FRONTEX
EUROPEAN BORDER AND COAST GUARD AGENCY

European Centre for Returns in brief

The role of Frontex in returns

Frontex, The European Border and Coast Guard Agency, can help Member States and Schengen Associated Countries (Member States) return people who have exhausted all legal avenues to legitimise their stay within the EU. Return operations can take place by land, sea or air. Both Member States and Frontex have clearly defined roles in this process.

While the issuance of return decisions is the sole responsibility of Member States, Frontex provides technical and operational assistance in the organisation and coordination of return operations, assists in determining the indentity of returnees, cooperates with Member States and non-EU countries as well as other stakeholders involved in return management. The Agency also shares best practices on return processes.

No person can be returned without a return decision and while the asylum process is ongoing. The fundamental rights of persons subject to a return decision must be protected at every stage of the procedure. All non-voluntary return operations coordinated by Frontex take place in compliance with fundamental rights. The principle of non-refoulement, which prohibits the return to a country in which an individual may be persecuted or tortured, is particularly important in this regard.

Effective returns depend to a high degree on cooperation with the countries the migrants come from in identifying the persons subject to return decisions, issuing travel documents and accepting the returnees back into their country. In this context, Member States, the European Commission and Frontex work together with the countries of return.

Range of activities

Frontex performs a wide variety of activities in the area of returns. They range from supporting Member States in determining the identity of returnees and acquiring travel documents from the consular authorities of countries of return, through the organisation of chartered or commercial flights to the planning, conducting and evaluation of return operations.

Frontex has been supporting Member States in their return operations since 2006. Over time, Frontex has taken on more responsibilities in this area. When the European Border and Coast Guard was established as a result of the 2015 migration crisis, the role of the Agency in the field of returns was further enhanced and it set up the European Centre for Returns.

Since then, the number of returns supported by Frontex has increased significantly. In 2018, over 13 700 non-EU nationals were returned through return operations supported by Frontex (approximately 10% of all returns carried out across the EU). While these operations were carried out using aircraft specifically chartered for this purpose, Frontex also supports Member States in conducting returns by commercial flights. In 2018, for every eight returns carried out via charter flight, one return took place via commercial flight.

Legal basis

The EU's return policy is based on legislation such as the Return Directive adopted in 2008. The Directive provides common rules for the return of irregularly staying migrants, while respecting the fundamental rights of people concerned. The Directive has been transposed into national law in all EU Member States except the UK and Ireland, as well as the four countries that are not EU states but are members of Schengen: Switzerland, Norway, Iceland and Liechtenstein.

Return decision and right to appeal

A return decision imposes an obligation on a migrant to return to their country of origin or another country to which the migrant voluntarily decides to return and in which he or she will be accepted. It may include a period in which the migrant may leave on a voluntary basis, known as "voluntary departure". If the migrant does not depart by the end of this time, or no such period is provided, they are returned on a non-voluntary basis. All migrants have the right to appeal against a return decision.

Frontex supports Member States in both voluntary departures and non-voluntary return operations. Based on the needs of Member States, Frontex coordinates and co-finances return operations, mostly by charter or regular commercial flights. Frontex can organise return operations and charter aircraft also at its own initiative.

Cooperation with countries of return

Close cooperation with countries of return is of utmost importance for the efficiency of the return process, and Frontex is on hand to improve cooperation and offer opportunities for Member States to interact with countries outside the EU. Workshops, seminars and visits by Member State representatives to countries of return and vice versa are just some of the activities that Frontex undertakes in this area.

Nationality confirmation and issuance of travel documents

Two important pre-conditions for return are that the migrant's identity is confirmed and that the migrant has valid travel documents. As many migrants arrive undocumented or use fraudulent documents, Member States, together with Frontex work with the countries of return to identify them.

Return operations and acceptance of returnees

Return operations coordinated and organised by Frontex are implemented according to EU standards. The Agency's support can include the deployment of monitors, escorts and Frontex staff on flights, as well as chartering of aircraft. Upon arrival in the country of return, returnees are transferred to the local authorities. Under certain conditions, returnees might be eligible for support upon arrival (such as transportation to their homes) or for reintegration packages (including setting up of small businesses). Currently, these activities are carried out by Member States, by the International Organisation for Migration (IOM), by the European Return and Reintegration Network (ERRIN) and other partners.

Training

Frontex is responsible for the establishment of common training curricula to ensure that officers from Member States are trained to the highest standards. Frontex is also training an increasing number of return escort officers from non-EU countries.

Digitalised return process

To improve the management of the entire return process, Frontex is integrating different information systems at national and EU levels. This raises the overall efficiency of the return process and increase the accuracy of statistical data.

Safeguards

The respect for fundamental rights is paramount for Frontex return operations and all the Agency's activities. In line with the European Border and Coast Guard Regulation, Frontex has set up a complaints mechanism to allow anyone who believes their rights have been affected during its operations to report any possible violations. In most Member States, fundamental rights compliance during the return process is monitored by an independent body. Monitors participating in return operations also provide regular reports on their activities that are passed on to Member States for their information and further action if necessary. A code of conduct, developed by Frontex specifically for return operations, sets common standards that ensure a safe, humane and smooth procedure.

Towards a coherent return policy

The high proportion of people who have no right to stay in the EU but remain on its territory has been a challenge for many years. Together with the European Commission and Member States, Frontex works on finding effective solutions to address this phenomenon. With the forthcoming expansion of the Agency's mandate, Frontex will take on further responsibilities in the area of returns, increasing the effectiveness of returns at EU level.

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