

General programme "Solidarity and Management of Migration Flows": European Return Fund 2008-2013

2005/0049(COD) - 12/10/2005

The Council adopted the following conclusions in which it considered that:

1. Return management is an essential element of a comprehensive approach to the efficient management of migration flows. Furthermore, within the broader framework of a coherent migration policy, it can prove beneficial to the host country, the country of return and the persons concerned. Voluntary return is an important component of a balanced, effective and sustainable approach to the return and, where applicable, reintegration of unsuccessful asylum seekers, individuals currently in the asylum or international protection system but wishing to return, and other migrants. Such a balanced approach needs to include the prospect, where appropriate, of enforced return.

2. More broadly, effective immigration and asylum policies which are compatible and complementary to applicable capacity building and development assistance programmes in countries of return, can help strengthen the sustainability of voluntary returns operated by Member States. Furthermore, strengthened co-operation between the host country and the country of return, as well as with relevant international organisations and nongovernmental organisations, where considered appropriate by Member States, can contribute substantially to the success of voluntary return programmes.

3. Voluntary return, carried out in conformity with obligations deriving from applicable

international instruments, is the assisted or independent departure to the country of return based on the will of the returnee and his/her informed decision to return.

4. Voluntary return can be most effective where its scope covers a wide range of third country nationals wishing to return home. This may include, without prejudice to the applicable rules under national legislation, unsuccessful asylum seekers or those awaiting a final decision, those with a temporary protection status and, where applicable, illegally staying third country nationals and/or legal migrants.

5. In addition to general voluntary return programmes, there can be significant added value in establishing programmes tailored to the circumstances and needs of specific categories of persons, in particular those who are deemed to be more vulnerable or with other special needs. Tailor-made programmes might also be envisaged for certain destination countries.

Programmes that assist the voluntary return of qualified and skilled persons, as well as those which include labour market oriented training for unskilled persons immediately following their return, can contribute to the development and reconstruction of countries.

6. Information on the possibility of voluntary return should be made readily available and as early as possible. In order to facilitate sustainable voluntary returns, this may include the provision of pre-return information and counselling, for example, in respect of the conditions and circumstances in the country of return. Innovative Member States approaches, such as those which raise awareness amongst prospective returnees of conditions in the country of return, might also be useful in this respect.

7. Assisted Voluntary Return programmes, which entail a greater level of support from the host country, can also contribute to the general objective of sustainable voluntary returns. Where appropriate, such programmes may, for example, include assistance in respect of some or all of the following: travel arrangements, medical assistance (where applicable), reception on arrival in the country of return and referral to relevant local bodies/agencies, onward transportation to the final destination in that country, adequate temporary accommodation for the first few days after arrival, essential initial expenses after return, relevant training, limited start-up assistance for economic activities, and post-return assistance and counselling.

8. The implementation of voluntary return programmes should be monitored and evaluated with a view to informing future policy and programmes and facilitating exchanges of good practice between Member States.

9. Given the importance of these issues to the operation of effective policies on return at national and EU level, as well as in respect of immigration and asylum more generally, the Council invites the appropriate bodies to further examine these matters, in particular with a view to:

- facilitating the exchange of best practice between Member States, including the promotion and effective implementation of voluntary return programmes as a suitable alternative to forced return;
- identifying opportunities to strengthen practical co-operation between Member States and relevant third countries, international organisations and non-governmental organisations, where considered appropriate by Member States, including through joint projects, research and evaluation; and
- making maximum use of the possibilities afforded under appropriate Community funding programmes in support of the above.