

Return of former applicants

Box 10. Return of former applicants



The EU legal framework on the return of former applicants for international protection falls within the remit of general immigration law. An effective and humane return of rejected asylum seekers is an integral part of a credible asylum system, as is the possibility to return to a country of origin voluntarily if an application for international protection is withdrawn. For the practical functioning of CEAS, returning a rejected asylum applicant effectively to the country of origin is essential, since an inability to return such a person in an efficient and sustainable way may corrode confidence in the system and stigmatise migration. Indeed, Frontex has identified several risks and challenges leading to a widening gap between return decisions and effective returns. [1299](#)

Return options include:

- Voluntary return and departure: when a person withdraws a claim and voluntarily returns to the country of origin (voluntary return) or a person complies with a return decision (voluntary departure); and
- Forced return/removal: the return of persons who are required by law to leave but have not consented to do so and who are subject to coercion in order to carry out the removal.

In many cases, returnees can receive support under assisted return schemes prior to departure. In addition, reintegration support is available after arrival to the country of return in various forms.

Relevant developments in 2022

[ERRIN](#) came to an end on 30 June 2022 and has now been taken over by the Frontex Joint Reintegration Programme and the ICMPD Return and Reintegration Facility (RRF).

Initiatives to support voluntary returns were launched in Austria, [1300](#) Finland, [1301](#) Greece, Norway, [1303](#) Lithuania [1304](#) and Italy. [lxiii](#)

Legislative changes concerning relevant procedures were reported in Romania. [1305](#)

Civil society organisations raised concerns over the expulsion procedure, for example in [Bulgaria](#).

Bilateral agreements were signed to enhance cooperation with third countries in Lithuania [1306](#) and [Greece](#).



Relevant publications

[EMN, Inform on Incentives and motives for voluntary departure](#) was published in July 2022. It covers the reasons for accepting, or refusing, available assistance for a voluntary departure. As such, incentives are currently not usually developed to target specific motivations.

[FRA, Forced return monitoring systems - 2022 update](#): Since 2014, FRA publishes an annual update on forced return monitoring systems that EU Member States have set up under Article 8(6) of the recast Return Directive (2008/115/EC).

[ECRE Policy Note: Monitoring the Implementation of Returns](#): A Complex Puzzle with Missing Pieces: The note addresses that there is no specific, independent monitoring framework to report on fundamental rights compliance by Member States that covers pre-return, the return process as well as follow-up in and with the country of return.

[1299](#) European Border and Coast Guard Agency. (September 2022). Risk Analysis for 2022/2023. https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/ARA_2022_Public_Web.pdf

[1300](#) Federal Office for Immigration and Asylum | Bundesamt für Fremdenwesen und Asyl. (2022, November 30). Jetzt verlängert: Sonderaktion für unterstützte freiwillige Rückkehr nach Indien [Now Extended: Special Action for Assisted Voluntary Return to India]. <https://bfa.gv.at/news.aspx?id=6341506C7874363334B4D3D>

[1301](#) Ministry of the Interior | Sisäministeriö. (2022, December 22). Expansion of the target group for voluntary return to be examined. https://intermin.fi/-/vapaaehtoisen-paluun-kohderyhman-laajentamista-selvitetaan?languageId=en_US

[1303](#) Norwegian Directorate of Immigration | Utlendingsdirektoratet. (2022, November 4). Tilskudd til informasjonstiltak om assistert retur [Subsidy for information measures on assisted return]. <https://www.udi.no/aktuelt/tilskudd-til-informasjonstiltak-om-assistert-retur2023/>

[1304](#) Ministry of the Interior | Lietuvos Respublikos vidaus reikal? ministerija. (2022, February 18). Gr? žinama 1,000 eur? i?moka savanori?kai i?svykstantiems migrantams. <https://vrm.lrv.lt/lt/naujienos/grazinama-1-000-euru-ismoka-savanoriskai-isvykstantiems-migrantams>

[lxiii](#) The Central Control Section on the management of State Administrations of the Court of Auditors published a report on “Voluntary and assisted repatriation in the management of migratory flows” on 12 May 2022. The document outlined the state of play and the evolution of assisted voluntary returns in Italy, including experiences of other EU countries. It is accompanied by a long series of data on migration flows and on forced and voluntary returns. The Court of Auditors included some final recommendations. Court of Auditors, Il rimpatrio volontario ed assistito nella gestione dei flussi migratori, 12 May 2022, available at: <https://www.integrazionemigranti.gov.it/AnteprimaPDF.aspx?id=3469>

[1305](#) Government of Romania | Guvernul României. (2022, August 31). Informa?ie de pres? privind actele normative aprobat? în cadrul ?edin?ei Guvernului României din 31 august 2022 [Press information regarding the normative acts approved during the meeting of the Romanian Government on 31 August 2022]. <https://gov.ro/ro/stiri/informatie-de-presa-privind-actele-normative-aprobat-in-cadrul-edintei-guvernului-romaniei-din-31-august-2022>

[1306](#) Ministry of Interior of the Republic of Lithuania | Lietuvos Respublikos vidaus reikalų ministerija. (2022, June 15). Tėsiamas bendradarbiavimas su Iraku dėl migrantų grąžinimo [Cooperation with Iraq on the return of migrants continues]. <https://vrm.lrv.lt/lt/naujienos/tesiamas-bendradarbiavimas-su-iraku-del-migrantu-grazinimo>

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