the court on expulsion takes legal effect, but for no longer than 90 days.

In Georgia, the maximum period of detention could be 3 months with possibility to extend up to 6 months.

In Hungary, the detention of a third-country national who is a minor may not be ordered, only with an exception: families with minors shall only be detained as a measure of last resort and for not more than 30 days where the best interests of the child shall be a primary consideration, if the immigration authority is of the opinion that the objective of detention cannot be ensured by the following provisions - in order to secure the enforcement of an expulsion measure the immigration authority shall be authorized to confiscate the travel document of the third-country national affected or the regulation concerning compulsory confinement. Detention shall be terminated immediately when the grounds therefore no longer exist.

Five EU MS (**Hungary, Latvia, Lithuania, Poland, Sweden**) and two EaP countries (**Georgia, Ukraine**) stated that their legislation provides for alternative measures to detention. Among such measures are applicable: *reporting to the authorities/registration, financial guarantees provided by the foreigner or the third person, entrust of the foreigner to the third person, custody of travel documents, placement of the foreigner to reception center etc.*

In Georgia, the following alternative measures could be applied instead of detention: an alien can be put under supervision, meaning he/she has to appear at a set time in a specific location; a citizen of Georgia connected to the alien and acting as surety for the alien, or a bank guarantee or a certificate of regular income; a maximum bail of GEL 2,000.

In Poland, instead of to be placed in detention, the foreigner can: report at specified intervals to the Polish Border Guard authority; lodge a security deposit; surrender his/her travel document for custody; reside at the indicated place.

It is worth also to note that most of the states, both EU MS and EaP countries, confirmed availability of special detention facilities for irregular migrants (**Azerbaijan, Armenia, Georgia, Moldova, Ukraine, Czech Republic, Hungary, Latvia, Netherlands, Poland, Sweden**).

The analysis of the answers provided shows that legislation of all responding states contains clear conditions under which the foreigner can be placed in detention. Among the reasons more often mentioned in different national legal acts there are: *prevention of enforcement of administrative decision on compulsory return; risk of absconding; threat to national security or public order, previous violation of conditions of alternative measures imposed.*

In Czech Republic, it is possible to issue a decision on detention of irregularly stayed foreigner when the respective foreigner obstructing the enforcement previous decision on administrative expulsion or in case when there are serious reasons, at the



side of the competent administrative body (Police of the Czech Republic), to believe that the respective foreigner is going to do so. Detention is also applied in cases when foreigner has used false or modified documents.

The detailed information of detention is contained in [Annex III](#).

C. Entry bans

An entry bans policy of EU MS and EaP countries as well goes more or less in line with the standards provided for by the EU Return Directive.

Depending on their legislative requirements, the states may or should accompany the decision on forced removal of foreigner with an entry ban. All responding countries, except for Azerbaijan and Netherlands, confirmed the availability of relevant provision in their respective national law.

The period for which the entry ban is usually issued varies **from 1 to 15 years** in different states and mostly depends on the “gravity” of violation of applicable rules regarding the entry and stay.

The table below shows the entry ban lengths conditions for each state:

Country	Length of entry ban provided by the national legislation
Armenia	▪ 3 years
Azerbaijan	▪ n/a
Belarus	▪ n/a
Czech Republic	▪ There are 3 categories of possible lengths of entry bans depending on the severity of law violation committed by the respective foreigner – up to 3 years, up to 5 years and up to 10 years
France	▪ n/a
Georgia	▪ Between 2 and 5 years
Hungary	▪ The maximum period is 5 years, but the duration of an exclusion measure may not exceed 10 years, if the third-country national’s residence in the territory of Hungary represents a serious threat to public security, public policy or national security
Latvia	▪ The length of an entry ban is determined on case-by-case basis, and it cannot exceed 3 years
Lithuania	▪ The maximum length of entry ban shall not exceed 5 years
Moldova	▪ The duration of the entry ban is: - from 1 to 5 years - in case of an irregular stay from 3 months to 3 years (applied proportionally);



	<ul style="list-style-type: none"> - 1 year - in case of non-observance of the purpose for which the right of temporary residence has been granted / extended; - 3 years - in case of illegal practice of work; - 5 years - in case of declaration of false personal information; - 5 years - in case of expulsion; - for 5 years - if irregular migrants have committed in the territory of the Republic of Moldova intentional crimes or serious crimes, extremely serious or exceptionally serious with imprudence, - 5 years - if irregular migrants have irregularly entered the Republic of Moldova
Netherlands	<ul style="list-style-type: none"> ▪ n/a
Poland	<ul style="list-style-type: none"> ▪ The length of an entry ban shall be determined depending on circumstances which were basis for the issued decision, and may last from 6 months to 5 years
Slovak Republic	<ul style="list-style-type: none"> ▪ The police department may impose an entry ban on the territory of the SR for a period of 1 to 10 years based on administrative expulsion. ▪ If required to ensure the safety of persons or property or other public interest, the court may, pursuant to the Penal Act, impose an entry ban on the territory of the SR for a period of 1 to 15 years
Sweden	<ul style="list-style-type: none"> ▪ The entry ban is normally 2 years but can be up to 5 years
Ukraine	<ul style="list-style-type: none"> ▪ 5 years

The statistics on total number of entry bans issued during 2015-2016 provided by the states and available in [Annex IV](#) shows show that the most significant increase of entry bans experienced **Poland** among EU MS and **Ukraine** among EaP countries.

Poland in 2015 issued 13 700 entry bans and in 2016 - 20 104 entry bans.

Ukraine in 2015 issued 576 entry bans and in 2016 - 895 entry bans.

In relation to the entry bans issued to the nationals of EaP countries **Poland** also takes the leading position along with **Sweden**.

In 2015 Poland issued 11 827 entry bans to EaP nationals. In 2016 – to 18 009 EaP nationals.



Sweden in 2015 issued 731 entry bans to EaP nationals (164 Armenia, 94 Azerbaijan, 86 Belarus, 220 Georgia, 18 Moldova, 149 Ukraine). In 2016 – to 940 EaP nationals (181 Armenia, 106 Azerbaijan, 60 Belarus, 254 Georgia, 17 Moldova, 322 Ukraine)

According to the available data, among all EaP countries the nationals of **Ukraine** received the biggest number of entry bans during 2015-2016 from the responding states (both EU MS and EaP countries) – 4361.

At the same time, **Ukraine** during the same period issued 19 entry bans to the nationals of EU MS.

*In 2015 12 entry bans were issued by **Ukraine** to citizens of EU MS, including: UK - 1, Cyprus - 1, Latvia - 4, Lithuania - 2, the Netherlands - 1, Portugal - 1, Slovakia – 2; in 2016 7 entry bans were issued to citizens of EM MS, including: Denmark - 1, Estonia - 1, Latvia - 1, Lithuania - 2, the Netherlands - 1, Hungary - 1, Finland - 1, Sweden - 1.*

IV. Readmission

According to the definition provided in IOM Glossary on Migration¹⁷, **Readmission** is an act by a State accepting the re-entry of an individual (own national, third-country national or stateless person), who has been found illegally entering or being present in another State.

From this definition, it is clear enough that this specific type of return involves participation of two sides – sending state and readmitting (accepting) state. Sometimes this process requires the involvement of more parties, for instance in case of transit through the territory of a third country. Thus, readmission has bilateral or multilateral nature.

Readmission is one of the most advanced forms in the organization and implementation of removal of migrants who have no legal grounds to stay on the territory of the destination country. Considerable international efforts in recent years have led to a significant increase in the number of readmission agreements. They contribute to a quicker, easier and more humane removal¹⁸.

The core distinctions of readmission from other types of return are the following:

- readmission requires participation and cooperation of two or more parties;
- readmission is not considered as an administrative measure against a person to be readmitted, and does not provides for specific treatment of the returnee, like detention or entry ban;
- under the process of readmission, the person can be transferred not only to the home state, but also, depending on existing readmission arrangements, to the state from the territory of which the person arrived.

Currently, EU considers the readmission as one of the most effective mechanism of return, even despite the recognized fact that some third countries fails to fulfill their international obligations on readmitting own nationals.

Over the past two years, the Commission has intensified efforts to enable countries of origin to implement their legal obligation to readmit their nationals. Work is ongoing with countries that are the main source of irregular migration to establish frameworks for cooperation on migration but also conclude concrete agreements on readmission and enhance substantially operational cooperation.¹⁹

¹⁷ IOM Glossary on Migration, 2nd edition, 2011

¹⁸ <http://publications.iom.int/system/files/pdf/readmit.pdf>

¹⁹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017DC0200>



A. Readmission agreements

The **Readmission Agreement** is an international agreement, which addresses procedures, on a reciprocal basis, for one State to return non-nationals in an irregular situation to their home State or a State through which they have transited.²⁰

The aim of a readmission agreement is to facilitate the return of non-nationals who do not have legal grounds to stay on the territory of the State, to the State they originated from or transited through, by addressing the procedures of return and to formalize the effective return process and to prevent the occurrence of difficulties in this field.²¹

By now EU, and subsequently EU MS, concluded **17 readmission agreements** with non-EU countries.

The EU readmission agreements (EURAs) are laying down common administrative rules and conditions for the ‘readmission’ of nationals, 1 third country nationals (TCNs) and stateless persons either to their country of origin or to a country through which they entered or transited on route to the EU.²²

Furthermore, as it is stated in Communication on renewed Action plan on return²³, the Commission also advanced negotiations on new readmission agreements. Negotiations with **Belarus** are now almost finalized. New ones were launched in 2016 with a first reading of the proposed agreement with Nigeria, Tunisia and Jordan and the Commission will work towards swiftly concluding these negotiations and strive towards engaging further in the negotiations with Morocco and Algeria.

Besides the participation in the EURAs, the EU MS also conclude bilateral, and in some cases multilateral, readmission agreements with various third states, in particular with those having priority in EU MS’s respective migration policies.

According to the information provided by the responding states **Poland** (among EU MS) and **Ukraine** (among EaP countries) have the the most extensive framework of readmission agreements.

Currently Poland is a party to 17 EURAs, 20 bilateral readmission agreements, 4 multilateral Schengen readmission agreements and 10 other agreements containing the readmission clause.

Ukraine has concluded 15 readmission agreements, 1 of which with the EU.

It is important to note that all EaP countries, except for Belarus being currently in negotiation process, have signed readmission agreements with the EU.

The table below also shows the **coverage of responding EaP states by bilateral readmission agreements concluded between them:**

Country	AM	AZ	BY	GE	MD	UA
AM	##	-	-	-	+	-

²⁰ IOM Glossary on Migration, 2nd edition, 2011

²¹ https://publications.iom.int/system/files/pdf/manual_on_readmission1_en.pdf

²² http://www.eapmigrationpanel.org/sites/default/files/implementation_of_eu_readmission_agreements.pdf

²³ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1497116387526&uri=CELEX:52017DC0200>



AZ	-	##	-	-	-	-
BY	-	-	##	+	-	-
GE	-	-	+	-	+	+
MD	+	-	-	+	##	+
UA	-	-	-	+	+	##

Armenia, Azerbaijan and Georgia also noted in their answers that currently they are in the process of negotiations of new readmission agreements.

Armenia is preparing bilateral readmission agreements with Moldova, Georgia and Ukraine.

Azerbaijan is in the process of negotiation of readmission agreements with Moldova, Ukraine, Turkey, Russia and Pakistan.

Georgia is going to conclude readmission agreements with Bosnia and Herzegovina, Serbia, Montenegro, Pakistan and Iceland.

The scope of the readmission agreements is always subject of negotiations, in some cases not very easy, between the states willing to ensure their best interests.

The EU promotes common approach to the content of the readmission agreements concluded at the EU level, as well as by the particular MS.

To this end, the Council Recommendation²⁴ was adopted on 30 November 1994 concerning a **specimen bilateral readmission agreement between a Member State and a third country**.

Among others, the thirteen articles of the document mentioned:

- *The obligation of the requested contracting party, upon application by the requesting party, to issue, without delay, the travel documents needed to expel their own nationals;*
- *The obligation to readmit third-country nationals, without any formality, who do not or no longer meet the conditions for entry or residence on the territory of the contracting parties;*
- *The time limits for replying to a readmission request. These were fixed to a maximum of 15 days;*
- *The time limits for taking charge of persons whose readmission has been agreed. These were fixed to a maximum of one month;*
- *The time limits for submitting an application for readmission. A readmission obligation might lapse if the application is submitted more than a year after a contracting party has noted the illegal entry or stay of a third-country national on its territory;*
- *The fact that the costs of transportation up to the border of the requested party will be borne by the requesting party;*
- *The creation of a committee of experts (i.e., a joint readmission committee);*
- *The provisions of the agreement will comply with the obligations of the contracting parties arising, among others, from the 1951 refugee convention and its 1967 protocol, international conventions on*

²⁴ [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31996Y0919\(07\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31996Y0919(07))



extradition and transit, the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms;

- *The possibility for the contracting parties of suspending or terminating the agreement on such “important grounds” as public health, state security or public order.*²⁵

Although the scope of the readmission agreements concluded by EU and EaP countries is not subject of analysis of this Discussion paper, it is worth to note that the conditions of existing readmission agreements with EU do not vary from one EaP country to another significantly.

B. Readmission procedure: the implementing protocols to readmission agreements

The readmission procedure can be considered a cross-cutting issue because, although it is a process related to migration, it involves other spheres of knowledge and activities. For example, taking into account its bilateral nature, international cooperation is very important for concluding and implementing readmission acts. The same refers to border management, which is closely related to the main aspects of readmission. Finally, successful and effective readmission procedures can be guaranteed only by an appropriate level of identity management. Readmission of applicants is subject to proof of nationality or a presumption of transiting certain country, depending on the available identity documents or other possible evidence.²⁶

In order to ensure the practical application of readmission commitments of states set out in their readmission agreements, the implementing protocols are concluded as a relevant procedural instruments.

Upon provision of recommendation regarding a model of the readmission agreement, the next step for the Council of the European Union consisted of recommending the **“guiding principles”²⁷ for the drafting of protocols aimed at implementing the readmission agreements.**

These principles were proposed in July 1995. They included procedures of readmission at the entry ports (so-called *simplified or accelerated procedures*) and the maximum time limit (two days) for expelling an unauthorized person apprehended in a border area. Beyond that time limit, the so-called normal procedure applies and a formal readmission application must be sent in writing to the requested party. “Answers [to readmission requests] should be compulsory” and replied to within 15 days. The guiding principles also listed an array of means for identifying and presuming the nationality of persons to be readmitted. An exhaustive list of means of proofs or presumptions of identity was presented; it ranged from identity cards (even if provisional or temporary), consular registration cards, to statements by witnesses and the language of the person to be readmitted. The authorities of the requesting state should provide evidence of the date of entry of third-country nationals and stateless persons. In addition, they should demonstrate that they directly entered the territory of the requesting state from the territory of the requested state. Under the accelerated procedure (i.e., at border-crossing points), the statement of a border officer suffices to provide evidence and readmit the person within 48 hours. Under the normal procedure, evidence should be provided on the basis of a **commonly agreed list of documents**, e.g., valid visa or residence authorization delivered by the requested state. Otherwise, **there is a common (and exhaustive) list of documents that are annexed to the agreement and that are considered as means of evidence to initiate investigations** (on the part of the authorities of the

²⁵ [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2010/425632/IPOL-LIBE_ET\(2010\)425632_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2010/425632/IPOL-LIBE_ET(2010)425632_EN.pdf)

²⁶ <http://publications.iom.int/system/files/pdf/readmit.pdf>

²⁷ [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31996Y0919\(08\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31996Y0919(08))



requested state) prior to the issuance of travel documents and to the ensuing readmission of stateless persons and third-country nationals. Among others, such documents include: *statements by bona fide witnesses and border officers, bills of any kind and named tickets showing the itinerary of the person on the territory of the requested state, statement of the person concerned*, to mention just a few examples.²⁸

The information provided by the responding states clearly shows that the implementing protocols are widely applied as an instrument for effective fulfillment of obligations under the readmission agreements.

In particular, all responding EaP countries confirmed the availability of already signed implementing protocols as well as indicated the ongoing negotiations/preparation for signature.

Armenia has already concluded the implementing protocol to EURA with France. In phase of negotiations are the protocols with Estonia, Lithuania, Latvia, Poland, Sweden and Benelux countries.

Under the EU-Azerbaijan Readmission Agreement, the implementing protocols with Benelux countries and Germany are under negotiations. The draft protocols with Estonia, Latvia, Lithuania are under review.

Georgia has managed to sign the implementing protocols with Belgium, Estonia, Hungary, Austria, Benelux countries, Lithuania, Slovakia and Germany. The protocols with Czech Republic and Poland are ready for signature. Under negotiations are the drafts with Latvia, Greece, Portugal, Spain, Malta.

Ukraine signed the implementing protocols to EURA with Austria, Czech Republic and Estonia.

It is worth to note also that alongside the signing of bilateral implementing protocols some countries adopt their internal specific regulations describing the procedure of the implementation of readmission agreements.

In Ukraine, practical mechanism of readmission is regulated by the Guidelines on Procedures of Implementation of International Readmission Agreements by Competent Authorised Bodies of Ukraine (approved by Order of the Ministry of Interior of Ukraine of 16.02.2015).

More details on the readmission agreements and implementing protocols concluded and being negotiated by the responding EU MS and EaP countries can be found in [Annex V](#).

Despite the certainty of obligations and procedures contained in readmission agreements and implementing protocols, their effective implementation in practice always depends on the intention and readiness to cooperate showed by the state authorities participating in readmission process, and first of all the authorities of the accepting states.

Most states dealing with the readmission faces various challenges starting from negotiation process and continuing during the application of different stages of readmission procedure.

Among the **challenges related to readmission** the responding states mentioned in particular the following:

²⁸[http://www.europarl.europa.eu/RegData/etudes/etudes/join/2010/425632/IPOL-LIBE_ET\(2010\)425632_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2010/425632/IPOL-LIBE_ET(2010)425632_EN.pdf)



Country	Challenges related to negotiations/implementation of readmission agreements
Czech Republic	<ul style="list-style-type: none"> ▪ The main challenge is observed in the negotiation on acceptance of the new “European Laissez-Passer for returns” by third countries, as regards new negotiation process or amendments of agreements which have already been in force ▪ Cooperation with Vietnam and Pakistan could be currently identified as main challenges in application of readmission. Nevertheless, the cooperation with Pakistan has recently improved
Georgia	<ul style="list-style-type: none"> ▪ The main challenges related to the readmission procedure are mainly the following: lack of means of evidences attached to the application, the quality of provided materials (photos, fingerprints) and difficulties connected to the arrangement of interviews
Poland	<ul style="list-style-type: none"> ▪ Cooperation with some third countries authorities with regard to negotiations for signing a readmission agreement can be challenging when it is difficult to identify the competent institution / contact person responsible for readmission issues ▪ Another problem concerns the replies to the official request sent with the aim to start such negotiations ▪ The lack of internal stability of a third country (political, structural, economic, social and international) as well as frequent changes of executive staff of institutions responsible for return policy are also major challenges for the negotiating process
Sweden	<ul style="list-style-type: none"> ▪ The main challenge is the political will of the country in question to even enter into a readmission agreement. ▪ Other challenges are the specific details to be included, or not, in the agreements

V. Voluntary return and reintegration

A. National policies regarding voluntary return

Voluntary return means the assisted or independent return to the country of origin, transit or another third country based on the free will of the returnee.²⁹

This type of return may provide great benefits for both migrants and States. However, it is not so easy to develop and promote such mechanisms. The difficulties refer to many factors like funding issues and even more to migrants themselves. This type of return, although voluntarily in its nature, it is rarely planned. Often, it is offered to migrants as an alternative to forced removal and therefore does not meet with understanding from their side.³⁰

²⁹ IOM Glossary on Migration, 2nd edition, 2011

³⁰ <http://publications.iom.int/system/files/pdf/readmit.pdf>



The voluntary return has specific features distinguishing it from the forced one and making it more advantageous not only for migrants but also for both the host states and home states of migrants, in particular:

- The voluntary return is generally more cost effective since excludes the administrative costs for the execution of a return decision;
- It is more human and ensures the observance of migrant's rights;
- It does not create stigmatization of the returnee;
- It is in many cases related to the further successful reintegration of returnee in his/her home country.

Thus, there are sufficient reasons to consider that the voluntary return has more chances to be sustainable in comparison to the forced one.

The EU policy and legislation on return clearly defines that the voluntary return should be given the preference over the forced one.

Clause (10) of EU Return Directive Preamble defines that *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.***

The measures directed to promotion of the voluntary return are also reflected in renewed EU Action plan on return. In particular, it states that *improving further the process of disseminating information on voluntary return to irregular migrants is essential in order to ensure that they have access to accurate information even where they are more likely to rely primarily on informal sources of information from within their community but also when the former is unwilling to return and/or is mistrustful of migration authorities.*

Notably, almost all responding states confirmed that preference (or at least option) of the voluntary return is provided either directly in relevant legislation (**Armenia, Azerbaijan, Czech Republic, Georgia, Hungary, Lithuania, Moldova, Sweden**) or exists in practice (**Latvia, Slovakia, Ukraine**). This certifies the recognition of the benefits which voluntary return could offer to the states and returnees.

*In **Slovakia** there is no provision in national legislation stipulating preference of the voluntary return over the forced one (such a wording is used in internal rules on administrative expulsion). In practice, almost all returns are provided voluntarily.*

*The Law on Foreigners of **Armenia** foresees voluntarily return in cases when the stay is irregular based on provisions of the law. In case of voluntarily return, there are no limitations on future entries to Armenia.*

*In **Ukraine** at the legislative level, a higher priority of voluntary return vs compulsory return is not stipulated, however, in practice, there is a priority of rights of migrants for voluntary return over compulsory return options.*

More information regarding national regulations on preference of voluntary return is provided in [Annex I](#).

B. Assisted voluntary return and reintegration: national policy and international cooperation programmes

Following from the definition, the main criterion of voluntary return is the free will of the returnee. Within the context of migration management, the most relevant case of voluntary return is its **assisted form**. In this case, any number of State and non-State organizations may be involved into organization of assistance in return of migrants. Therefore, this term is not primarily based on the voluntary nature of the return, but rather on the organizational particularities; namely the assistance with and provision



of advisory, logistical, financial and/or other support for the person concerned. Voluntary Return procedures are mainly assisted by organizations like the International Organization for Migration (IOM), international or local NGOs, and can be supported or even funded by governments.

AVR is particularly relevant as an alternative to forced return. In situations when the choice is to be returned within the forced return procedure or to return voluntarily, voluntary return balances the need for the migrant to avoid the stigma of deportation and re-entry ban. At the same time, some migrants in regular situations may wish to return to their countries of origin but are unable to do so because of financial and other constraints. Vulnerable and/or stranded persons requiring special attention can also be allowed to avail themselves of assistance to return to their countries of origin, particularly if accompanied by some support for reintegration. These include: the aged, mentally handicapped, abandoned partners, minors, ethnic minorities, women, and, especially, persons who have been trafficked. In addition to the framework measures discussed above, some technical conditions should be created to establish effective mechanisms of voluntary return. Most important is the provision of objective and reliable information, including conditions in the country of origin, and counselling to enable the migrant to make a free and informed decision on return.³¹

The EU Commission noted in its Communication on March 2017³² that countries of origin increasingly face situations where their irregular migrants arriving from different EU MS have been given different levels of reintegration packages (cash or in kind contributions). This may lead to countries of origin favouring only those returns coming from MS offering higher reintegration packages or even to assisted-voluntary return shopping with the European Union by irregular migrants. It is therefore **essential for the sake of improving return rates that reintegration packages, and in general practices on incentivizing return, are consistent among all MS**. In this endeavour, the Commission will support MS through the European Migration Network's Return Experts Group.

As a way forward to improve existing AVR programmes the Commission suggested that MS should: with support of the Commission ensure a coherent approach to reintegration assistance and general practices to incentivize return; actively participate in joint programmes for all types of pre-return related assistance.

One of the distinctive features of the assisted voluntary return is that often it goes along with a **reintegration package** – the set of services, financial (or in-kind) support offered to the returnee to ensure his successful return to normal life in his/her home country.

Foreseeing the reintegration programmes in national policies and legislation and their further implementation highly depends on available financial resources. Obviously, the most of countries of origin suffer from the lack of the necessary resources; therefore, there is a high importance and need of establishment of effective cooperation between them and countries of destination. Such cooperation may be beneficial for both sides as it facilitates the sustainable return resulting, from one side, in lower probability of repeated irregular migration (which is one of the aims of the destination countries) and, from the other side, in the creation of conditions for development (which is important for the country of origin).

The information provided by the responding EaP countries shows that in many cases both approaches are applied – provision of some assisted voluntary return and reintegration (AVRR) programmes in national legislation (**Armenia, Georgia, Moldova, Ukraine**) as well as participation in international projects implemented jointly with destination states and/or international organizations (**Armenia, Georgia, Moldova, Ukraine**). **Azerbaijan** also mentioned that the Reintegration Working Group has been established.

³¹ <http://publications.iom.int/system/files/pdf/readmit.pdf>

³² <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1497116387526&uri=CELEX:52017DC0200>



*In **Armenia** are currently being implemented the projects “Strengthening Armenia’s Migration Management Capacities, with Special Focus on Reintegration Activities” (under Joint Declaration on Mobility Partnership between the Armenia, EU and 7 EU member states (France, Belgium, Bulgaria, Czech Republic, Germany, the Netherlands and Sweden) and “Reintegration policy for Armenian returning migrants” project, funded by EU and implemented in cooperation with OFII (French Office on Immigration and Integration).*

***Georgia, Moldova and Ukraine** have benefited from various IOM implemented AVRR programmes.*

***Azerbaijan** mentioned as a successful examples of international cooperation the Agreement on Cooperation with IOM for Implementation of the Pilot Project to Facilitate Voluntary Return of Migrants from Azerbaijan and ICMPD (International Center for Migration Policy Development) project “Support for Implementation of the Mobility Partnership with Azerbaijan (MOBILAZE) (5th component “Return and Reintegration”).*

Responding EU MS highlighted that services provided under the AVRR programmes may have different compositions starting from information assistance and financial support provided by organizations and payments of returns; and finishing with the provision of support in creating business/employment opportunities.

*In **France** since 1 May 2015 it was launched an extensive and renovated system aimed at foreign nationals in an irregular situation present for at least 6 months on French territory. Return assistance includes the organization and payment of returns by the French Office for Immigration and Integration (OFII), as well as the payment of financial assistance. In addition, OFII assistance may be offered to foreigners in order to facilitate and promote their sustainable resettlement in their own country. The reintegration scheme is based on 3 levels of aid: Social reintegration support (level 1); Reintegration assistance through employment (level 2); Support for reintegration through business creation (level 3)*

*The **Hungarian** Assisted Voluntary Return, Reintegration and Information programme started on the 1 July 2016 and will run until 30 June 2018. The services provided to the beneficiaries are tailored through 3 components: the information component; the return component; the reintegration component.*

*In **Sweden**, migrants returning voluntarily to certain countries can apply for re-establishment support, 30 000 SEK per adult, families can be granted up to 70 000 SEK, minors 15 000 SEK. Those who return by force are not entitled to any re-establishment support. Re-establishment support is paid to those returning to a country where the conditions for re-establishment are limited due to the situation in the country e.g. severe or armed conflict.*

The financial resources for implementation of the AVRR programmes are usually allocated either from the own budgets of EU MS or from various EU funds, like AMIF (Asylum, Migration and Integration Fund) (**Lithuania**).

Poland also noted that due to lack of EU funds, currently there is no possibility to provide foreigners with reintegration component upon their arrival within AVR programme.



[Annex VI](#) contains the detailed information on exiting national policies and examples of international cooperation regarding AVR and reintegration.

<i>Possible topics for discussion</i>	<i>How existing return policy (both at EU and at national level) can be improved in order to ensure higher rates of sustainable returns?</i>
	<i>What is necessary to make readmission agreements more effective? Are there any challenges in collecting readmission statistics? How to make readmission statistics more unified and comprehensive?</i>
	<i>What forms of cooperation between home and host states should be promoted in order to facilitate voluntary return and reintegration?</i>



Annexes

Annex I. Questionnaire distributed among the participating countries

1. Please describe how your national legislation regulates forced return of migrants.
2. In case if your legislation provides for the possibility of detention for the purpose of identification and removal what are the conditions and time limits of such detention? What facilities are established/used for the purpose of migrants' detention? Are there any alternative options for detention particularly for vulnerable groups – women, children etc.?
3. If your legislation establishes that an entry ban should accompany a return and/or removal decision, what are the conditions and lengths of entry bans applicable in your country? Please provide the statistics on entry bans issued during 2015 and 2016 (please indicate how many entry bans were issued for nationals of the EaP countries).
4. Please provide the information on existing bilateral/multilateral international agreements on readmission as well as their implementing protocols concluded by your country (including the agreements being in the process of negotiations). What challenges are related to negotiation process?
5. Please describe briefly the procedure of readmission applicable in your country and, if possible, indicate the challenges related to application of this procedure. Please provide available statistics on persons transferred/accepted under the readmission agreements in force (own nationals, third country nationals, stateless persons) during 2015 and 2016.
6. Does your legislation provide for an option of the voluntary return? Is there any provision granting preference to voluntary return over the forced one? Please describe briefly current policy, legislation in force related to voluntary return and reintegration of migrants.
7. Please provide the examples of best practices of assisted voluntary return and reintegration, including international cooperation programmes/projects implemented jointly with EU, EU Member States, EaP countries as well as with international organizations. What measures, in particular, are taken for economic reintegration of returning migrants?



Annex II. Legal framework regulating return of migrants

Country	Legal framework	Provision regarding the preference of voluntary return
Armenia	<ul style="list-style-type: none"> ▪ Law of the Republic of Armenia on Foreigners provides for the grounds and procedure of the expulsion of foreigners as well as defines the circumstances banning the expulsion of foreign citizens. ▪ The decision on expulsion is taken by the Court and executed by the Police. Expulsion expenses shall be borne by the State Budget of Armenia, in case they are not covered by the foreigner. 	<p>The Law on Foreigners foresees voluntarily return in cases when the stay is irregular based on provisions of the law.</p> <p>In case of voluntarily return there are no limitations on future entries to Armenia.</p>
Azerbaijan	<ul style="list-style-type: none"> ▪ Migration Code of Azerbaijan provides for the circumstances under which the foreigners and stateless persons can be expelled. The Migration Code also defines the categories of persons to whom the compulsory expulsion cannot be applied. ▪ Decisions on expulsion are made and enforced according to procedures stipulated by the Migration Code. 	<p>According to Article 2 of the Agreement between the Republic of Azerbaijan and the European Union on Readmission of Persons Residing without Authorisation and the Agreement between the Republic of Azerbaijan and the Kingdom of Norway on Readmission of Persons Residing without Authorisation, a requesting state, in the absence of any reasons that could create obstacles for transfer of a person to a requested state, should prioritise voluntary return over forced return.</p>
Czech Republic	<ul style="list-style-type: none"> ▪ Procedures of the relevant administrative decisions on expulsion and detention are regulated by the Act No. 326/1999 Coll. <p>The Police of the Czech Republic is responsible for all steps leading to expulsion; including communication with responsible bodies of the respective third country for the purpose of identity verification and issuance of the Laissez Passer, booking of flight tickets and escort of the foreigner to the country of origin.</p>	<p>Option of the voluntary return of expelled foreigners is presumed in Section 123a of the Act No. 326/1999 Coll., which gives possibility to apply for voluntary returns no matter whether the respective foreigner is detained or not.</p>
France	<ul style="list-style-type: none"> ▪ n/a 	n/a
Georgia	<ul style="list-style-type: none"> ▪ The Law on the Legal Status of Aliens and Stateless Persons. The law stipulates a general rule according to which foreigners are obliged to leave the territory of Georgia before the expiry of the term of legal stay in Georgia. The Law also provides grounds for expulsion of foreigners from Georgia and stipulates the grounds when decision regarding the expulsion of foreign citizens is made by the MIA Migration Department and grounds when the decision on expulsion shall be made by the court. 	<p>According to the Ordinance of the Government of Georgia ‘On Approval of the Procedures for Removing Aliens from Georgia’, voluntary departure of aliens from the country shall be preferred over forced removal.</p>



Hungary	<ul style="list-style-type: none"> ▪ Forced return of migrants is regulated in national regulations, based on the common European standards. The main national regulation is the Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals. The details of the execution are in low-level regulations, like Government Decree 114/2007 (V.24.) on the implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals and another regulation called Ministry Decree 26/2007 (V.31.) IRM on the rules of removal. ▪ The Immigration and Asylum Office makes optimal decision in a short time period – taking into consideration the circumstances of the third-country nationals - in order to choose the most humanitarian and cost-effective way of return. 	Voluntary return has priority over forced return , but there are cases where forced return should be carried in accordance with national laws.
Latvia	<ul style="list-style-type: none"> ▪ The Immigration Law as well as related laws and regulations regulate the removal procedure and procedures for forced return of foreigners. In accordance with national law, decision on forced return of a foreigner <i>can</i> be taken either by the Office of Citizenship and Migration Affairs or by the State Border Guard. Removal of a foreigner is organized and carried out by the State Border Guard. The removal process is observed by the Ombudsman. 	In practice, voluntary return is given preference over forced return , as the voluntary return is granted in all cases except the ones when conditions for taking removal order have been met.
Lithuania	<ul style="list-style-type: none"> ▪ Law on the Legal Status of Aliens provides for the grounds and conditions of the expulsion. ▪ Expulsion procedure is governed by Regulations of making and implementing of the decisions on alien's obligation to depart, alien's expulsion, return and transit through the territory of the Republic of Lithuania, approved by the Minister of Interior of the Republic of Lithuania. 	Article 127 of the Law on the Legal Status of Aliens provides for the cases when an alien, who stays in Lithuania irregularly, can be imposed an obligation to leave/ issued a decision to leave the country voluntarily.
Moldova	<ul style="list-style-type: none"> ▪ The chapter "Regime of removal of foreigners from the territory of the Republic of Moldova" of the Law of the Republic of Moldova no. 200 of 16.07.2010 on the regime of foreigners in the Republic of Moldova provide those restrictive measures that could be applied to foreigners who have violated the rules of stay on the territory of the country. ▪ An administrative decision is issued by the Bureau for migration and asylum of Ministry of Internal Affairs. 	Return can be realised either voluntarily by foreigners or forced through physical escort to the crossing point of the state border or to the country of origin, transit or destination.
Netherlands	<ul style="list-style-type: none"> ▪ The Dutch legislation regarding forced removals is based on the EU Return Directive, in particular Article 8. 	EU Return Directive provides for the preference of voluntary return .



Poland	<ul style="list-style-type: none"> ▪ The Act of 12 December 2013 on foreigners (that is the implementation of EU Return Directive) regulates the administrative proceedings on obliging a foreigner to return. Proceedings on obliging a foreigner to return are commenced and conducted by the Commander of the Border Guard Post or Commander of the Border Guard Division. 	The return decision may provide for a period for voluntary departure of between 15 and 30 days.
Slovak Republic	<ul style="list-style-type: none"> ▪ Act No. 404/2011 Coll. of 21 October 2011 on Residence of Aliens and on changes and amendments to some acts („Act No. 404/2011 Coll.“). The Police is the competent authority for implementation of the decision on administrative expulsion. 	There is no provision in national legislation stipulating preference of the voluntary return over the forced one (such a wording is used in internal rules on administrative expulsion). In practise, almost all returns are provided voluntarily.
Sweden	<ul style="list-style-type: none"> ▪ According to national legislation the Swedish Migration Agency works with returning persons on a voluntarily basis. The Swedish Migration Agency has the option to hand over cases to the Swedish Police authorities if the returnee refuses to leave the country voluntarily or has absconded. The Police authority has the possibility to return rejected applicants by force. 	Swedish legislation provides that the Swedish Migration Agency should work for voluntary return.
Ukraine	<ul style="list-style-type: none"> ▪ Law of Ukraine on Legal Status of Foreigners and Stateless Persons of 22.09.2011 mainly regulates the forced return of migrants. The Law stipulates the grounds and procedure of return, including deadlines for return and procedure of appeal of administrative decisions to the court. ▪ The competent authorities in charge of return are the State Migration Service, State Border Guard Service, State Security Service. ▪ The foreigners and stateless persons can be compulsory expelled from Ukraine only based on rulings of administrative courts, if they failed to comply with decisions on their compulsory return within the due periods of time specified in Law. 	At the legislative level, a higher priority of voluntary return vs compulsory return is not stipulated, however, in practice, there is a priority of rights of migrants for voluntary return over compulsory return options.



Annex III. Detention Policy

Country	Maximum length of detention	Availability of special detention facilities	Alternative measures to detention
Armenia	Till the decision of the court on expulsion takes legal effect, but for no longer than 90 days	<ul style="list-style-type: none"> Yes 	<ul style="list-style-type: none"> n/a
Azerbaijan	<ul style="list-style-type: none"> 6 months 	<ul style="list-style-type: none"> Yes 	<ul style="list-style-type: none"> n/a
Belarus	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> n/a
Czech Republic	<ul style="list-style-type: none"> 6 months with possibility to extend time limit of the detention up to 18 months in case of obstructing the return by migrant 90 days for families with minors 	<ul style="list-style-type: none"> Yes 	<ul style="list-style-type: none"> n/a
France	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a
Georgia	<ul style="list-style-type: none"> 3 months with possibility to extend up to 6 months 	<ul style="list-style-type: none"> Yes 	<ul style="list-style-type: none"> Regular reporting to (appearing before) a relevant territorial department of the police, not more than twice a week; A citizen of Georgia connected to the alien and acting as surety for the alien, or a bank guarantee or a certificate of regular income A maximum bail of GEL 2,000
Hungary	<ul style="list-style-type: none"> The maximum period is 12 months (for families with minors only 30 days) but only can be prolonged by the local court The detention of a third-country national who is a minor may not be ordered with exceptions provided by Law 	<ul style="list-style-type: none"> Yes 	<ul style="list-style-type: none"> Compulsory confinement Reception centres Obligation to stay at the assigned place of residence
Latvia	<ul style="list-style-type: none"> The maximum period of detention is 6 months, but it can be prolonged by a decision of a court for a period not exceeding additional 12 months 	<ul style="list-style-type: none"> Yes 	<ul style="list-style-type: none"> Regular registration or handing over of a travel document and other personal identification documents
Lithuania	<ul style="list-style-type: none"> The maximum period of detention is 6 months, but it can be prolonged by a decision of a court for a period not exceeding additional 12 months 	<ul style="list-style-type: none"> N/a 	<ul style="list-style-type: none"> Reporting regularly and at a fixed time at the relevant territorial police agency Communication at the fixed time informing the police agency about his/ her whereabouts



			<ul style="list-style-type: none"> ▪ Entrust an alien of guardianship, providing there is a citizen of the Republic of Lithuania or an alien that is willing to take care of and support the person ▪ An asylum seeker may be accommodated at the Foreigners' Registration Centre without restrictions of freedom of movement
Moldova	<ul style="list-style-type: none"> ▪ 12 months 	<ul style="list-style-type: none"> ▪ Yes 	<ul style="list-style-type: none"> ▪ n/a
Netherlands	<ul style="list-style-type: none"> ▪ 6 months with the possibility of a prolongation of 12 months, while taking into account all judicial safeguards 	<ul style="list-style-type: none"> ▪ Yes 	<ul style="list-style-type: none"> ▪ n/a
Poland	<ul style="list-style-type: none"> ▪ 12 months with possibility of extension under certain circumstances to 18 months 	<ul style="list-style-type: none"> ▪ Yes 	<ul style="list-style-type: none"> ▪ Report at specified intervals to the Polish Border Guard authority ▪ Lodge a security deposit ▪ Surrender his/her travel document for custody ▪ Reside at the indicated place
Slovak Republic	<ul style="list-style-type: none"> ▪ Current legislation does not provide for the possibility of detention 	<ul style="list-style-type: none"> ▪ n/a 	<ul style="list-style-type: none"> ▪ n/a
Sweden	<ul style="list-style-type: none"> ▪ 12 months 	<ul style="list-style-type: none"> ▪ Yes 	<ul style="list-style-type: none"> ▪ Instead of putting an alien in detention he/she can be put under supervision, meaning he/she has to appear at a set time in a specific location
Ukraine	<ul style="list-style-type: none"> ▪ 18 months 	<ul style="list-style-type: none"> ▪ Yes 	<ul style="list-style-type: none"> ▪ Bail of a facility, body or organisation for the person; ▪ Security deposit by the foreigner



Annex IV. Entry bans issued in 2015-2016

Country	Total number of entry bans issued	Number of entry bans issued to EaP nationals
Armenia	▪ n/a	▪ 2015 - 64 EaP nationals ▪ 2016 - 91 EaP nationals
Azerbaijan	▪ n/a	▪ n/a
Belarus	▪ n/a	▪ n/a
Czech Republic	▪ 2015 - 3 009 ▪ 2016 - 3 539	▪ 2015 – 1243 Ukraine and 85 Moldova ▪ 2016 - 2045 Ukraine and 295 Moldova
France	▪ n/a	▪ n/a
Georgia	▪ 2015-2016 years in total 41 entry bans were issued	▪ 2015-2016 in total – 6 EaP nationals
Hungary	▪ 2015 – 1697 ▪ 2016 - 1727	▪ 2015 – 4 Georgia, 46 Ukraine, 41 Moldova, 1 Belarus ▪ 2016 – 10 Georgia, 357 Ukraine, 26 Moldova
Latvia	▪ 2015 – 488 ▪ 2016 – 574	▪ 2015 - 61 EaP nationals ▪ 2016 - 57 EaP nationals
Lithuania	▪ 2015 – 444 ▪ 2016 – 177	▪ 2015 – 11 Belarus, 65 Georgia, 4 Ukraine, 1 Moldova, 2 Armenia ▪ 2016 – 16 Belarus, 16 Georgia, 7 Ukraine, 2 Azerbaijan.
Moldova	▪ 2015 – 281 ▪ 2016 - 280	▪ 2015 – 113 Ukraine, 6 Azerbaijan, 4 Georgia, 3 Armenia, 1 Belarus ▪ 2016 - 76 Ukraine, 6 Azerbaijan, 6 Georgia, 5 Armenia, 2 Belarus
Netherlands	▪ n/a	▪ n/a
Poland	▪ 2015 - 13 700 ▪ 2016 - 20 104	▪ 2015 - 11 827 EaP nationals ▪ 2016 - 18 009 EaP nationals
Slovak Republic	▪ n/a	▪ 2015 - 396 decisions regarding EaP nationals (237 administrative expulsions (AE) with entry ban and 159 decisions of judicial expulsion (JE)) ▪ 2016 - 541 decisions regarding EaP nationals (372 administrative expulsions with entry ban (AE+EB), 43 decisions of entry ban (EB) and 126 decisions of judicial expulsion (JE))
Sweden	▪ 2015 – 10 163 ▪ 2016 – 9 496	▪ 2015 – 164 Armenia, 94 Azerbaijan, 86 Belarus, 220 Georgia, 18 Moldova, 149 Ukraine ▪ 2016 – 181 Armenia, 106 Azerbaijan, 60 Belarus, 254 Georgia, 17 Moldova, 322 Ukraine
Ukraine	▪ 2015 – 576 ▪ 2016 - 895	▪ 2015 - 24 Moldova, 4 Belarus, 4 Georgia, 19 Armenia, 75 Azerbaijan



		▪ 2016 - 29 Moldova, 3 Belarus, 67 Georgia, 36 Armenia, 179 Azerbaijan
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Annex V. Readmission agreements and Implementing protocols

Country	Agreements in force	Agreements under negotiations/preparation for signature	Implementing protocols
Armenia	<ul style="list-style-type: none"> 11 agreements with 13 countries, 12 of which are EU MS and RU 	Bilateral agreements with MD, GE, UA	<ul style="list-style-type: none"> In force: FR Under the EU-Armenia Readmission Agreement, bilateral implementing protocols are in phase of negotiations with EST, LT, LV, PL, SE and Benelux countries
Azerbaijan	<ul style="list-style-type: none"> 4 agreements with EU, NO, CH, ME 	RU, MD , PK, TR, UA	<ul style="list-style-type: none"> Under the EU-Azerbaijan Readmission Agreement the implementing protocols with Benelux countries (BE, LU, NE) and DE are under negotiations Under review EST, LL, LV
Belarus	<ul style="list-style-type: none"> n/a 	n/a	<ul style="list-style-type: none">
Czech Republic	<ul style="list-style-type: none"> 16 Bilateral agreements: AM, BG, HR, CA, HU, MD, DE, PL, AT, RO, SL, SI, CH, VN, KZ and Kosovo 17 EU agreements: AM, AL, AZ, HR, BIH, GE, MD, CV, HK, MO, MK, PK, RU, UA, TR, LK, SRB 	n/a	<ul style="list-style-type: none"> n/a
France	<ul style="list-style-type: none"> n/a 	n/a	<ul style="list-style-type: none">
Georgia	<ul style="list-style-type: none"> EU, BY, DK, MD, UA, NO, CH 	BIH, SRB, ME, PK Bosnia and Herzegovina, IS	<ul style="list-style-type: none"> Signed: BG, EST, HU, AT, States of Benelux, LT, SK, DE Ready for signature: CZ, PL Under negotiations: LV, GR, MT, PT, ES
Hungary	<ul style="list-style-type: none"> Kosovo, AL, MD, RU, SRB, BIH, MK, ME, UA, GE, PK, AM, HK, MO, LK, TR, AZ, CV 	n/a	<ul style="list-style-type: none"> Signed: Kosovo, AL, MD, RU, SRB, BIH, GE, UA
Latvia	<ul style="list-style-type: none"> Bilateral agreements: AM, GE, KZ, UA, UZ 	Kosovo, VN	<ul style="list-style-type: none"> Signed: RU, MD Under negotiations: AM, UA, GE, BIH, SRB, ME, PK
Lithuania	<ul style="list-style-type: none"> EST, LV, SI, UA, CH, SE, IS, FI, IT, HR, ES, DE, 	n/a	<ul style="list-style-type: none"> Signed: RU, GE, MD, GR, Benelux, AT, DE





	FR, AT, PT, Benelux, GR, PT, MD, AM , RO, KZ		
Moldova	<ul style="list-style-type: none"> ▪ EU, NO, MA, SRB, BIH, ME, TR, AL, GE, KZ, AM, UA 	n/a	<ul style="list-style-type: none"> ▪ Signed: EST, LA, LT, CH, DE, AT, HU, RO, SK, DK, BG, MT, CZ, PL, Benelux, ES, SI, GR, IT ▪ Ready for signature: PT, CY ▪ Under negotiations: GB, AZ, UA, RU, LB
Netherlands	<ul style="list-style-type: none"> ▪ Agreements at EU level: AL, AM, AZ, BIH, CV, MK, GE, HK, MO, MD, ME, PK, RU, SRB, LK, TR, UA ▪ Agreements signed by Benelux: AT, BG, HR, EST, FR, DE, KZ, Kosovo, LV, LT, RO, SI, SK, CH 	n/a	<ul style="list-style-type: none"> ▪ Signed: AL, BIH, MK, GE, MD, ME, RU, SRB ▪ Under negotiations: AM, AZ, CV, HK, MO, ME, PK, RU, SRB, LK, TR, UA
Poland	<ul style="list-style-type: none"> ▪ 20 Bilateral agreements: CZ, UA, SK, RO, BG, HR, MK, MD, GR, HY, SI, LT, SE, IE, ES, AT, VN, CH, LV, KZ ▪ Multilateral Schengen agreements: Benelux, DE, FR, IT ▪ EU agreements: HK, MO, LK, AL, RU, ME, MK, SRB, BIH, MD, PK, GE, CV, AM, TR, AZ, UA 		<ul style="list-style-type: none"> ▪ Signed: RU, UA, MD ▪ Agreed text: GE, SRB
Slovak Republic	<ul style="list-style-type: none"> ▪ 18 Bilateral agreements: PL, RO, UA, SI, BG, FR, HR, IT, ES, MK, AT, DE, HU, CZ, SE, CH, Benelux, VN ▪ EU agreements: HK, MO, LK, AL, RU, ME, MK, SRB, BIH, MD, PK, GE, CV, AM, TR, AZ, UA 	n/a	<ul style="list-style-type: none"> ▪ Signed: PL, RO, SI, HR, MK, UA (not in force yet), AT, DE, HU, CZ, CH
Sweden	<ul style="list-style-type: none"> ▪ Bilateral agreements: BG, CY, EST, FR, IQ, Kosovo, CH, PL, SK, RO, LT, LV, DE, HR, VN, AF 	n/a	<ul style="list-style-type: none"> ▪ Signed: RU, SRB





	<ul style="list-style-type: none">▪ EU agreements: HK, MO, LK, AL, RU, ME, MK, SRB, BIH, MD, PK, GE, CV, AM, TR, AZ, UA		
Ukraine	<ul style="list-style-type: none">▪ EU, MD, GE, UZ, TM, CH, TR, DK, VN, NO, RU, IS, BG, HU, LV		<ul style="list-style-type: none">▪ Signed: AT, CZ, EST



Annex VI. AVR and Reintegration policy and programmes

Country	National policy and programmes	Main international cooperation programmes/frameworks
Armenia	<ul style="list-style-type: none"> ▪ “2012-2016 Action Plan for Implementation of the State Policy of Migration Regulation of the Republic of Armenia” Priority Area 8 (“Return of Armenian Citizens from Foreign States and Support to Their Subsequent Reintegration in Homeland”) ▪ www.tundarc.am online information portal which provides useful information on the return and reintegration, programs implemented in this area, as well as channels of electronic communication with the state authorities 	<ul style="list-style-type: none"> ▪ Agreement on the partnership on migration with France ▪ “Strengthening Armenia's Migration Management Capacities, with Special Focus on Reintegration Activities” (under Joint Declaration on Mobility Partnership between the Armenia, EU and 7 EU member states (France, Belgium, Bulgaria, Czech Republic, Germany, the Netherlands and Sweden) ▪ “Reintegration policy for Armenian returning migrants” project, funded by EU and implemented in cooperation with OFII
Azerbaijan	<ul style="list-style-type: none"> ▪ Reintegration Working Group is established 	<ul style="list-style-type: none"> ▪ IOM project “Support for Establishment of Efficient Readmission Management in the Southern Caucasus” ▪ Agreement on Cooperation with IOM for Implementation of the Pilot Project to Facilitate Voluntary Return of Migrants from Azerbaijan ▪ ICMPD project Support for Implementation of the Mobility Partnership with Azerbaijan (MOBILAZE) (5th component "Return and Reintegration")
Belarus	n/a	n/a
Czech Republic	<ul style="list-style-type: none"> ▪ Implemented measures in the field of AVR are influenced mainly by needs of Ukrainian returnees. The most attractive offer for them is guaranteed transportation to the place of residence 	n/a
France	<ul style="list-style-type: none"> ▪ Since 1 May 2015 extensive and renovated system aimed at foreign nationals in an irregular situation present for at least 6 months on French territory is launched ▪ Return assistance includes the organization and payment of returns by the OFII, as well as the payment of financial assistance ▪ In addition OFII assistance may be offered to foreigners in order to facilitate and promote their sustainable resettlement in their own country ▪ The reintegration scheme is based on 3 levels of aid: Social reintegration support (level 1); Reintegration assistance through employment (level 2); Support for 	<ul style="list-style-type: none"> ▪ The Franco-Armenian and Franco-Georgian bilateral programs of aid for voluntary return and reintegration ▪ European return assistance programs led by OFII ▪ The "Program for the Reintegration of Armenian Migrants" (PRAM)



	reintegration through business creation (level 3)	
Georgia	<ul style="list-style-type: none"> ▪ Reintegration assistance program for returned migrants in Georgia implemented by the Ministry of Internally Displaced Persons From The Occupied Territories, Accommodation and Refugees ▪ Reintegration package: <ul style="list-style-type: none"> - Provision of medical treatment and medications; psycho-social rehabilitation; - Funding of social projects to support income-generating activities and self-employment; - Provision of temporary accommodation while returning, if there is special need; - To support beneficiaries' involvement in the LEPL Social Service Agency program for job seekers' professional training/re-training and raising their qualification 	<ul style="list-style-type: none"> ▪ MoU with IOM on the Assisted Voluntary Return of Irregular Migrants from Georgia ▪ IOM AVR programmes
Hungary	<ul style="list-style-type: none"> ▪ The Hungarian Assisted Voluntary Return, Reintegration and Information programme started on the 1 July 2016 and will run until 30 June 2018 ▪ The services provided to the beneficiaries are tailored through 3 components: <ul style="list-style-type: none"> - The information component - The return component - The reintegration component 	n/a
Latvia	<ul style="list-style-type: none"> ▪ A foreigner, in relation to whom removal order has been taken has the right to apply for voluntary return programme, if he or she does not pose threat to the State security, public order or safety and has not previously used the voluntary return programme 	<ul style="list-style-type: none"> ▪ IOM AVRR project "Provision of Assistance for Voluntary Return and Reintegration in Latvia, 2016-2018"
Lithuania	<ul style="list-style-type: none"> ▪ Assisted voluntary return and reintegration programs are co-financed by AMIF fund together with national funds 	<ul style="list-style-type: none"> ▪ IOM AVRR programmes
Moldova	<ul style="list-style-type: none"> ▪ Law on the regime of foreigners in the Republic of Moldova, provides for that foreigners may request the support of the competent authority for returning to their country of origin or to another country if they do not have financial means. ▪ The competent authority for foreigners, together with national and international organizations develops joint programs to identify concrete ways of supporting return of foreigners to their 	<ul style="list-style-type: none"> ▪ IOM AVRR programmes



	countries of origin, as well as the necessary financial resources	
Netherlands	<ul style="list-style-type: none"> A cornerstone in the Dutch policy towards reintegration is financing initiatives for income generation (especially business start-ups) 	<ul style="list-style-type: none"> Targeted Initiative for Armenia (lead by the French Immigration Office) Bilateral project (implemented with support of the Armenian RCR, the reintegration centre) for both voluntary as well as non-voluntary returnees from Armenia
Poland	<ul style="list-style-type: none"> In accordance with the Act on Foreigners the Border Guard may provide financing of the assistance in voluntary return to the country of return for the foreigner Currently, an assistance in reintegration is not carried out 	<ul style="list-style-type: none"> Cooperation with IOM under AVRR programmes Between 1 July 2015 to 28 April 2017 IOM implemented the project "Cooperation and competence the key to an effective fight against trafficking in human beings" in cooperation with the Border Guard Headquarters (co-financed in 85% of expenditures) in the frames of the Norwegian Financial Mechanism
Slovak Republic	<ul style="list-style-type: none"> Slovakia has set out legislative rules and guidance for the dissemination and provision of information on voluntary return: Act on Residence of Aliens and in the internal regulations of the Bureau of Border and Alien Police Presidium of the Police Force. The Act on Residence of Aliens provides the obligation of the police department and of the police detention facility for aliens to advise the third-country national on their rights. In Art. 125(5), the act lists the cases where the police department is obliged to advise the alien of the possibility to use assisted voluntary return 	<ul style="list-style-type: none"> Cooperation Agreement with IOM on assistance in the return of unsuccessful asylum seekers and irregular migrants to their countries of origin IOM AVRR programmes
Sweden	<ul style="list-style-type: none"> Swedish Migration Agency is competent agency for voluntary return Migrants returning voluntarily to certain countries can apply for re-establishment support, 30 000 SEK per adult, families can be granted up to 70 000 SEK, minors 15 000 SEK. Those who return by force are not entitled to any re-establishment support Re-establishment support is paid to those returning to a country where the conditions for re-establishment are limited due to the situation in the country e.g. severe or armed conflict 	<ul style="list-style-type: none"> EU funded program ERIN (European Reintegration Network)



	<ul style="list-style-type: none"> ▪ Eligible for financial support nationals: Afghanistan, the Central African Republic, the Democratic Republic of Congo, Ivory Coast, Eritrea, Iraq, Yemen, Liberia, Libya, Mali, Sierra Leone, Somalia, Palestine, Sudan, South Sudan, Syria, Chad 	
<p>Ukraine</p>	<ul style="list-style-type: none"> ▪ Action plan on reintegration stipulates: promotion of employment of labour migrants and their family members and involvement of children of labour migrants into education processes by means of catch-up classes, provision of necessary health care services to labour migrants who returned to Ukraine, as well as provision of legal and information assistance to labour migrants abroad by diplomatic missions of Ukraine, and intensification of international cooperation for protection of rights of labour migrants 	<ul style="list-style-type: none"> ▪ IOM AVRR programmes

