


Full Cycle of Border Management - Role of Frontex in Returns

During the debate, the panellists discussed the growing importance of Frontex in the readmission process as the number of illegal immigrants to the European Union has increased in the past few years. Migration has been going on since the beginnings of time, and the EU's goal is not to close its borders but to keep them safe and secure, said Ionuț Mihalache, a policy officer at the Directorate General for Migration and Home Affairs in the European Commission. Mihalache, who moderated the debate, pointed out that some years ago the word "return" was avoided in a public debate, and now it is used frequently, in all media. Mihalache pointed out that the Commission is working on a new policy of returns to enhance its efficiency, adding that a lot of emphasis should be placed on prevention. That includes providing good, reliable information to citizens in third countries, explaining to them what might happen when they reach the EU, because many people arriving here have "fake dreams" about their prospects, he said. Mihalache also said that while the EU has worked out a good system for asylum-seekers, it is not prepared for the large number of people coming to the EU at the moment.

Per Kvistholm, Head of Return Operations at Frontex, reiterated that as the EU is seeing an increased number of migrants crossing its borders, Frontex's key role is to support the return system, organize return flights and help boost co-operation with third countries. To illustrate the rapidly growing number of illegal immigrants coming to the EU, Kvistholm said that since the start of return operations in June 2006, Frontex has carried out a total 378 operations, sending back 19,669 people to 27 different countries. In 2016 alone the Agency expects to assist in 100-120 such operations, a significant increase from previous years, according to Kvistholm. He stressed that in order to increase the efficiency of return operations, all Member States should work together more closely, and the entire policy has to serve the interest of all Member States.

Thomas Obruca, director of the Federal Office for Immigration and Asylum of the Republic of Austria, talked about the efficiency of the return policy from the perspective of his home country, Austria. Obruca said that Frontex plays a significant role in readmission operations, providing enormous help to Member States, as many individual countries would not be able to deal with the increased migration flows on their own. During his presentation he mentioned three key aspects of Frontex helping EU states carry out joint return operations. First of all, Frontex helps finance operations, because Member States' capacity is limited, and many poorer countries wouldn't have the budgetary capacity at all to finance such operations, he said. Secondly, Frontex co-ordinates return operations and initiates meetings among Member States to help them share experience and exchange information. The Agency also provides support when countries face difficulties while executing return operations, for example by helping arrange landing permits for charter flights, or support talks with third countries when their authorities refuse to discuss the return of their citizens, according to Obruca.





The current migration issue is not a simple problem, and requires co-operation of all Member States, said Marco van Genderen, Head of Unit Europe and Projects of the Dutch Repatriation and Departure Service. Genderen said that one of the biggest challenges the EU now faces is how to establish a Europe-wide, well-funded and voluntary return program, and how all Member States can strengthen their co-operation to implement an effective return policy. He called for Frontex to step up efforts further to co-ordinate return operations and help Member States exchange experience and share information. To be able to carry out operations more efficiently, the EU should invest not only in experts who focus on forced readmissions, but also on voluntary return operations, he said.

Adriano Silvestri, Head of the Asylum, Migration and Border Sector at the European Union Agency for Fundamental Rights (FRA), pointed out that all return operations are extremely sensitive issues, particularly forced removals, and may pose a risk to Frontex. Joint return operations need to be carried out in a humane way, and according to best practices and a proper code of conduct. Another area of risk derives from the fact that such operations are based on national procedures of individual Member States. As these practices may have shortcomings when deprivation of liberty or treatment of children is taken into account, the role of Frontex and FRA should be to implement an effective return policy monitoring system, said Silvestri. Kvistholm of Frontex agreed with Silvestri, saying that inappropriate methods can jeopardise the entire return program and the EU cannot afford situations in which fundamental rights are breached.

Guy S. Goodwin-Gill, Emeritus Professor of International Refugee Law at the University of Oxford, criticized governments of Member States for failing to predict the current refugee crisis. "Nothing that has happened in the EU was unforeseeable," said Goodwin-Gill. "The number of refugees was hard to predict, but the general movement was not unforeseeable," he added. Goodwin-Gill supported the idea of expanding Frontex's mandate, saying that "there's a clear need to move from a national to a European level of asylum and border protection." He pointed out that the quality of the return policy is often affected by "incorrect" decision-making at the national level. He also expressed his support for the need for monitoring and transparency in return operations. The EU has failed in co-operation with third countries, and readmission deals often do not work, according to Goodwin-Gill. A big challenge for Frontex is to carry out such operations "in safety and dignity", as the citizen who is returned is often not a criminal but "often a good citizen, working in the EU and sending money back to his home country", he said.

From the audience came a question about what the biggest problems are for the EU to carry out the return policy. Mihalache pointed out that the system is not fully efficient, adding that "the efficient return system is really a good prevention tool." Obruca mentioned legal regulations in individual countries that may complicate return operations, as well as reluctance of third countries to co-operate and accept returned citizens. Genderen agreed with Obruca that the EU needs more co-operation from countries of origin to improve the efficiency of return operations.