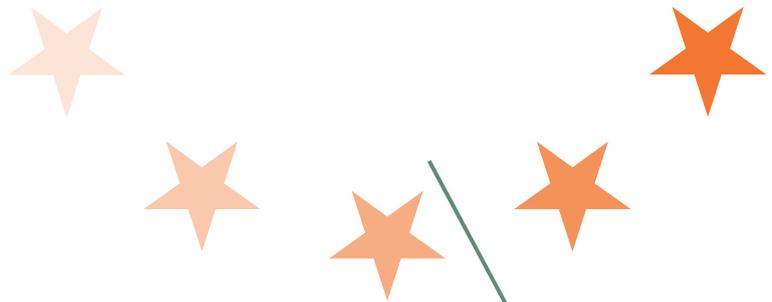


RETURNING IRREGULAR IMMIGRANTS

HOW EFFECTIVE IS THE
EU'S RESPONSE?



BRIEFING

Myriam Cherti

Miklos Szilard

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ABOUT THE AUTHORS

Myriam Cherti is a senior research fellow at IPPR.

Miklos Szilard is a research intern at IPPR.

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IPPR
4th Floor
14 Buckingham Street
London WC2N 6DF
T: +44 (0)20 7470 6100
E: info@ippr.org
www.ippr.org
Registered charity no. 800065

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ABOUT THE PROJECT

'Beyond Irregularity' is a major international project led by IPPR which focuses on irregular and transit migration from sub-Saharan Africa through Morocco to the European Union. The project has five partners: Sussex Centre for Migration Research at Sussex University, UK; Eaves Housing for Women Ltd, UK; Platform for International Cooperation on Undocumented Migrants (PICUM), Belgium; the Council of the Moroccan Community Abroad (CCME), Morocco; and the Development Research and Project Centre (DRPC) in Nigeria.

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INTRODUCTION

Irregular migration presents a significant public and policy concern across the EU. Despite continuous efforts to deal with it through stronger border control measures and repeated amnesties in some European states, there is still a significant stock of irregular migrants in the EU. Seeking a sustainable approach to returning irregular migrants to their home countries has been a key objective of the EU and its individual member states for the past decade.

While the exact number of irregular migrants in the EU is contested – estimates range between 1.9 and 3.8 million (Kovacheva and Vogel 2009) – there seems to be a growing consensus across Europe that voluntary return and reintegration programmes are a more effective option for managing irregular migrants than forced return. The European Return Fund, allocated EUR 676 million¹ for the period 2008–13, aimed specifically at improving return management as well as encouraging the development of cooperation between EU countries and with countries of return. The Council of Europe (2010) also advises member states to increase the use of voluntary return programmes as an alternative to expulsion as such schemes tend to offer a less expensive, safer and more dignified means of repatriation. Most importantly, they are believed to reduce the likelihood of repeated irregular migration.

Although voluntary return schemes, often referred to as assisted voluntary return (AVR) programmes, were first established in the late 1970s² and are currently implemented in at least 11 EU member states, the shift towards voluntary returns has yet to be reflected in practice. Detention and deportation remain the principle tools used by governments to reduce the stock of irregular migrants. Forced returns in 2009 still accounted for almost three-quarters of all returns from the EU 27 plus Switzerland, Norway, Iceland and Liechtenstein, increasing 42 per cent from 128,346 in 2008 to 182,222 in 2009, while during the same period voluntary returns rose by just 12 per cent from 59,875 to 67,064 (Matrix Insight 2011). This low pick-up of the voluntary return schemes raises a number of questions as to the efficacy of such programmes, and of European return policy in general.

This short briefing aims to address some of these questions by examining the EU's response to irregular migration and the role played by its return strategy. The first two sections outline the existing policy framework and how it translates into practice; the final section focuses on gaps and limitations in current policies. This briefing is intended to provide the context for two forthcoming IPPR case study reports on the experiences of irregular migrants returning to Morocco and Nigeria from Europe. The case studies are based on an extensive programme of primary qualitative research and will provide an in-depth analysis of these migrants' experiences at various stages of the return and reintegration process. The two reports will then provide a set of policy recommendations to key stakeholders to ensure a more sustainable approach to the return and reintegration of irregular migrants in the Moroccan and Nigerian contexts.

1 http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/return-fund/index_en.htm

2 These programmes initially targeted guest workers who had a legal right to reside and work in the host country. Today, the AVR programme has become mostly a return option for irregular migrants.

1. CONTEXT:

CURRENT EU POLICY ON THE RETURN OF IRREGULAR MIGRANTS

Contested definitions of return

Return is often grouped into one of two types: either voluntary or forced (see for example UKBA 2012). ‘Voluntary’ refers to any situation where the migrant returns under their free will; ‘forced’ refers to returns where the migrant is forcibly removed from the host country. However, this categorisation is not universally accepted. It is argued that many so-called ‘voluntary’ returns are nothing of the sort – the extent to which irregular migrants can genuinely choose to return ‘voluntarily’ when the only alternative may be enforced removal or detention has been questioned (see ECRE 2012). This has led many (see for example Khachani 2008 and Cassarino 2008) to argue that policy should consider at least three distinct types of return: first, (en)forced return; second, ‘decided or chosen return’ – which refers to migrants ‘who decide on their own initiative to go back to the country of origin, without any form of pressure or coercion whatsoever’; and third, ‘compelled return’ – which refers to migrants who decide to return to their country of origin ‘as a result of unfavourable circumstances and factors which abruptly interrupt the migration cycle’. Both types of ‘voluntary’ return can be supported by the AVR programme.

This framework provides the starting point for this briefing; we argue that the distinction between these categories is an important one for policymakers who need to consider the different variables which affect different types of return when implementing national or international policies.

EU policy

In the early 2000s, European policies regarding the return of rejected asylum seekers and irregular migrants tended to be made on an ad hoc basis, and focused on forced return. The impact of these policies was limited because most states lacked the political will or capacity to enforce voluntary returns and because countries of origin were unwilling to cooperate with return (Koser 2001). Concerns were also raised by NGOs and civil society organisations about safety and dignity in relation to enforced returns and deportations and, as a result, European countries began to seek a more sustainable approach to returning irregular migrants: through offering them assistance to return voluntarily, and through linking reintegration with development (European Commission 2012).

The International Organisation for Migration (IOM 2005) has summed up the principles applied by the European Commission and the Council of Europe³ in terms of return policy as follows:

- priority of voluntary return over forced return
- common principles, common measures and common standards are needed, based on best practices of member states
- standards should be implemented in all member states, on a harmonised legal basis
- enhanced cooperation and dialogue with countries of origin and transit is needed
- better operational cooperation among member states is needed
- international obligations and human rights must be observed when implementing return measures
- country-specific and long-term return programmes should be implemented and evaluated.

As a result, there have been efforts towards further cooperation and harmonisation across EU states, and a number of policy initiatives have been launched to facilitate return in recent years. These include funding through the Solidarity and Management of Migration Flows (SOLID) programme, the Global Approach on Migration and Mobility (GAMM), the

3 Please refer to the ‘20 guidelines on Forced Return’ from the Council of Europe, 2005

European Return Fund, the EU Returns Directive and cooperation with third countries (European Commission 2012).

The European Return Fund was established in 2008 to ‘support the efforts of member states to improve the management of return in all its dimensions through the use of the concept of integrated return management, with a preference to voluntary return and with a view to supporting a fair and effective implementation of common standards on return’ (European Commission 2012). Measures include, for example, the setting up of voluntary return and reintegration programmes, specific assistance for vulnerable returnees (such as unaccompanied minors) and support for innovative tools and actions through the sharing of best practice between EU states.

In 2008, the European Parliament and the European Council approved a Directive on Common Standards and Procedures in Member States for Returning Illegally Staying Third-Country Nationals, commonly referred to as the Returns Directive. This sought to regulate and harmonise standards of return throughout the EU (Cassarino 2006). The key elements of harmonisation in the directive are a re-entry ban valid throughout the EU, the favouring of voluntary over forced return and the limiting of custody and coercive measures in line with fundamental rights as set out in international law.

The Returns Directive should have been implemented by the 24 member states bound by the directive (the UK, Ireland and Denmark have not signed up) on 24 December 2010 and national laws, regulations and administrative provisions should have been moved into line with the directive (Human Trafficking Info 2011). However, according to the European Commission (2012) ‘the number of member states having transposed the directive is far from satisfactory’ and in September 2011 eight member states had yet to comply with the directive.

The UK’s position on the directive was set out by former Labour immigration minister Phil Woolas: ‘The UK has not participated in and has no plans to implement the EU Returns Directive 2008/115/EC. We agree that a collective approach to removal can have advantages. However, we are not persuaded that this directive delivers the strong returns regime that is required for dealing with irregular migration. Our current practices on the return of illegal third country nationals are broadly in line with the terms of the directive, but we prefer to formulate our own policy, in line with our stated position on retaining control over conditions of entry and stay’ (quoted in Costello 2012).

Although the directive was supposed to ‘encourage the voluntary return of illegal immigrants but otherwise lay down minimum standards for their treatment’, there has been considerable debate over whether it has succeeded in establishing appropriate minimum standards of treatment. Particular concerns have been raised over certain provisions of the directive: for instance, it allows migrants to be detained for up to 18 months (a maximum period of custody of six months, which can be extended by a further 12 months), which is substantially longer than many member states’ previous maximum limits (in the UK for instance in 2011, about 60 per cent of total immigration detainees were held for less than two months (Silverman and Hajela 2012); it also allows for the possibility of a five-year re-entry ban – applying even to those seeking asylum – and allows for the detention and return of unaccompanied minors. As a consequence, the directive has received a substantial amount of criticism from NGOs, the UNCHR and other international organisations, along with individual governments, notably in Latin America and Africa (Acosta 2009).

2. ASSESSMENT: EU RETURN AND REINTEGRATION POLICIES

The impact of policy on returns

Estimated return statistics suggest that about 250,000 irregular migrants returned to their home countries from the EU, Switzerland, Norway, Iceland and Liechtenstein in 2009.⁴ Forced return still represents the overwhelming majority of those, with nearly 75 per cent (183,000) of the migrants being deported, compared with 68 per cent in 2008. Only six out of the 31 European Economic Area countries (Austria, Denmark, Lithuania, Luxembourg, Slovenia and Sweden) had more voluntary than forced returnees in 2008 and 2009 (Matrix Insight 2011).

Box 2.1 Return of Moroccan irregular migrants from the European Union

Morocco has a long history as a country of emigration. Millions of Moroccans have moved abroad, particularly to Europe, over the past few decades. The minister in charge of Moroccans living abroad estimated in 2011 that five million Moroccans were officially registered as legal migrants living abroad (approximately 12 per cent of the Moroccan population), with 85 per cent of them settled in European countries (Bladi 2011). Data on the number of Moroccan irregular migrants currently residing in Europe is by definition more difficult to ascertain.

In 2008, the Robert Schuman Centre for Advanced Studies found that the European country from where the most Moroccans were expelled in 2010 was Spain (9,475, down from 10,130 in 2009 and 10,655 in 2008). The number of Moroccan irregular migrants deported from Spain comprised almost two-thirds (65 per cent) of all Moroccan irregular migrants expelled from the EU 27 member states in 2010. The next highest deporting countries in 2010 were France (2,565) and Italy (745). The UK was the ninth highest deporting country with 220 forced returns to Morocco (MIREM 2012, Robert Schuman Centre for Advanced Studies 2012).

In addition, the statistical office of the European Union, Eurostat, produces yearly tables of third-country nationals having left the EU following an order to leave. After a significant increase from 2002 to 2006, the figures for Moroccans have remained largely stable over the last four years (2008–2011). In 2008, the number of Moroccans who left the EU following a deportation order was 16,020 (8 per cent of the 243,110 people from all nationalities leaving the EU), while in 2011 this fell to 7 per cent, 14,160 out of 194,050 (Eurostat 2012).

Despite the continuously high numbers of deportations, there seems to be a general agreement that assisted voluntary return (AVR) whether ‘compelled’ or ‘chosen’, is by far the preferred option, both for European member states and for returning migrants. It is more dignified and more humane for the migrant, more cost effective for the member states, more sustainable than forced return and it does not require the same cooperation between states that forced return does. Although exact figures are complex to establish, the cost of forced returns is generally thought to be around ten times greater than AVR (Black et al 2011). For instance, data for the United Kingdom indicates that in 2004,⁵ AVR – with a budget of £8,768,000, averaging out at about £1,100 per returnee according to calculations made by the National Audit Office (NAO) in 2005 – cost approximately 10–15 per cent of the cost of forced return (NAO estimated the cost of removing failed asylum seekers was £11,000 per person) (European Migration Network 2007).

4 This estimate only includes officially notified returns, either forced or assisted voluntary.

5 These figures are the most recent available for the United Kingdom.

As for the sustainability of return, one of the persisting challenges is to conceptualise and define what sustainable return means for the different actors involved and how it can be measured. For policymakers, sustainable return refers to situations where irregular migrants who return home do not come back; whereas for many NGOs and arguably for countries of origin, it is when migrants who return home are able to become self-sufficient and make a contribution after a period of reintegration. Many questions arise from this: to what extent can a single definition be applied across different countries, and in relation to different kinds of return migration? What mechanisms can be used to monitor the sustainability of return from both the perspective of the country of origin and of the country of destination? And what policy interventions could help to promote sustainable return in different economic, political and geographical contexts?

Overall, the question of sustainability following the return (forced or voluntary) is closely linked to the extent to which returning irregular migrants are reintegrated – this will be more thoroughly explored in the forthcoming IPPR case study report on irregular Moroccan migrants who have returned home.

Individual European countries

Despite the harmonisation agenda promoted at EU level, the processes and characteristics of migration differ from one country to another.⁶ Two main options in dealing with identified irregular migrants have been favoured by member states: regularisation and deportation (Acosta 2011). Individual European countries, in particular in southern Europe, have frequently used regularisation processes as a means of dealing with the problem. Between 1996 and 2008 there were 43 regularisation programmes implemented in 17 of the 27 EU member states, with at least 3.2 million irregular migrants gaining legal status as a result. The Spanish government, for example, regularised 700,000 irregular migrants between February and May 2005. However, some member states (Austria, France, Germany and Belgium) have expressed reservations about such programmes, worrying that they may act as a pull-factor, attracting more irregular migrants (see below for more details on regularisation at EU level). In the UK too, such official regularisation programmes providing amnesty to irregular migrants are very unlikely considering the current political context and the lack of support from the general public.

Although return policy has largely been focused on deportation, some European states have established programmes of assisted voluntary return targeted at legal migrants as early as the 1970s. Germany, in particular, practised AVR in its earliest form in 1979 (Sward 2009). As the recession of 1973 led to the end of the era of guest-worker migration, the Netherlands, France and Germany offered financial support to these workers to return to their home countries. Despite initial optimism, by the late 1980s and early 1990s it became clear that these programmes were failing to attract the numbers of migrants the governments had hoped, and the schemes were disbanded.

In spite of the limited success of these early attempts at AVR, several European countries today do operate assisted voluntary return programmes. These schemes, typically run by the IOM, usually target failed asylum seekers and irregular migrants, covering the costs of travel home, and can include a cash payment or in-kind reintegration assistance (IOM 2010).

6 For more detail on the UK's return policy, please refer to the IPPR briefing, *Returning Irregular Migrants: Is deportation the UK's only option?* published alongside this paper.

Box 2.2 The case in Italy

The situation in Italy, as with that of many other European countries, demonstrates that the European policy shift towards voluntary return is not reflected in practice. Forced returns accounted for almost all identified returns from Italy in 2008 and 2009: 144 voluntary returns as opposed to 24,234 forced returns in 2008, and 241 voluntary returns compared with 18,361 forced returns in 2009 (Matrix Insight 2011).

What is more, the programmes for voluntary return implemented by the Italian government are targeted not at irregular migrants but at legal migrants from vulnerable groups in need of special assistance to return and reintegrate in their country of origin.

Regularisation is still used in Italy alongside return policy. The latest regularisation programme, which took place in the autumn of 2012, was aimed at employers and received requests from 135,000 irregular migrants, of whom 15,000 were Moroccans. Italy adopted an EU Directive from 2009 providing for penalties against employers illegally employing irregular migrants.

Box 2.3 The case in Spain

In Spain, although the numbers of migrants involved are similar, the situation is slightly different. Forced returns represent the overwhelming majority of returns from Spain: 11,847 and 7,710 forced returns in 2008 and 2009 compared with 178 and 269 voluntary returns respectively.

In terms of return policy, the Spanish authorities give identified irregular migrants between seven and 30 days to leave the country voluntarily. Here the importance of a clear and harmonised definition of voluntary returns is significant as 'voluntary returnees', under Spanish legislation, means people who fall under an expulsion procedure from the national police. After the so-called voluntary period of 30 days expires, the national police proceed to arrest and escort the returnee to the point of exit from Spain. If the expulsion could not be implemented within 72 hours, the migrant may be arrested and taken to a detention centre for a maximum period of 60 days (Matrix Insight 2011).

Spain's migration policy, for example, is focused on the return migration of unskilled workers and control of irregular migration. Spain has also acted in recent years to encourage regular processes for circular and temporary migration, particularly in the context of the seasonal migration of agricultural labour.

Spain's full return process, in contrast to Italy's, is subject to judicial monitoring, and immigrants enjoy full legal rights.

Box 2.4 The case in Germany

In contrast with Italy and Spain, Germany strongly opposes regularisation. Most returns from Germany are forced rather than voluntary: there were 2,799 and 3,107 voluntary returns in 2008 and 2009 respectively, while 14,139 and 17,612 forced returns were carried out in the same years. Out of those, 3,261 and 2,870 were with escorted enforcement (Matrix Insight 2011).

Here again, the lack of a common understanding and definition of voluntary return is problematic. In Germany the term voluntary return refers to migrants who are subject to an official return decision and decide to accept this decision 'voluntarily'. 'Forced return' refers to people who refuse voluntarily to accept the return decision and who are removed by force (Matrix Insight 2011).

The term irregular migration, and its definition, suffers from a similar lack of European harmonisation. German legislation defines irregular migration as unlawful entry to the country. It also requires foreigners with no right of residence to leave the country. In Italy, the definition of 'foreigners in an irregular position' might be seen as offering more flexibility, while in the Spanish case there is simply no term in national legislation for irregular migration (Morehouse and Blomfield 2011).

The full return process in Germany, as in Spain, is subject to judicial monitoring. However, various organisations – such as the police, NGOs, local authorities and the Church – are also involved in the process.

So far the voluntary return programmes have only had a limited impact on the return of failed asylum seekers and irregular migrants. Two main reasons could explain this. First, historically many who have taken up AVR are legally resident labour migrants who are unemployed during a period of economic crisis and choose to return. Second, they require an agreement that migrants (whether regular or irregular) would not return to the host country, at least for a specified period of time. This, in effect, asks individual migrants to opt out of a future in a European country where the economy, despite recent difficulties, has been buoyant in exchange for a small amount of money and a future in a country with worse economic prospects. For example, the plan for the return of migrants to their countries of origin set up by the Spanish government in 2008 has not been successful: it missed its initial target as only 11,400 migrants had taken up the offer as of December 2010. The plan had as its main target Moroccans, who represent the largest migrant group in Spain, but only two of the 11,400 returnees were Moroccans, while most came from South America (Black et al 2011).

This section has outlined some key issues concerning the implementation of return policies at both the European and country level. Despite the official support for voluntary return and reintegration programmes, forced returns remain the standard in practice. There seem to be two different approaches within the EU to dealing with stocks of irregular migrants: namely the 'southern' approach, with frequent processes of regularisation, and the 'northern' approach, less flexible and focusing on tightening border controls and forced returns.

3. CHALLENGES AND GAPS IN THE CURRENT POLICY RESPONSE

It is clear from the previous sections that since the mid 2000s EU return policies, although theoretically more inclined to favour voluntary returns, have been in practice predominantly aimed at fighting irregular migration through forced removal. However, restrictive and punitive policies have failed to make a significant dent in the problem of irregular migration. It seems very unlikely that return policy in its current form could ever deal effectively with irregular migration in the EU, whatever the estimates of Europe's undocumented migrant population are.

The return of irregular migrants often falls short of the expectations of both policymakers and European publics. As a result, return has become a politically charged process, and questions must now be asked about the place of return policies in long-term solutions to irregular migration. An effective return policy needs to fit within a wider migration policy framework. Optimal results in terms of sustainability and effectiveness can only be achieved through a policy approach in which return is combined with effective border and asylum management systems, as well as with appropriate arrangements for legal and orderly immigration and integration.

Doubts remain about the effectiveness of harmonisation across EU member states, the limited cooperation with source countries and countries of transit, the capacity of individual returnees to re-integrate in and contribute to their home countries and regions, and the wider sustainability and voluntariness of the return process.

Harmonisation across the European Union

The EU's common policy on irregular migration, based on return, takes its legal basis from the Amsterdam Treaty, and has since included a number of measures including the creation of a single border management body, FRONTEX, and the Returns and Sanctions Directive. Harmonisation, however, has proved difficult – clearly in some cases this goes beyond migration policy alone, as the current debate on the relationship with the EU in the UK shows.

On the face of it, the directive could be viewed as encouraging cooperation between member states on managing irregular migrant flows by advocating a common response. However, managing irregular migration may have proven to be too divisive an issue for some member states. The UK, Ireland and Denmark have opted not to sign the directive altogether, while eight other states have yet to notify the European Commission of national measures implementing the directive. As of 2011, the Commission called on Austria, Belgium, Cyprus, Germany, Lithuania, Poland, Sweden and the Netherlands to transpose the provisions of the directive, warning that their failure to do so was jeopardising the efficiency and fairness of the common return procedure, as well as undermining the EU's migration policy (European Council 2011).

The UK government argues that a strong returns regime in the EU is in everyone's interest, including the UK. The directive, as it stands, does not deliver the strong returns regime that the EU needs and that is why the UK government has chosen to exercise its right not to participate in this proposal. Several member states, the UK government argues, have made the point in the discussions that the directive makes returning irregular migrants actually more difficult and more bureaucratic but not necessarily more protective of migrants' rights. While the UK's decision not to opt in to the directive is right and legitimate, the main disadvantages of the UK's selective approach to EU regulations should also be noted. The UK may find itself excluded from EU policies it wishes to

engage in, such as the rulings on Frontex, biometric passports and data from the visa information system.

While seeking to promote harmonisation of European migration policy, the directive has simply led to several member states issuing dissenting views regarding their approach to detention and return.

Although the Returns Directive marked an occasion for EU institutions to ensure the dignity and security of undocumented migrants by establishing minimum humanitarian standards to which member states must comply, it disappointed many civil society organisations who had worked hard to ensure that it did not simply adopt a 'lowest common denominator' approach to human rights protection.

Having a number of countries that still refuse to adopt the Returns Directive is clearly not the best indicator of a harmonised EU response to return. However, non-compliance remains the best way to put pressure on the EU to develop more progressive directives that appeal to the majority of member states and which ensure more humane and less bureaucratic return procedures.

Likewise, the lack of consensus on the value of regularisation still creates divisions among member states and between policymakers and non-governmental organisations, and European guidelines have yet to be drafted. Although certain countries have systematically employed regularisation in the past as a policy to address irregular migration, it seems less likely going forward as the European Commission and many member states have been very critical and are keen for more control at EU level.

Cooperation with source and transit countries

International cooperation on migration is already a major challenge for states in terms of bilateral relations, but the challenge becomes even greater when cooperation is developed by a supranational organisation like the EU. Tensions between the national and the supranational level and between member states and partner countries are bound to arise.

Cooperation between the EU and source countries on the issue of return is rarely based on shared interests and common objectives. Attempts at establishing cooperation have been rather one-sided since the 1990s, emphasising 'migration management' on the part of European receiving countries. The European neighbourhood policy of 2003 laid the foundations for third countries to be active participants in the management of migration flows, with the objective of generating mutual benefits for the EU and third countries. This was to be achieved in part through incentives offered by the EU to third countries such as visa facilitations and preferential visa quotas for economic migrants; preferential trade access; and judicial and technical assistance in migration management. Despite these incentives, many third countries still feel that EU policy is primarily self-interested, which consequently renders future cooperation and negotiations even more complicated.

It has become clear that, in order to ensure the effectiveness of its return policy, the EU will have to perform a balancing act between the migration and security concerns of member states and the need to respond in a credible manner to the pressing development-oriented expectations of third countries. For instance, Morocco has yet to sign up to the EU-level agreements on the readmission of irregular migrants but has bilateral agreements with some member states (Spain, France, Belgium, Netherlands, Germany and Italy).

Concerns have been raised, too, over the use of bilateral agreements with third countries with respect to asylum seekers who may be fleeing state persecution. European authorities often return people immediately after they have crossed the border irregularly or even before – as is the case in the Mediterranean waters – without ascertaining their protection needs (Cassarino 2006).

Sustainability of return

Evidence concerning the long-term sustainability of return, including under AVR programmes, is limited. Insufficient evaluations of return and reintegration programmes have been completed; of those that have, only a few have captured complete data and only then having looked at the migrants' experience of return after a relatively short space of time. The assistance the IOM provides returnees is by its nature short term and piecemeal. The IOM cannot ensure political stability or personal security for those returning home. Its website, while celebrating individual success stories, acknowledges that it does not monitor voluntary returnees (though if an individual receives reintegration assistance on return, contact is maintained for up to a year). The governments which fund the voluntary return programmes do not monitor returnees' reintegration either. Evaluations must examine the impact of return beyond the initial six to 12 months. Monitoring and evaluation also currently take place mostly through voluntary communication from returnees. It is likely that this does not capture those who have had difficult experiences after they return home. The short-term and limited nature of the assistance provided and the lack of monitoring make the IOM's claim to 'contribute to a more sustainable return' difficult to assess (Webber 2010).

The extent to which returned irregular migrants reintegrate is dictated in large part by their experiences in the main country of migration, and the circumstances of their return. The support networks available in the home country and the individual capacity of the migrant are also key factors influencing the reintegration process of these returnee irregular migrants.

CONCLUSION

Despite the development of an EU policy framework that favours voluntary return over forced removal, the latter remains the most predominant across a number of EU member states. However, removing or deporting all irregular migrants is not a realistic goal. The cost of removals is disproportionately high, even if it was possible to locate all irregular migrants living in the country.

It is true that enforced return has a part to play in any government response to irregular migration – this is an uncomfortable, but inevitable, conclusion. However, enforced return of irregular migrants should not usually have to mean dawn raids, arbitrary detention and being taken in handcuffs to the plane. Rather, it should involve impressing on irregular migrants that return is going to be enforced and that the process cannot be endlessly spun out, but that within certain limits the system will include scope for an individual to take advantage of the voluntary return packages offered to aid reintegration in the home country.

Further research and policy development needs to take place in relation to promoting voluntary return, on at least three levels. First, **develop a common understanding of return to be agreed within the broader harmonisation process at the EU level.** Second, **promote voluntary return packages with irregular migrants and better understand reasons for the low take up.** Third, **develop common indicators to measure the sustainability of return programmes.** Given that sustainability could be considered as a primary criterion for assessing the effectiveness of any return programme, it would seem appropriate that monitoring and impact mechanisms focused on this should routinely be incorporated into such programmes. The evaluated experience of existing mechanisms could serve as a useful basis on which to determine what the best approach might be in different countries. This would also enhance our understanding of the various factors identified as influencing sustainability.

Finally, EU-wide harmonisation of immigration policies is a longstanding and challenging issue, given the need to compromise numerous national immigration policy proposals, practices and procedures towards common, balanced, harmonised and effective EU policies. As discussed above, the Returns Directive illustrates part of this challenge which stems primarily from the legal, political, technological and societal differences in the various member states. Future EU migration policies, such as the Dialogue for Migration, Mobility and Security, dealing with return need to consider and address the needs and preoccupations of source countries and countries of transit. A greater involvement of civil society actors would be welcome, too, in host, transit and origin countries as they have an important role to play in facilitating the return process.

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