



TOWARDS AN EFFECTIVE RETURN POLICY

Why an EU Action Plan on Return?

Returning people who do not have the right of asylum in Europe is one of the most effective ways to prevent and reduce irregular migration. It is a strong deterrent and therefore an essential part of a functioning EU migration and asylum system.

Irregular (economic) migrants currently arrive to the EU believing that there is a good chance to stay, because the return system is not working.

The rate of return varies greatly between EU Member States. It also varies significantly depending on the nationality of the migrant. Some third countries respect the obligation under international law to take back their own nationals, others do not, or do so inconsistently and reluctantly.

In 2014, **less than 40%** of the irregular migrants that were ordered to leave the EU actually departed. With results like this, European citizens will not trust our asylum system, and irregular migrants, people smugglers and human traffickers will take advantage of it.

What will the Action Plan achieve?

It will significantly increase the rate of return, in full respect of safeguards for a humane and dignified return process.

How will the Action Plan work?

The Action Plan will ensure the following measures are taken by the Commission, Member States, EU Agencies, and third countries:

- Full and correct application of EU rules;
- Enhanced practical cooperation among Member States;
- Improved cooperation with third countries;
- Reinforced administrative systems in Member States.



A [Return Handbook](#) provides practical guidance to personnel involved in return related tasks. It offers clarifications, tools and examples of how to better implement the Return Directive. These include apprehension and detention conditions, voluntary departures and methods of removal, entry bans and procedural safeguards. The Handbook aims to harmonise the implementation of the Return Directive across all Member States.

Who will be returned?

Third-country nationals who stay illegally on the territory of a Member State (*irregular migrants*) should be returned. This includes people whose claim for asylum was rejected. The decision whether a person is illegally staying is the sole competence of the relevant authorities of the Member States.



Who will not be returned?

EU rules are based on the principle that those who are in need of protection and fear war or persecution must be granted asylum. The Return Directive clearly stipulates the obligation to respect the principle of non-refoulement (meaning no state shall expel or return ('refouler') a refugee to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion).

How will you make irregular migrants leave the EU territory?

It is for the Member States to take all the necessary steps to make sure irregular migrants are returned. Under EU rules, Member States first encourage irregular migrants

to participate in a **voluntary return programme**. As a measure of **last resort**, if that person refuses to go back, Member States must *enforce return*, including by use of coercive methods, such as detention. All measures must be taken in full respect of relevant safeguards and fundamental rights.

Frontex supports Member States through Joint Return Operations (transporting people from several Member States), or by providing assistance with the identification of irregular migrants and with obtaining travel documents for their return.

New Resources – A Frontex Return Office

Under the Action Plan on return, Frontex will step up support to the Member States. The setting up of a **Frontex Return Office** will enable the Agency to scale up its assistance. In parallel, the Commission will make legislative proposals to expand the role of Frontex on return. It will make legislative proposals to enhance EU information systems, enable a swifter exchange of information on return decisions and facilitate enforcement across the whole Schengen area.

Working with Third Countries

Readmission of a country's own nationals is an obligation under international law. However, some countries do not cooperate on return in practice. The Commission, together with the EEAS, will intensify efforts to enable countries of origin to implement their commitments to readmit their nationals. This will be achieved through high-level dialogues and financial support to third countries.



How will you finance return operations?

Funding will mainly come from the Asylum, Migration and Integration Fund (AMIF). Under AMIF, Member States have been allocated more than €800 million for return operations for the period 2014-2020. The Commission is investing €5 million in a Readmission Capacity Building Facility. The Commission has also proposed to increase the 2016 Frontex budget for returns, to reach a total of €15 million.