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Return of former applicants

Box 10. Return of former applicants

icon presenting 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as is the possibility to return to a country of origin voluntarily if an application for international protection is withdrawn.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 Lithuania1304and 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.

icon showing publications

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.

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- [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

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