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The Returns Directive as an Operational and Efficient Tool and the Usefulness of Readmission Agreements

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Why focus on return?

- preserve credibility of the asylum system
- reduce costs
- reduce recruitment to crime
- better chances of reintegration in country of origin

Why a Returns Directive?

- divergent laws and practices in Schengen member states
- reduce a high number of illegal immigrants
- ensure that all member states implement returns
- common standards and procedures for return of third country nationals without legal residence

The Debate

- lengthy process and heated debate
- many actors involved in the consultation process
- various criticisms

Implementation

- implemented in Norwegian law 24. December 2010

Required legal amendments in the fields of:

- voluntary return
- expulsion
- detention
- return of unaccompanied minors
- defining “risk of absconding”

- **Measuring the effects of the Directive**
- complex task
- tool for clearer communication about return
- early to measure specific effects

Readmission agreements

- obligation to readmit, although,
- not all countries readmit its citizens
- useful and practical tool to overcome obstacles for return
- often a prerequisite to visa facilitation agreements

Norway's Readmission Agreements

- agreements with 27 countries
- clause in EU readmission agreements urging the other party to sign readmission agreements with the Associated Schengen member states
- the readmission agreements with Vietnam, Afghanistan, Iraq and Russia have been most frequently used

Experience with agreements – link to voluntary return

- difficult to quantify
- voluntary return programs
- VARP – graded assistance
- special complementary voluntary return programs

Return Statistics

(January – August 2011)

- approximately 6000 asylum applications
- 53% rejected
- 1224 returned voluntarily with IOM
- 2968 forced returns

Conclusion

- early to conclude on the effectiveness and success
- important countries have yet to implement the directive
- better legal guaranties to returnees
- in some aspects – also led to a more liberal practice

- a good beginning towards a more efficient and consequent return policy, harmonized practice in Europe, predictability and strengthened legal guaranties for returnees
- monitoring of national compliance, gives grounds for believing that the situation as regards illegal residence in the Schengen area will improve in the long term.