**EUROPEAN
COMMISSION**

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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT AND THE COUNCIL**

**ON A MORE EFFECTIVE RETURN POLICY IN THE EUROPEAN UNION
- A RENEWED ACTION PLAN**

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On 9 September 2015, the Commission adopted the EU Action Plan on return[1], which included 36 concrete actions to improve the efficiency of the European Union's return system. Most of these actions are ongoing or have been implemented as presented in the Annex to this Communication. Despite this, the overall impact on the return track record across the European Union remained limited, showing that more resolute action is needed to bring measurable results in returning irregular migrants.

Since the adoption of the Action Plan, the challenges that the European Union's return policy needs to respond to have increased even more and brought this aspect of the EU comprehensive migration policy to the forefront. In 2015, the number of irregular migrants ordered to leave the European Union amounted to 533,395, compared to 470,080 in 2014. With around 2.6 million asylum applications in 2015/2016 alone, and considering that the first instance recognition rate stands at 57% in the first three quarters of 2016, Member States may have more than 1 million people to return once their asylum applications have been processed. At the same time, return rates at European Union level have not improved. While the total return rate[2] from 2014 to 2015 increased from 41.8% to 42.5%, the rate of effective returns to third countries dropped from 36.6% to 36.4%. Moreover, if return to Western Balkans is disregarded, the European Union return rate drops further to 27%.

The key challenges of our return policy have always been both internal to the European Union and the Member States, as well as external. The Commission, together with the European External Action Service and the Member States have tackled the external aspects through specific cooperation frameworks with third-countries. To this end, a Migration Partnership Framework[3] was launched in June 2016 and a third progress report on this Framework is being adopted today[4].

An effective return policy starts within the European Union. In the European Council Conclusions of 20-21 October 2016[5], Member States called for reinforcing national administrative processes for returns. Moreover, the Malta Declaration of Heads of State or Government[6] of 3 February 2017 highlighted the need to start a critical review of European Union return policy with an objective analysis of how the legal, operational, financial and practical tools available at Union and national level are applied. It is therefore necessary to look with pragmatism at the application of the Return Directive[7] and address what does not work, including by encouraging Member States to make the necessary improvements in their national return systems to ensure better coordination and a multidisciplinary approach. In addition, we must maximise the use of European Union financial or operational instruments, to create a collaborative space for exchanging information and for improving cooperation and coordination among Member States' and EU competent bodies. Added to that, the new

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[1] COM(2015) 453 final.

[2] It includes return to third countries as well as passing back of irregular migrants from a Member State to another, on the basis of bilateral readmission agreements according to Article 6(3) of the Return Directive.

[3] Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration, COM(2016) 385 final of 7.6.2016.

[4] Communication from the Commission to the European Parliament, the European Council and the Council - Third Progress Report: First Deliverables on the Partnership Framework with third countries under the European Agenda on Migration, COM(2017) 205 final of 1.3.2017

[5] EUCO 31/16

[6] Press Release 43/17 03/02/2017

[7] Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348, 24.12.2008, p. 98.

mandate of the European Border and Coast Guard (EBCG) Agency was significantly strengthened in order to provide better support to the Member States in conducting return activities whether jointly or nationally. The progress in the operationalisation of the new mandate is being monitored in the second European Border and Coast Guard Report adopted today.[8]

This Renewed Action Plan on Return with additional focussed actions to be implemented in parallel to the ongoing actions launched under the existing Action Plan is addressed to Member States, European Union Institutions and Agencies to substantially improve return rates. This also gives a renewed commitment to finalise the implementation of the 2015 Action Plan and will ensure measurable results in terms of preventing irregular migration and returning irregular migrants. To this end, the Commission is also adopting a Recommendation on making returns more effective when implementing the Return Directive.[9]

I - The EU return system: making national administrative systems and return procedures more effective

I.1 The Return Directive

The main piece of legislation that regulates the return of irregular migrants is the **Directive 2008/115/EC ("Return Directive")**. This Directive sets the common standards and procedures for the effective return of irregular migrants while respecting their fundamental rights and the principle of *non-refoulement*. At the same, the Directive leaves necessary room of manoeuvre to Member States on how to reach this objective.

A thorough overview of the main challenges that Member States face in carrying out returns has been provided through the Schengen Evaluation Mechanism[10] and the information collected by the European Migration Network. This demonstrates the need for Member States to use to the full extent the flexibility provided for in the Return Directive to enhance their capacity to return the increasing number of irregular migrants present in the European Union. Moreover, with the support of the Commission, Member States should identify and exchange good practices to disincentivise irregular stay by third-country nationals on their territory.

These measures must be implemented in full compliance with primary law, including the **EU** Charter of Fundamental Rights of the European Union and with the EU acquis on migration. To this end, the Return Directive already contains a robust set of norms, including the possibility of effective remedy to challenge a return decision, respect for family unity and the best interests of the child and the special needs of vulnerable persons.

The Commission will continue to monitor the application of and the compliance with the Return Directive, to address the specific deficiencies of the national systems. In order to

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[8] Second report from the Commission to the European Parliament, the European Council and the Council on the operationalisation of the European Border and Coast Guard, COM 2017 201 (final) of 1.3.2017
[9] Commission Recommendation of 1.3.2017 on making returns more effective when implementing the Directive 2008/115/EC of the European Parliament and of the Council, C(2017) 1600..
[10] Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen, OJ L 295, 6.11.2013, p. 27.

provide guidance on how the provisions of the Directive can be used for more effective returns, the Commission is adopting today a **Recommendation on making returns more effective when implementing the Return Directive.**[11] Member States should take immediate actions in line with this Recommendation. In addition, the Return Handbook[12], which provides guidance on the interpretation and practical application of the provisions of the Return Directive, needs to be further updated including to ensure consistency with this Recommendation.

Based on the experience with the implementation of this Recommendation and depending on the need to take further actions to substantially increase the return rates, the Commission stands ready to launch a revision of the Return Directive.

The Way Forward

- Member States should take immediate actions in line with the Commission's Recommendation.
- The Commission will update the Return Handbook also taking into account the Recommendation by Mid-2017.
- The Commission together with Member States will continue monitoring the application of and the compliance with the Return Directive notably through the Schengen evaluation on return.
- Supported by the Commission, Member States should identify good practices on disincentives against irregular stay by third-country nationals in 2017.

I. 2- Addressing abuses of the asylum procedures

Rejected asylum seekers represent an important share of the irregular migrants present in the European Union. While many people arriving to the European Union flee from war, violence and persecution, others use asylum claims as a mean of prolonging their presence in Europe and preventing return. Often, clearly unfounded asylum applications are filed during the last stages of the return procedures, including days or hours before departure – only for the purpose of delaying or preventing the return. This puts a heavy burden on the asylum systems of the Member States.

The case of Nigerian nationals is a telling example: more than 37,000 entered the European Union irregularly in 2016 – the first nationality arriving via the Central Mediterranean route – and more than 47,000 asylum applications of Nigerian nationals were registered in 2016. For the first three quarters of 2016, the recognition rate of asylum applications lodged by Nigerian nationals stood at 8%, indicating that more than 40,000 of the applications lodged in 2016 are, in principle, likely to be rejected.

To prevent such situations, **Member States should immediately use all the possibilities provided by the existing asylum legislation in order to address the abuses of the asylum system** by irregular migrants who manifestly are not in need of international protection. They should in particular use the provisions on accelerated asylum procedures, on the treatment of

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[11] Commission Recommendation of 1.3.2017 on making returns more effective when implementing the Directive 2008/115/EC of the European Parliament and of the Council, C(2017) 1600.
[12] C(2015) 6250 final.

subsequent applications, on the non-automatic suspensive effect of appeals, notably for those migrants coming from countries that are considered safe or with a low recognition rate.

It is crucial that asylum and return procedures flawlessly work together. A rapid and effective decision making process is in the interest of both the *bona fide* applicants and the Member States. Therefore, a formal link between the two processes and better communication and exchange of information between asylum and return authorities are essential.

In the longer term, the reform of the Common European Asylum System, tabled by the Commission in 2016, will also offer new opportunities to ensure streamlined and efficient links between asylum and return procedures. In particular, the proposal for an Asylum Procedure Regulation[13], provides for the setting up of swifter procedures to respond to manifestly unfounded asylum applications and subsequent applications with no tangible prospect of success, as well as for migrants coming from safe third countries and safe countries of origin, reducing the risk that return operations are unduly cancelled or postponed.

The Way Forward

- Member States should streamline asylum procedures in line with existing European Union legislation in force to reduce the abuses of the asylum system for preventing return.
- Member States should use accelerated asylum procedures and inadmissibility procedures in line with European Union legislation to deal with clearly unfounded asylum claims, including subsequent applications; Member States should not grant automatic suspensive effect in the case of appeals under those grounds.
- Member States should take the necessary administrative measures to better link the asylum and return procedures and improve coordination between the responsible authorities.

I.3- Enhanced sharing of information to enforce returns

The apprehension, identification and monitoring of irregular migrants are preconditions for effective return. It requires systematic exchange of information within Member States (their Return Authorities and other Government Authorities including Health, Education and Social Services) but also among Member States as well as with EU authorities. The availability of timely information can help Member States better target and plan their return activities. However, much of the needed information is still lacking. No reliable statistics are available on overstayers in the absence of an Entry/Exit System and only limited information is available on the successful enforcement of return decisions.

Member States should therefore collect comprehensive real time information at national level to maintain a clear and accurate overview on the irregular migration situation using the Integrated Return Management Application (IRMA). Member States also have the obligation to enter all invalidated documents, such as residence permits, in the SIS for seizure. The Commission urges Member States to ensure that this obligation is complied with systematically.

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[13] Proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU, COM(2016) 467 final.

To support Member States, the Commission is already working to create an enabling environment for the implementation of returns across the European Union, through systematic exchange of information. In the course of 2016, the Commission has made several proposals to further develop existing information systems (**Schengen Information System**[14], **Eurodac**[15]) or to set up new systems (**Entry Exit System**[16]**, European Travel Information and Authorisation System**[17]) that will contribute to address some of the current information gaps.

In the context of the **Visa Information System (VIS)** evaluation, Member States have signalled using this system for identification of irregular migrants to an increasing extent. However, the Visa Information System data alone are usually not recognised by third-countries as evidence of nationality or further investigations are required. The fact that passport copies are not stored in this system makes it time consuming or even impossible to acquire a copy from the embassy that issued a Schengen visa. The Commission will therefore **launch a feasibility study** on the storage in the Visa Information System of a copy of visa applicants' travel documents including a copy of their passport.

Moreover, the Commission has launched a study to examine **the technical feasibility of a repository of EU Residence Permits** also with a view to facilitate application of the situation where a migrant entitled to stay on the territory of only one Member State moves illegally to another Member State.[18]

In parallel, the Commission has set up a High Level Expert Group (HLEG) on Information Systems and Interoperability to ensure the effective use of these tools. Immigration authorities should benefit from this work and be able to retrieve information on irregular migrants available in all EU systems in one single search[19].

Making better use of **information on criminal convictions** in relation to decisions of ending legal stay thus facilitating return of third-country nationals and stateless persons with a criminal record, is a growing concern for Member States. The Commission will present in June a revised legislative proposal to create a centralised database of identity information of convicted third-country nationals to identify the convicting Member State(s) and thus increase the effectiveness of the existing **European Criminal Records System (ECRIS)**.

Member States should already take into account convictions for serious criminal offences in the European Union when taking return decisions to assess the individual situation of the irregular migrants concerning for instance the voluntary return period, the need for detention and the length of the entry ban.

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[14] COM(2016) 881, 882 and 883 final.
[15] COM(2016) 272 final.
[16] COM(2016) 194 final.
[17] COM(2016) 731 final.
[18] Article 6(2) of the Return Directive
[19] Communication from the Commission to the European Parliament, the European Council and the Council - Fifth progress report towards an effective and genuine Security Union, COM(2017) 203 final

The Way Forward

- The Commission will launch an impact assessment study on the feasibility and implications of storing a copy of visa applicants' travel document in the Visa Information System to facilitate the identification of irregular migrants.
- The Commission will examine the technical feasibility of a repository of EU Residence Permits by September 2017.
- Member States shall immediately enter all withdrawn, expired and invalidated residence permits into SIS.
- Member States should take into account previous convictions for serious criminal offences in the European Union when taking return decisions.

I.4- Enhancing return and supporting reintegration

The Return Directive makes clear that **voluntary return is preferred at EU level over forced return** if it does not undermine the purpose of the return procedure. Incentives to encourage return are generally provided within the framework of Assisted Voluntary Return and Reintegration packages.

Improving further the process of disseminating information on voluntary return to irregular migrants is essential in order to ensure that they have access to accurate information even where they are more likely to rely primarily on informal sources of information from within their community but also when the former is unwilling to return and/or is mistrustful of migration authorities.

Countries of origin increasingly face situations where their irregular migrants arriving from different Member States have been given different levels of reintegration packages (cash or in kind contributions). This may lead to countries of origin favouring only those returns coming from Member States offering higher reintegration packages or even to assisted-voluntary return shopping with the European Union by irregular migrants. It is therefore essential for the sake of improving return rates that **reintegration packages, and in general practices on incentivising return, are consistent among all Member States**. In this endeavour, the Commission will support Member States through the European Migration Network's Return Experts Group.

Irregular migrants are more likely to accept voluntary return packages if they know that the only other alternative is **forced return as staying irregularly would not be an option any longer**.

The effectiveness of Assisted Voluntary Return and Reintegration programmes as well as their accompanying reintegration measures requires common standards. All Member States should applied the non-binding **Guidelines on the use of Assisted Voluntary Return and Reintegration programmes** endorsed by the Council on 9 June 2016 with the aim to increase cooperation and coordination between Member States.

The capacity and expertise on Member State level to develop and manage return related projects and programmes needs strengthening. Therefore actions with **Member States working together will be encouraged for the benefit of the European Union as a whole**.

These projects will carry out return-related activities including return actions for all types of pre-return related assistance, capacity building and reintegration to scale up efficiency of returns. They will be connected with existing initiatives under the Integrated Return Management Approach and operate through the Integrated Return Management Application platform.

The Way Forward

- Supported by the Commission, Member States should ensure a coherent approach to reintegration assistance and general practices to incentivise return.
- Member States should actively participate in joint programmes for all types of pre-return related assistance.

I.5- Working together

A better Return Cooperation

There is a need for Member States to improve and strengthen their return capacity to ensure a **more integrated and coordinated approach and management of returns** as recommended in the Recommendation. This should lead to a better information sharing, multi-disciplinary approach and streamlining of all return related matters. Member States may use their Asylum, Migration and Integration Fund national programmes for supporting these reinforced capacities to ensure better planning, coordination and follow-up between respective law enforcement and immigration authorities, coordinated actions with judicial authorities, detention authorities, guardianship systems, medical and social services to ensure availability of swift and adequate responses where multi-disciplinary intervention is required.

The Commission on its side, will ensure improved coordination and follow-up with the national counterparts at European Union level under the Integrated Return Management Approach which use as a platform the European Migration Network's Return Expert Group (EMN-REG) and the European Border and Coast Guard Agency Direct Contact Point Meetings

The 2015 Return Action Plan identified the creation of a **Network of Member States contact points on withdrawal of residence permits** to be put in place by the Commission which has not yet been achieved. Member States have already the possibility now to enter all withdrawn, expired and invalid residence permits into SIS allowing the officers on the ground to verify the status of the holder of a residence permit.

The Way Forward

- The Commission and the Member States should further enhance coordination under the Integrated Return Management approach.
- The Commission will create a Network of Member States contact points on withdrawal of residence permits in 2017.

The Integrated Return Management Application (IRMA)

The Integrated Return Management Application is a **restricted information exchange system for Member States' experts** that already facilitate the planning, organisation and implementation of return and readmissions activities by Member States with the objective of further increasing return rates. It also offers information on best practices and guidelines per third country, legislation, return programmes, data on return operations and statistics.

The system has been rolled out in all Member States, as well as Norway and Switzerland. The information it provides also allows the European Border and Coast Guard Agency to assume a more pro-active role in planning Joint Return Operations and to better plan Return Operations.

Further development of the Integrated Return Management Application are already planned t**o improve collection of data on return operations and readmission.** The Commission is developing dedicated IT-tools within the Integrated Return Management Application so that this information is made available to Member States and the European Border and Coast Guard Agency through one channel. This will enable the streamlining of data collection with regards to EASO and EUROSTAT and thus limits the administrative burden of multiple requests for data. The frequency of data collection will be monthly. The Commission and the Member States will have access to these data on a restricted basis. This process will be further facilitated once the revised Schengen Information System will be in force. Information in real time on issuance of and compliance with return decisions will be made available to the Integrated Return Management Application.

In addition, a stand-alone IT system to handle return cases at national level needs to be developed for Member States where not yet available. This will allow for a more efficient standardised management and overview of returnees according to national decisions making procedures.

To facilitate the cooperation with third-countries, individual data about a returnee such as identification data and supporting documentary evidence are needed. Such data needs to be securely communicated to third-country governments in order to confirm the returnee's nationality and to obtain the necessary travel documents. To do so efficiently, a **single readmission case management IT-interface** for the Integrated Return Management Application platform is needed without giving access to it for third countries and vice versa.

For these developments, funding is provided by the Commission under the European Migration Network's 2017-2018 Multiannual Work Programme.

The Way Forward

- Member States should provide requested return data in the Integrated Return Management Application on a monthly basis.
- The Commission will make available a stand-alone IT system to handle return cases at national level and its corresponding common Integrated Return Management Application interface.
- The Commission will develop a single IT-interface for readmission case management for the Integrated Return Management Application platform.
- The Commission will support the further development under the Integrated Return Management Application IT architecture of the return coordination capacities of the Member States.

European Border and Coast Guard Agency

The European Border and Coast Guard Agency is an integral part of the European Union's efforts to create an operational framework that makes the European Union's return system more effective. The new European Border and Coast Guard Agency Regulation made return of irregular migrants a priority area of work for the Agency, enabling it to scale up considerably the support it provides to the Member States and to develop new activities in the field of return. The Agency's progress in the implementation of the new mandate and of the actions identified in this Renewed Action Plan will be monitored in the Commission reports on the operationalisation of the European Border and Coast Guard Agency.

The wider mandate of the Agency allows it to provide across the board assistance on return. This covers voluntary departure as well as forced return empowering the Agency to organise return operations (from one or more Member States) as well as work with third countries in improving their capacities to cooperate with Member States during return operations. The Agency must make full use of this mandate by developing new ways of supporting Member States, already this year.

The role of the Agency in return activities at European level starts with the so-called 'pre-return' activities, which must continue to be scaled-up, particularly in supporting identification of irregular migrants and the delivery of travel documents for their return by third countries. Identification missions from key third countries should be further organised where participating authorities issue travel documents during or immediately after such missions. The Agency should also identify and further develop other tools that can allow swift identification and re-documentation of irregular migrants by third countries.

There is currently limited information about the main operational risks and challenges that Member States are facing in the area of return, and how the Agency could be ready to support national authorities to address them. Once the European Border and Coast Guard Agency will finalise the mapping of the capacities and needs of the Member States, it should design specific, tailor-made intervention plans. This will give a clear indication as to what expertise is needed by each Member State and how the Agency can assist and launch pilot projects.

More extensive use should also be made of "collecting return operations", through which third country authorities execute the returns of their own nationals from the European Union in accordance with the provisions of the European Border and Coast Guard Agency Regulation. These operations have the potential to boost further Europe's return capacity in a cost efficient manner, hence the Agency should invest more in supporting third countries' capacity to participate in such operations, including through dedicated training. The modalities of coordinated joint return operations should be conducted in line with the "Guide for Joint return Operations by Air coordinated by Frontex" of 12 May 2016.

Last but not least, there is an urgent need for the Agency to put in place a mechanism for assisting the Member States in carrying out returns by commercial flights to finance voluntary as well as forced returns of the Member States organised through this means. In addition, the Agency should negotiate framework agreements with airline companies, that could be used when needed by the national return authorities, setting the general conditions for the use of commercial flights (e.g. how many returnees on board, how many escorts) and to ensure that a number of seats can be rapidly made available on board of flights to key return destinations.

To face the additional workload that these activities entail, and to fully meet the expectations linked to its new mandate, the Agency should take immediate measures to ensure that the available staff positions are filled and that the budget allocated for return activities is fully used.

The Way Forward

> The European Border and Coast Guard Agency should in 2017:
> - increase its return support unit staff by June.
> - put in place a commercial flight mechanism by June.
> - step up pre-return assistance by organising identification missions by June.
> - finalise the mapping of Member States' capacities and return needs by June.
> - step up the training of third country authorities taking part to collecting return operations by October.
> - fully use the financial allocations by the end of the year.

I.6- European Union funding for return and readmission

The Commission provides substantial financial assistance to support Member States in carrying out effective returns in line with the Return Directive, as well as to support practical cooperation and sharing of best practices in the field of return and readmission. The principal EU funding instrument supporting the Member States in this regard is the Asylum, Migration and Integration Fund (AMIF).

Approximately EUR 806 million has been allocated by Member States to return and reintegration related activities through their Asylum, Migration and Integration Fund national programmes for the 2014-2020 period. This includes support for Member States' national return efforts and for specific joint European return and integration initiatives (in particular the European Reintegration Network (ERIN), the European Integrated Return Management Initiative (EURINT), and the European Return Liaison Officers Network (EURLO).

On top of this, a total of EUR 6.2 million in emergency assistance was awarded since 2014 to address urgent needs related to return, such as assisted voluntary return. Other return and

readmission related actions have been supported under the Asylum, Migration and Integration Fund Union Actions including the Readmission Capacity Building Facility with the 2015-2016 Asylum, Migration and Integration Fund contribution of EUR 12 million.

__The Way Forward__

In 2017 the Commission will make available an additional:
- EUR 200 million to Member States' via their Asylum, Migration and Integration Fund national programmes for return related actions. This will further increase Member States operational capacity on pre-return related assistance, capacity building, reintegration etc. to scale up returns.
- budget increase to reinforce the cooperation between the EU and its partner countries in the field of readmission under the Readmission Capacity Building Facility.

II - Overcoming the challenges of readmission

As announced in the 2015 Action Plan on Return, the European Union has significantly increased its engagement with the main countries of origin, both in Africa and Asia. While some countries of origin cooperate on the readmission of their nationals, in line with their obligation under international law (and for ACP countries also under the Article 13 of Cotonou Agreement) many other countries do not cooperate in a satisfactory manner. Member States notably report difficulties to obtain emergency travel documents from third countries or to alternatively use the European travel document, even in cases where identity and nationality is well established.

Through regular Joint Readmission Committee meetings, and dedicated projects, intensive work on the **implementation of the existing 17 Readmission Agreements**, helped remove some of the obstacles to readmission while improving practices as well as communication between relevant authorities. However, with some of these countries the provisions of the agreements are still not fully observed in practice.

The Commission made progress on the **negotiations of new readmission agreements**. Negotiations with Belarus are now almost finalised while new ones were launched with Nigeria, Tunisia and Jordan in parallel with negotiations on visa facilitation. On the other hand, negotiations with Morocco, which started in 2003 are stalled and have not been opened with Algeria despite the negotiating mandate dating back to 2002.

With countries with which a formal readmission agreement could not be pursued, the Commission focused on **improving practical cooperation** through operational tools and instruments such as standard operational procedures.

Following a series **of high level dialogues**, cooperation on readmission obligations is now an integral part of the European Union's renewed political dialogue with third countries. The Action Plan also announced that the European Union assistance and policies should be used as incentives to stimulate the partner country's willingness to cooperate and thus **increase the European Union's leverage on readmission**. This was translated into the Partnership

Framework approach proposed in June 2016[20], which aims at achieving joint management of migration with countries of origin and transit, with an initial focus on Ethiopia, Senegal, Mali, Nigeria and Niger.

The implementation and results of the **Partnership Framework** are further detailed in the three dedicated reports in October and December 2016 and 1st March 2017[21]. Engaging with third countries through the Partnership Framework, using all available policies and tools[22] will foster better cooperation with a view to identifying, re-documenting and readmitting their nationals. Overall, tailor-made approaches should be used to identify all the interest, incentives and leverages at stake with a partner country in order to achieve targets and commitments and to offer specific support measures by the EU and interested Member States to the partner country concerned – such as effective reintegration of returnees - so as to ensure a better management of migration, and in that context to further improve cooperation on return and readmission. The EU and Member States will need to employ their collective leverage in a coordinated and effective manner to achieve this result.

The Way Forward

The Commission will:
- monitor and address ongoing issues in the implementation of the Readmission Agreements.
- work to swiftly conclude negotiations of the Readmission Agreements with Nigeria, Tunisia and Jordan while striving to engage with Morocco and Algeria.
- together with Member States, step up the efforts to improve practical cooperation, by agreeing with third countries readmission procedures, communication channels and workflows, while ensuring compliance with the EU Charter of Fundamental Rights.

The European Union and its Member States will, within the Partnership Framework, employ their collective leverage in a coordinated and effective manner to agree with third countries tailor-made approaches to jointly manage migration and further improve cooperation on return and readmission.

III – Conclusion

Together with the Recommendation on making returns more effective when implementing the Return Directive, this renewed Action Plan provides a number of focused actions to enable Member States and the European Union **to substantially improve return rates.** This will at the same time send a clear message to those migrants that will not have a right to stay in the European Union that they should not undertake the perilous journey to arrive in Europe illegally. This will also help disrupting the business model of migrant smuggling.

Competent national authorities in the Member States need to apply the standards and procedures set out in the Return Directive in a more effective and direct way when carrying

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[20] Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration, COM(2016) 385 final of 7.6.2016.
[21] COM(2016) 700 final of 18.10.2016 and 960 final of 14.12.2016.
[22] No conditionality can be attached to needs-based humanitarian aid in line with the humanitarian principles

out returns in full respect of fundamental rights and safeguards for a dignified return in line with the Recommendation.

The Commission, for its part and with the support of relevant European Union Agencies, will put in place the **operational support measures identified in this renewed Action Plan** to strengthen and assist Member States further in their implementation of the European Union return system.

Moreover the Commission together with EEAS will intensify efforts to conclude readmission agreements and improve cooperation with third countries on readmission, collectively employing leverage in a coordinated and effective manner within the context of the Partnership framework on migration.

The Commission will assess progress and report on the implementation of the Recommendation and of the renewed Action Plan by December 2017.

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ANNEX 1

ANNEX

to the

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

ON A MORE EFFECTIVE RETURN POLICY IN THE EUROPEAN UNION – A RENEWED ACTION PLAN

EN   **EN**

I. Increasing the effectiveness of the EU system to return irregular migrants			
Action	**Done**	**Not done**	**Comments**
1. Enhancing voluntary return			
Monitoring the effects of disparities between national voluntary return schemes (short term) – *to avoid 'return' shopping whereby migrants pick those MS offering the most lucrative packages.*	Ongoing		The European Reintegration Network (ERIN) established Working Group on Harmonization. The European Migration Network's Return Expert Group (EMN REG) monitors this on an ongoing basis and has produced an analysis on this topic "Incentives to return to a third country and support provided to migrants for their reintegration[1]".
Funding through AMIF of assisted voluntary return programmes (short term) – *in cooperation with governmental and non-governmental partners such as IOM*	Ongoing		This is part of the Assisted Voluntary Return and Reintegration assistance granted through Asylum, Migration and Integration Fund (AMIF).
Promoting best practices on voluntary return and reintegration programmes through the EMN (mid-term) – *to encourage MS to develop an effective framework enabling irregular migrants to have easy access to voluntary return programmes*	Ongoing		The European Migration Network's Return Expert Group monitors this on an ongoing basis. The following report is available: - "Dissemination of Information on Voluntary Return: how to reach irregular migrants not in contact with the authorities"[2]. In addition, non-binding common standards for AVR(R) were adopted in Council conclusions (9 June 2016) based on a recommendation from the European Migration Network's Return Expert Group.
Support for joint reintegration programmes (mid-term) – *to improve both the quality of the support provided to migrants and its cost-efficiency*	Ongoing		Incentives to encourage return are now generally provided within the framework of Assisted Voluntary Return (and Reintegration) Programmes by many Member States.

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[1] https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports_en
[2] Idem.

(through economy of scale on the administrative costs)			

2. Stronger enforcement of EU rules			
Evaluation of the state of implementation of the Return Directive (short term) - *to enforce its correct implementation, both as regards the protection of irregular migrants' rights and the full and effective enforcement of the return process*	Ongoing		This is an ongoing exercise. The evaluation is implemented through the visits to the Member States under the Schengen Evaluation Mechanism and an upcoming European Migration Network's Return Expert Group study which will be launched by 1st April 2017.
Schengen evaluations on return (on-going) – *to facilitate identification and remedying of deficiencies in national laws and administrative practices in implementation of EU rules on return*	Ongoing		This is an ongoing exercise. The Recommendation of 1st March also builds on the overall results of visits. New instruments being used: first two unannounced visits in the area of return conducted in 2016.
Possible review of the Return Directive based on the second implementation report (at the latest in 2017)	to be considered		Based on the experience with the implementation of this Recommendation and depending on the need to take further actions to substantially increase the return rates, the Commission stands ready to launch a revision of the Return Directive.
Mapping of best practices and obstacles to return in national law and administrative practice through the EMN (mid-term) – *to facilitate remedying of deficiencies in national laws and administrative practices in implementation of EU rules on return*	Ongoing		Obstacles to return in connection with the implementation of the Return Directive are analysed by the European Migration Network's Return Expert Group.
Integration of information on assisted voluntary return in asylum process (mid-	Ongoing		The European Migration Network's Return Expert Group monitors this on an ongoing basis.

term) – *to inform asylum-seekers on the possibility of assisted voluntary return early on and through all phases of the asylum procedure, to provide a sound alternative to those who wish to return to their country in dignity*			More work is needed but the following report is available: "The Return of Rejected Asylum Seekers: Challenges and Good Practices[3]".
3. Enhanced sharing of information to enforce return			
Evaluation of the SIS (ongoing) (short term*) – to be able to propose changes in order to enhance the effectiveness of the EU return system*	Yes		Evaluation published on 21/12/2016 – COM(2016) 880 final; SWD(2016) 450 final.
Setting up a network of national contact points on withdrawal of residence permits (short term) – *to ensure enhanced information exchange between MS on withdrawal of residence permits*		No	The 2015 Return Action Plan identified the creation of a Network of Member States contact points on withdrawal of residence permits to be put in place by the Commission which has not yet been achieved. This is identified as an action to be implemented by the Commission during 2017.
Legislative proposals on compulsory introduction of entry bans and return decisions in the SIS (2016) (mid-term) – *to ensure in practice the mutual recognition of return decisions issued by MS and their enforcement EU-wide*	Yes		Proposals adopted on 21/12/2016. COM(2016) 881 – return decisions in SIS COM(2016) 882 – all entry bans in SIS
Revised proposal on Smart Borders (2016) – *to enhance return rates by creating a record of all cross border movements by third country nationals*	Yes		Presented on 6/4/2016. The Smart Borders package includes: - A Communication on 'Stronger and Smarter Information Systems for Borders and Security'[4]; - A Regulation for the establishment of an Entry-Exit System[5]; - A proposed amendment to the Schengen

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[3]   Idem.
[4]   COM (2016) 205 final.
[5]   COM/2016/0194 final - 2016/0106 (COD).

			Borders Code to integrate the technical changes needed for the Entry-Exit System.
Explore the possible extension of the Eurodac Regulation (mid-term) – *to enable the use of this data for return purposes*	Yes		Proposal adopted on 4/5/2016 - COM(2016) 272 final.
Evaluation of the implementation of the VIS (2016) (mid-term)	Yes		Adopted on 14/10/2016 - COM(2016) 655 final.
4. Strengthening the role and mandate of the European Border and Coast Guard Agency (former Frontex)			
More systematic use of Joint Return Operations coordinated by the European Border and Coast Guard Agency (former Frontex) short term – *to enable the pooling of resources by MS*	Ongoing		The pace of return operations organised by the European Border and Coast Guard Agency continues to grow. Between 12 January and 20 February 2017, the Agency organised 29 return operations flights for the return of 1 602 third-country nationals, reaching a total number of 1 663 returns in 2017.
Training by the European Border and Coast Guard Agency (former Frontex) for escort leaders and escorts (ongoing) (short term) – *to help MS establish pools of escorts that can be swiftly deployed on return flights*	Ongoing		Partially implemented. More training needed when Member States provide the necessary forced-return escorts, forced-return monitors and return specialists that are needed to meet the target of 690 pool members.
Legislative proposals to expand the mandate of the European Border and Coast Guard Agency (former Frontex) on return (2016) (mid-term) – *to enhance and further scale up* the European Border and Coast Guard Agency's (former Frontex) *role in practical cooperation on return*	Yes		Legislative proposal presented on 15/12/2015 – COM(2015) 671. European Border and Coast Guard Agency Regulation 2016/1624 adopted on 14/09/2016.

5. An integrated system of return management

Setting up an integrated system of return management (short term) – *to achieve a coherent and effective system of return management together with the European Border and Coast Guard Agency (former Frontex)*	Yes		The Integrated Return Management Application, IRMA, was developed in 2016. The system has been rolled out in all EU Member States, as well as Norway and Switzerland and is now operational.
Defining the tasks and the priority countries for deployment of EMLOs (short term) – *to facilitate cooperation with the authorities of those countries on the readmission of their nationals*	Yes		EMLOs now in deployment phase.
Roadmap for improving the collection of statistical data on returns (short term) – *to enable the development of adequate policy responses*	Ongoing		Development and implementation of an improved collection of operational data on return and readmission using the Integrated Return Management Application as a platform started in 2016 involving all Member States. Monthly collection of operational return data – according to commonly agreed definitions and indicators – is expected to facilitate the planning, coordination and management of return capacities and operations by the Member States, the European Border and Coast Guard Agency, EASO and Eurostat.
Deployment of EMLOS in key third countries (mid-term)	Ongoing		Deployment was initiated in 2016 and foreseen to be fully accomplished in 2017.
Evaluation of EU legislation on ILOs and possible legislative proposals to revise it (mid-term) – *to explore whether revision is necessary to enhance the added value of the ILO network*	Ongoing		To be completed in March 2017.
Explore ways to increase the recognition of EU *laissez-passer* by	Ongoing		Proposal for a European Travel Document for the return of illegally staying third-

third-countries (mid-term) – *for example by increasing the security features of the documents*			country nationals presented on 15/12/215 – COM(2015) 668. Regulation 2016/1953 adopted on 26/10/2016 on the establishment of a European travel document for the return of illegally staying third country nationals.

II. ENHANCING COOPERATION ON READMISSION WITH COUNTRIES OF ORIGIN AND TRANSIT

Action	Done	Not done	Comments
1. Effective implementation of readmission commitments			
Ensure the implementation of the readmission commitments under specific readmission agreements and the Cotonou Agreement	Ongoing		Regular Joint Readmission Committees meetings under Readmission Agreements, other meetings at political at technical level, tools provided to increase third countries' capacity to manage readmission.
Bilateral readmission meetings to be organised with Sub-Saharan countries of origin, starting with Nigeria and Senegal (short term) – *to further enhance practical cooperation and increase return rates to partner countries*	Ongoing		Meetings organised with main countries of origin: Ghana, Senegal, Ivory Coast, Mali, Ethiopia, Nigeria, to ensure implementation of readmission obligation of Art 13 Cotonou.
2. Concluding ongoing and opening new negotiations on readmission agreements			
Launch or re-launch of negotiations with North African countries (short term)	Ongoing		- Tunisia: negotiations opened in October 2016 (based on December 2014 mandate) - Morocco: negotiations remained stalled (last negotiating round held in January 2015) - Algeria: negotiations not opened. Informal migration dialogue covering also readmission in April 2016.
Explore the launch of negotiations on new readmission agreements	Ongoing		- Negotiations opened with Nigeria in October 2016

			- First reading of the Readmission Agreement proposal, with Jordan in November 2016
with key countries of origin (mid-term)			

3. High-level political dialogues on readmission			
Carrying-out high-level political dialogues with priority countries for migration (mid-term) – *to prioritise the issue of return and readmission in relations with countries where political engagement and leverage are needed, either to implement existing commitments or to conclude or launch negotiations on readmission agreements*	Ongoing		- High Level Political Dialogue with Sub-Saharan countries in the context of Partnership Framework countries: Niger, Ethiopia, Mali, Senegal, Nigeria (before that by NL MFA on behalf of HR/VP to Ivory Coast, Mali, Ghana) - High level political dialogues held with Egypt and Pakistan - High Level Political Dialogue with Afghanistan resulting in the signature of the Joint Way Forward in October 2016 - Several seminars on best practices in return, readmission and reintegration took place under the Rabat and Khartoum Processes in 2016
EU assistance and policies to be used as incentives to stimulate the partner country's willingness to cooperate with the EU	Ongoing		- For the Sub-Saharan countries – translated into the Partnership Framework approach presented in June 2016, with the priority focus on Senegal, Mali, Ethiopia, Nigeria and Niger - Additional financial support to third countries under the European Union Emergency Trust Fund for Africa

4. Reintegration support and capacity building			
Setting up of a dedicated Readmission Capacity Building Facility (short term) – *to improve the ability of responsible authorities to respond in a timely manner to readmission requests and on facilitating and speeding up the identification of own nationals by countries of origin*	Ongoing		Readmission Capacity Building facility set up under the Asylum, Migration and Integration Fund. Objective: provide assistance/ capacity building to third countries to support cooperation on readmission/negotiations of Readmission agreements. Several actions under preparation (Pakistan, Bangladesh, Afghanistan, Sri Lanka).
Voluntary return programmes in third	Ongoing		In the framework of the Regional Development and Protection Programme

countries under Regional Development and Protection Programmes (short term)			(RDPP) for North Africa supported under the Asylum, Migration and Integration Fund 2015 grant to the Italian Ministry of the Interior as the leader of the the Regional Development and Protection Programme North Africa consortium, International Organization for Migration provides assisted voluntary return and reintegration support to 100 vulnerable migrants stranded in Mauritania (pre-departure assistance, reintegration support). Under the same programme, Belgium is working with the Tunisian and Moroccan authorities to facilitate a better management of voluntary returns and reintegration activities.
Support voluntary return programmes from the Western Balkans (short term) – *to allow for transiting migrants to take the opportunity to return voluntarily to their home country before making the full, dangerous journey*	Ongoing		As a part of the Madad-funded project, "EU support to Serbia and the former Yugoslav Republic of Macedonia in managing the migration/refugees crisis/Balkan route", the International Organisation for Migration, together with the Commissariat for Refugees and Migration, has organised 9 information sessions on Assisted Voluntary Return for migrants in reception and asylum centres in Serbia (approximately 400 attended). Five migrants returned to their country of origin last week (info as of 20/02/2017) through Assisted Voluntary Return and currently there are another 33 migrants who have entered the Assisted Voluntary Return procedure with preparations for return to their country of origin under way. Outreach and information activities as well as individual counselling on Assisted Voluntary Return will continue throughout the year. In the period 1 Jan – 17 Feb there were 27 Assisted Voluntary Returns in total: Iraq (11), Algeria (5), Pakistan (5), Iran (4), Ghana (1) and Turkey (1).
Structural support to reintegration of returnees under the Trust Fund to be launched by the Valletta EU-Africa Summit on migration (mid-term) – *to incorporate and expand support for*	Ongoing		- Initiative on better migration management, including assistance to return and reintegration of migrants benefiting from a €100 million allocation, covering the Sahel and Lake Chad region and neighbouring countries, including Libya - adopted under European Union Trust Fund for Africa.

reintegration into existing schemes in countries of origin, such as vocational, education programmes etc.			- "Facility on Sustainable and Dignified Return and Reintegration in support of the Khartoum Process" (€25 million) will contribute to the return and reintegration of migrants in targeted partner countries of origin, transit and destination.
5. Increasing EU leverage on return and readmission			
Agreement on a global package to support negotiations on readmission and improved returns building on the 'more-for-more' principle (short term)	Ongoing		- Approach further elaborated and operationalised with the Partnership Framework Communication. A certain level of coordination of leverage, between European Union and Member States, to support negotiations on readmission was delivered. - Across the policy spectrum, financial assistance remains the main instrument; other policy areas (trade, visa policy, neighbourhood policy, energy, climate, environment, maritime and fisheries, agriculture, digital policy, and education) are still to offer sources of leverage. *Details in the Partnership Framework reports[6]*
Prioritising return and readmission and addressing it in all contacts with priority third-countries (short term) – *to adhere to a clear message to countries of origin and transit of irregular migrants about the necessity to cooperate on readmission*	Ongoing		- Messages on fighting irregular migration/improving cooperation on return/readmission included in the contacts with relevant third countries. - Coordination of positions between the European Union and its Member States and consistency in the dialogue with third countries needs to be further improved.
Development of tailor-made, country-specific packages (mid-term) – *to help partner countries fulfil their readmission obligations in practice and support negotiations*	Ongoing		Tailor made country packages designed, and used as a basis for discussions with third countries, including projects and tools aimed at improving capacity to manage readmission.

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[6]   COM (2016) 700 of 18.10.2016; COM (2016) 960 of 14.12.2016