

Session 3

Frontex mandate in return operations

*National Training on Escorted Return Operations and Forced-Return
Monitoring Mechanisms (FREM III)*

09-10 May 2019
Cyprus

At the end of this session participants will be able to:

- 👉 Describe the mandate of Frontex in return operations

Regulatory framework for FRONTEX European Border and Coast Guard Regulation

➔ Regulation (EU) 2016/1624 of The European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard

❖ In force since 6th October 2016

❖ Articles 29, 30, 31 + 32 entered in force 7/1/2017

EU legal framework

- EBCG, Frontex Regulation No. 2016/1624 - chapter II, section 4
- Return Directive 2008/115/EC on *common standards and procedures* in Member States for returning illegally staying third-country nationals (“RD”)
- Council Decision 2004/573/EC on the *organisation of joint flights* for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders
 - ◇ & Common Guidelines on *security provisions* for joint removals by air
- Council Directive 2003/110/EC on assistance in cases of *transit* for the purposes of removal by air

RETURN - Art.27 of EBCG Regulation

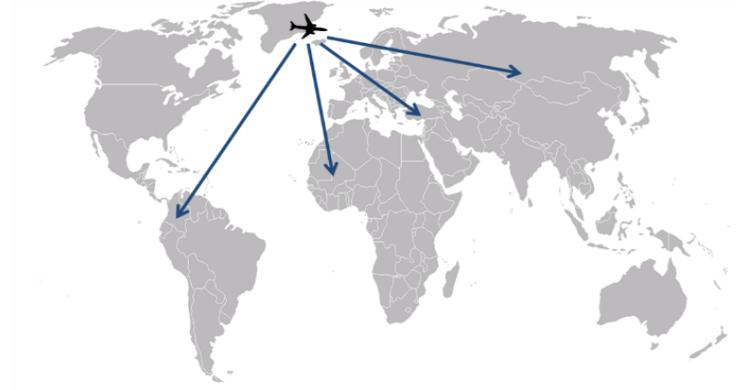
While ensuring respect for FRs, general principles of Union & international law, incl. refugee protection and children's rights, Frontex:

- ❖ Coordinates at a technical & operational level to achieve an integrated return management system;
- ❖ Organisation and coordination of return operations and provision of support with voluntary departures in cooperation with the Member States;
- ❖ Provides technical & operational assistance to MS experiencing particular challenges with regard to their return system;
- ❖ Supports consular cooperation;
- ❖ Provides support with voluntary departures;

RETURN - Art.27 of EBCG Regulation

- Coordinate the use of relevant IT systems;
- Organise, promote & coordinate activities enabling:
 - Exchange of information;
 - Identification & pooling of best practices;
- Aim at building synergies and connecting networks & programs;
- (Co)finance the operations, interventions and other activities;
(priority to JROs and ROs from hotspot areas);

Return Operations (ROs)



Return operations by charter flights

Return operations by scheduled flights

Readmission operations - EU - Turkey statement



ICT support - Frontex Application for Returns (FAR)



Frontex Return Pools



Chartering of aircrafts



Return related trainings

Return Operations (ROs)



- ~~Joint~~ return operations;
- At the request of one or several participating MSs;
- On Frontex' own initiative;
- MS to inform FX monthly of their indicative planning;
MS to inform FX of both their national ROs & their needs for assistance;
- Modus operandi of the rolling operational plan;

Return Operations (ROs)

Collecting Return Operations (CROs):

- Explicitly mentioned;
- To ensure: the respect for fundamental rights, the principle non-refoulement, the proportionate use of means of constraint;
- Presence of at least one MS representative & one monitor;
- Rreturn plan for CROs

Return Operations (ROs)

Collecting Return Operations (CROs):

➔ ROs initiated by an OMS, with the aircraft and escorts provided by the destination country, picking up the returnees in a EU MS.

Destinations:



Georgia, Albania, Serbia and Ukraine.

Planned: FYROM, Kosovo, Armenia



Identified benefits:

- ✓ Financial: lower cost for the OMS and PMS
- ✓ Operational: shorter, fully approved cases, no landing permit work, same language - less incidents
- ✓ Other: higher acceptance, sharing of best practices, raising awareness and respect of fundamental rights

Return Operations (ROs)

MONITORING:

- Every forced-return operation;
- By forced-return monitor;
- Objective and transparent criteria;
- Cover the whole return operation;
- Submit a report on each operation to ED, FRO, all involved MS;

The Agency shall communicate its concerns reg. the respect to fundamental rights to the PMSs and the COM.

Return Operations (ROs)

PHYSICAL PRESENCE OF A MONITOR IN RO SUPPORTED BY FRONTEX

Collecting Return Operations:

➤ always required

☞ from either the FX Pool of forced return monitors - to be requested by MS - or from the MS national monitoring institution



☞ At least one MS representative

Return Operations (ROs)

PHYSICAL PRESENCE OF A MONITOR IN RO SUPPORTED BY FRONTEx

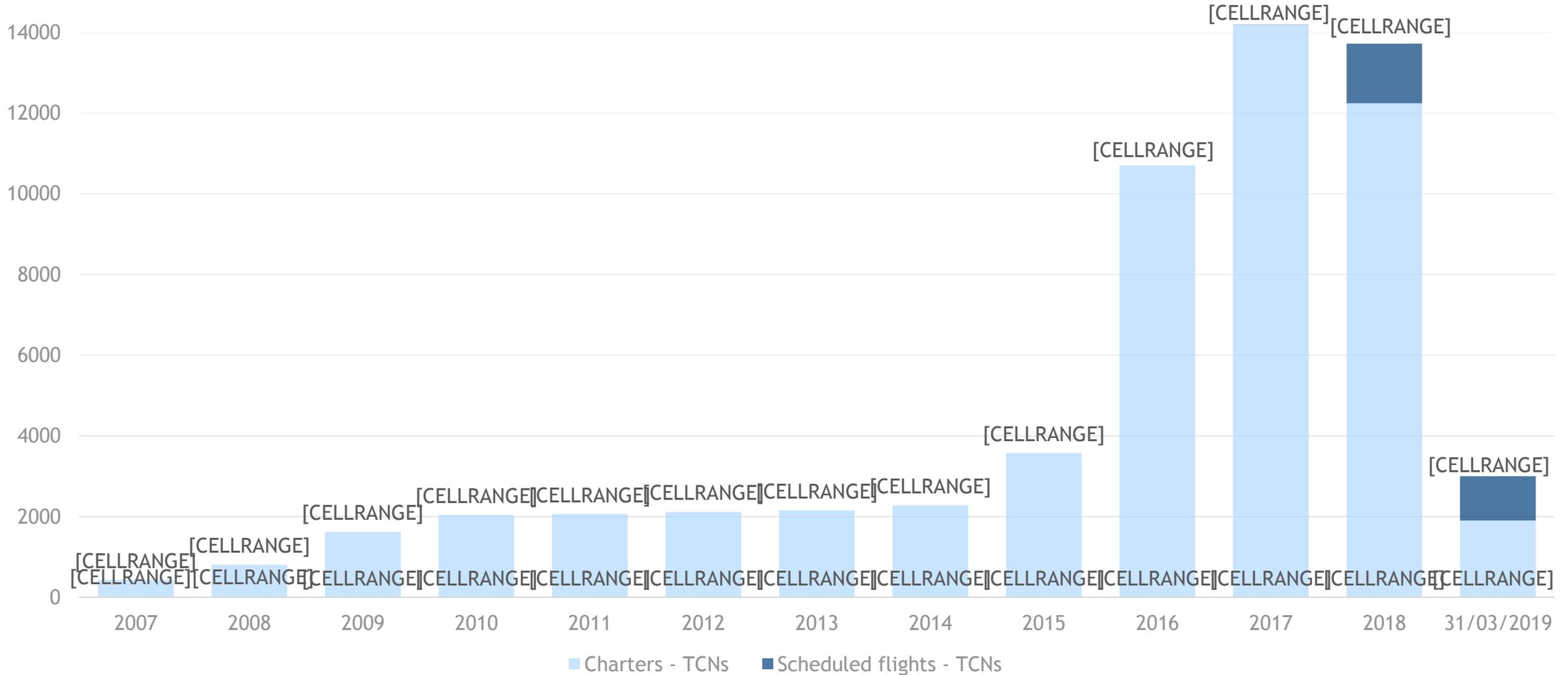
- All other Return Operations:
 - according to the national monitoring system established in MS based on article 8(6) of Directive 2008/115/EC (it is the monitor to decide whether to take physically part in return operations)
 - from either the FX Pool - to be requested by MS - or the MS national monitoring institution

Frontex encourages MS to provide the physical presence of monitors in all return operations

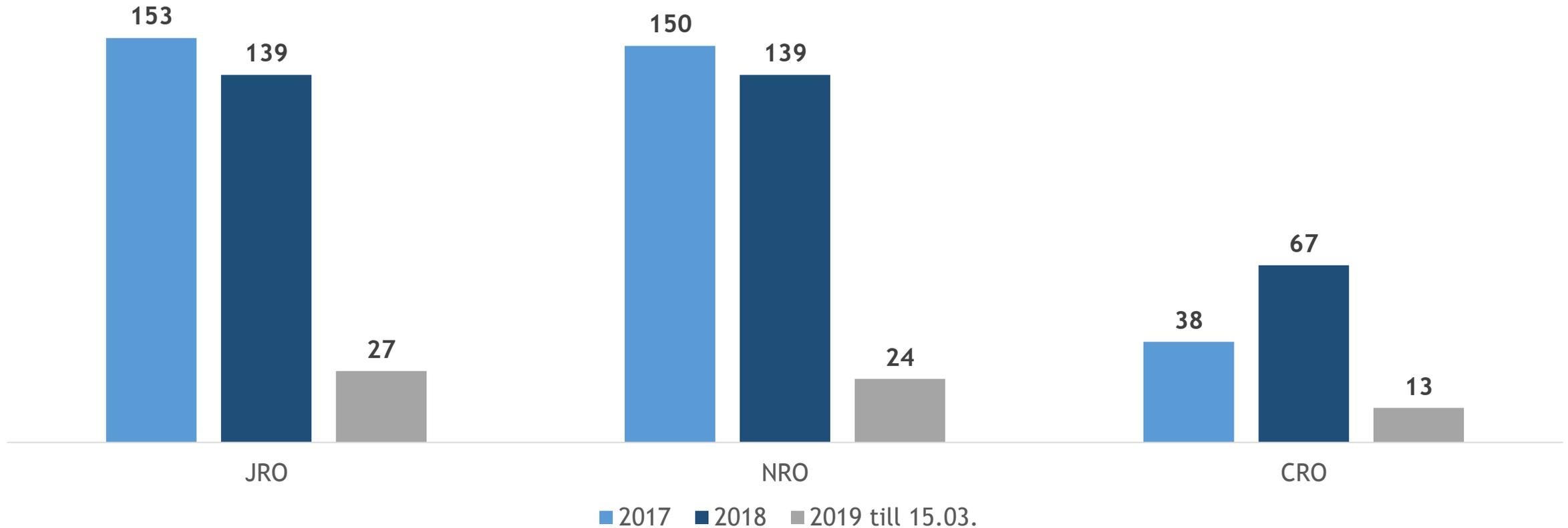
Number of return operations by charter flights and the number of returnees



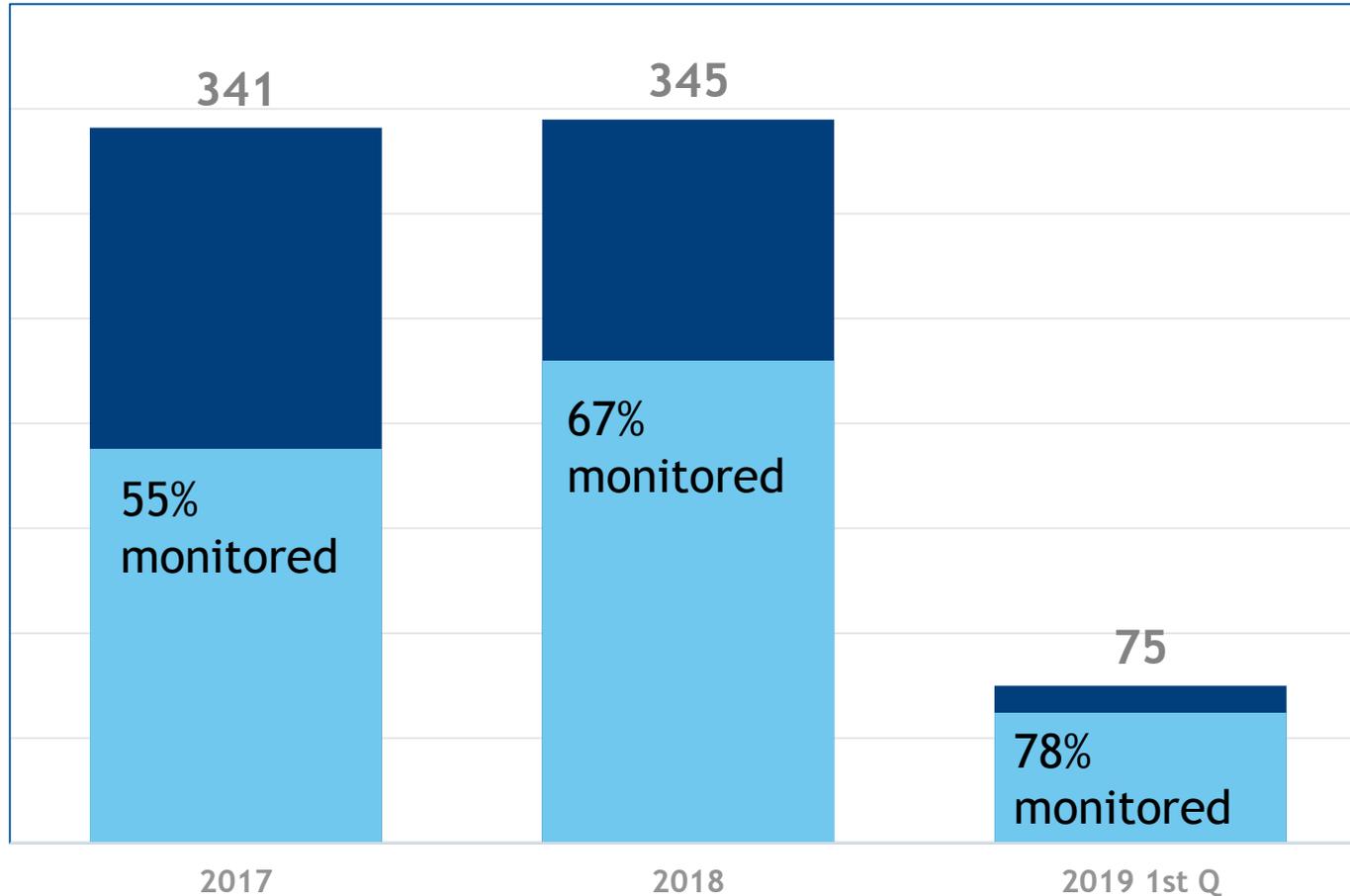
Number of returnees



Return operations by charter flights



Number of return operations vs. operations monitored



■ number of return operations by charter flights

MONITORED RETURN OPERATIONS

2017 - 188 operations out of 341 were monitored

2018 - 230 out of 345

2019 - 62 out of 75

High EU standards

- ❑ Frontex representative
- ❑ Code of Conduct for Return Operations and Return Interventions
- ❑ Complaint Mechanism
- ❑ Trained escorts
- ❑ Monitor on board.



GUIDE for Joint Return Operations by Air Coordinated by Frontex

Published on Frontex website:

<http://frontex.europa.eu/publications/>

http://frontex.europa.eu/assets/Publications/General/Guide_for_Joint_Return_Operations_by_Air_coordinated_by_Frontex.pdf



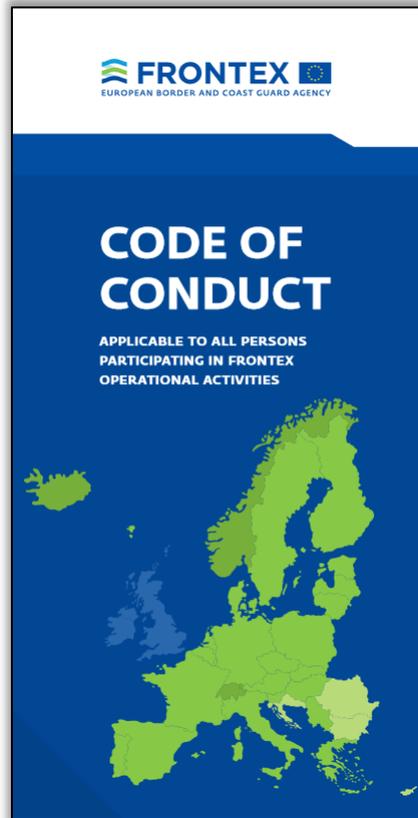
GUIDE for Joint Return Operations by Air Coordinated by Frontex

- Issued in 2016:
 - Frontex coordinated work (ECRet, FRO, Legal)
 - Practical experiences of MSs (DCP network)
 - Frontex Consultative Forum and CoE - CPT contributions
- Operational guidance for FX coordinated JROs by air:
 - Standardize procedures
 - Simplify organization of JROs
- Complements Council Decision 2004/573/EC - practical and experience based approach:
 - Not legally binding

GUIDE for Joint Return Operations by Air Coordinated by Frontex

- List of abbreviations
- Terms and definitions
- Legal framework
- General rules for the organization of JROs
- Operational procedures - all phases covered
- Annexes:
 - “Fit-to-travel” form
 - Positional asphyxia
 - Restraints forbidden on joint return operations coordinated by Frontex
 - Examples of the List of recommended medical equipment and medication for a medical doctor taking part in a JRO

Codes of Conduct



Sets out principles and rules which guide the conduct of all persons participating in Frontex activities

Set out common standardized procedures for RO and RI coordinated or organized by Frontex



Code of Conduct

To all persons participating in Frontex operational activities

PROMOTE

Fundamental
rights

International
protection

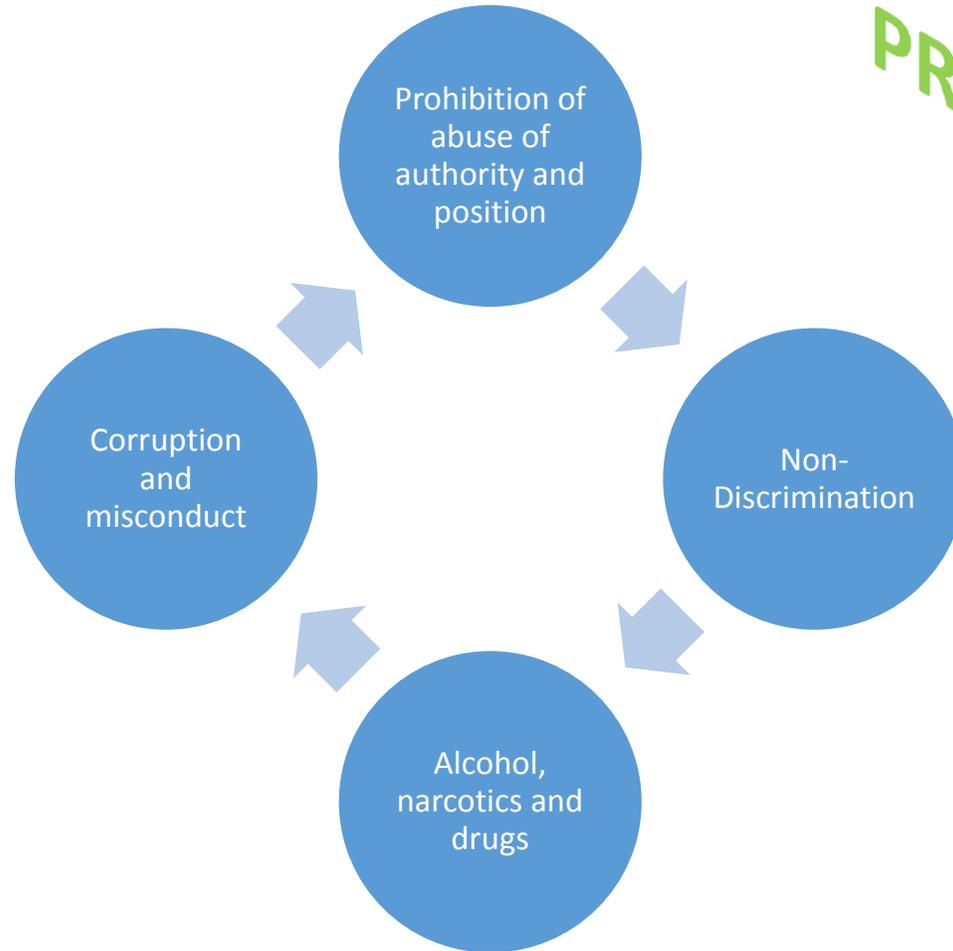
Code of Conduct

To all persons participating in Frontex operational activities



Code of Conduct

To all persons participating in Frontex operational activities



PROHIBITED CONDUCTS

Code of Conduct

To all persons participating in Frontex operational activities

- Fundamental rights
- International protection

- Performance of duties
- Responsibility & Confidentiality
- Behavioural standards

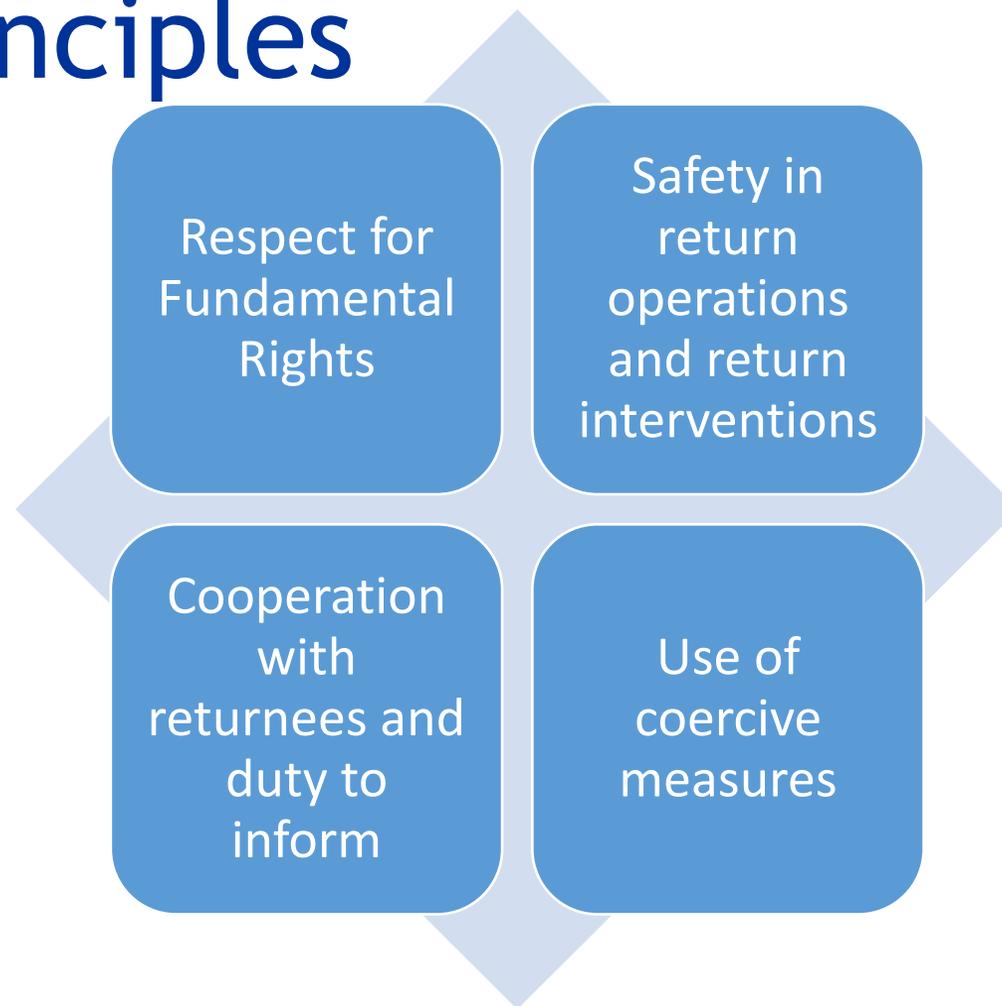
Summary

- Prohibition of abuse of authority and position
- Non-Discrimination
- Alcohol, narcotics and drugs
- Corruption and misconduct

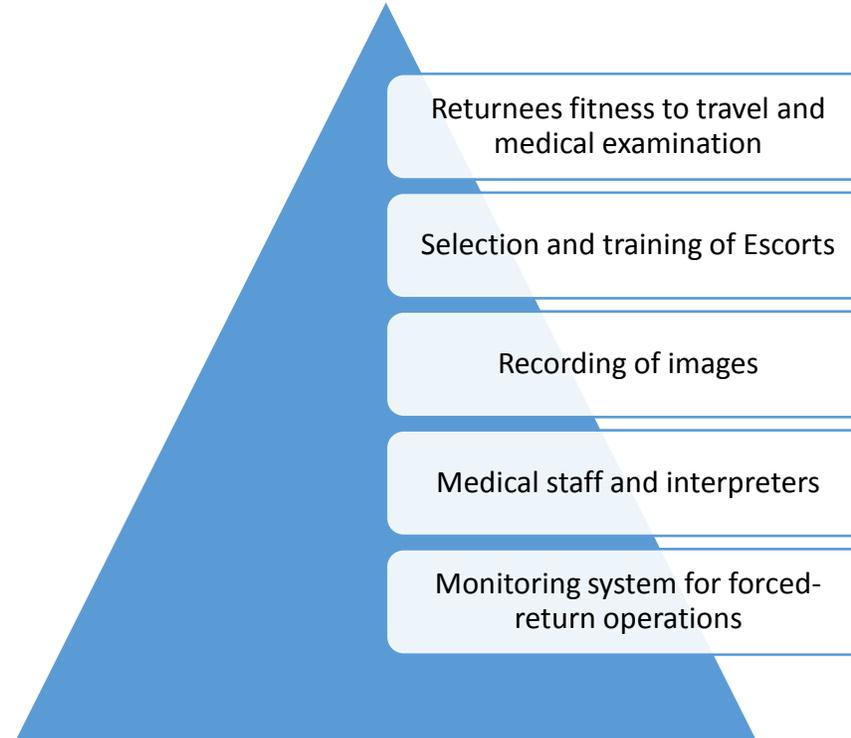
- Use of force and weapon

Code of Conduct For Return Operations and Return Interventions

General Principles



Code of Conduct For Return Operations and Return Interventions



Organization of the removal

Code of Conduct For Return Operations and Return Interventions

- Respect for Fundamental Rights
- Safety in return operations and return interventions
- Cooperation with returnees and duty to inform
- Use of coercive measures

Highlights

- Returnees fitness to travel and medical examination
- Selection and training of Escorts
- Recording of images
- Medical staff and interpreters
- Monitoring system for forced-return operations

ANY QUESTIONS?



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