

**European Network of Asylum Reception
Organisations**
Staff Exchange Program
Reception Standards

Solenice – Enaro Closing Conference 2005
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Workshop 4 - Voluntary (and forced) Return
Chair: Alec Belka

Present:

Name:	Country	Country visited
Bianca v.d. Velde	The Netherlands	Czech Republic
Maria Hernandez	Spain	Ireland
Lieven van Peteghem	Belgium	Spain
Mia Larsson	Sweden	Ireland
Ann-Louise Hedlund	Sweden	tutor
Magdalena Lund	Sweden	Belgium
Martin Everoth	Sweden	tutor
Kjartan Dirdel	Norway	Spain
Wilma v.d. Hoef	The Netherlands	Belgium
Alec Belka	Czech Republic	ENARO steering committee member
Ulrike Khan	Switzerland	guest

1. Short description of the situation in each country

- *Switzerland*

Voluntary return

New program: * REZ (return from reception center)

1. ticket
2. pocket money
3. paper
4. withdraw asylum
5. IOM: medical help

Forced return (possibility of limited detention)

Everybody has the possibility to use the return program at any stage of the procedure.

Switzerland has 26 cantons and half cantons. The cantons get money from the government to make the asylum seeker return within 30 days after the procedure has

ended. When the canton doesn't show any intention to make the asylum seeker leave the country the canton has to pay for the social requirements. According to the old law the asylum seekers could stay in Switzerland in a center, even after the asylum procedure, until it was possible to return them to their home country. Only if they committed a crime or didn't cooperate to get papers they could be imprisoned for a certain time. Under the new law asylum seekers who are at the end of their procedure and have no longer permission to stay, have to leave the reception center. They can apply for very basic social aid for a certain amount of days and after that they are on their own.

The new program of the REZ has been quite successful for people from Eastern Europe (Kosovo, Georgia, Russian Federation). Only a few people of Africa (Nigeria) returned by this program.

Before the existence of this program there was only forced return and some different return programs for different countries, which changed from time to time. However there was a successful return program for the Bosnian and Kosovo people.

If somebody is not able to return because he is unable to fix the papers for return, he will end up on the street, since there is no possibility to get a permit to stay. People won't be forced to return to Somalia, Iraq or Afghanistan (and some other countries). Women who are pregnant and will give birth to a baby within 2 months are allowed to stay till a certain time after the delivery. There is also a different law for unaccompanied minors and women with children.

There is another program called Lingua, which investigates the origin of the asylum seekers by making a language inventory and so on. This report is used for presentation at the embassies, in case the asylum seeker doesn't cooperate with his return.

Both the government department as well as the canton can decide on a permit to stay. If the canton decides to give a permit to stay, they are responsible.

There is quite a difference between the policies of the different cantons, especially under the old law. The French cantons may be reluctant, and so the government can decide to stop paying the fees. The German cantons use to react quite quickly in case of return.

It's hard to talk about a percentage of positive decisions. During the Kosovo war a lot of asylum seekers came in and received a temporary permit. A lot of cases were filed, which were easy to handle, and less people got a positive decision. During periods of time that less asylum seekers are entering the country, difficult cases are being looked at. From these difficult cases more people are getting a positive decision and a permit to stay.

- Sweden

4 places where to apply for asylum: Stockholm, Gothenburg, Malmoe, and Javle
Asylum and reception in the same department

Voluntary return and forced return

- Normal cases:

Most people make an appeal to the Aliens Board after the negative decision. Most people who make an appeal are staying 1,5 - 3 years in the country. For the Aliens Board there is no time limit set within which they have to reply.

The biggest problem is the lack of identity documents. Since the new law in 2004, there is the possibility to decrease the daily pocket money in case people don't cooperate to return and/or if they don't cooperate fixing their identity papers.

Only 1,2 % gets a residence permit.

In April 2006 again a new law will be launched. The expectations are that under this new law almost 70-80% of the old cases will get a residence permit after all.

There is a possibility for voluntary return; unfortunately the organization hasn't enough money to pay for it.

The police can pick up people for forced return. The Migration Board as well as the Aliens police can put people behind bars.

People from Somalia, Iraq and Afghanistan can't be forced to return, so when they don't get a permit to stay, they will stay in the county.

- Norway

The Norwegian system is quite similar to the Swedish system.

People from Eastern Europe who are not expected to get asylum get short cases.

This year about 6000 people applied for asylum. In the past about 20% received a residence permit (almost none of them on political grounds). Now about 40% receives a residence permit, of which about 20% on political grounds. The other 20% receive a permit on humanitarian grounds. If people don't get a reply within 15 months, they automatically have the right for a permit to stay on humanitarian grounds.

After the asylum seekers gets his first negative decision he will receive an interview with a worker from Hero, who will tell what is about to happen next. They are offered the possibility on voluntary return. After the second negative decision there is only the possibility on forced return as well as the possibility to decrease the daily amount of pocket money or make them leave the center. Under the new government however

these people are placed back into the centers. Some waiting centers (open centers) are being opened for this people. Also people who are unable to return, because either there are no identity papers or the country they should return to is not regarded as safe, will be sent to these waiting centers.

IOM organizes information meetings in the centers, starting from the day of arrival. It is therefore easy to contact IOM (which has office in Oslo).

- Belgium

There is only one organization on voluntary return: IOM.

People apply for asylum at the Aliens Office. IOM is mentioned from the beginning. After the first negative decision people can make an appeal at the Commissioner General. After the second negative decision people can make an appeal at the Council of State. People can even apply for voluntary return after the second negative decision. If they need more time to fix the identity papers, it's possible to stay longer in the reception center.

2.300 people returned voluntarily this year (up till now):

- 70% signed in for voluntary return coming from the NGO's (illegal people who don't stay in the reception centers)
- 20% signed in from the reception centers
- 10% signed in from the local reception initiatives

The ministry of social affairs organizes voluntary return.

The ministry of internal affairs organizes forced return.

The new policy is that the Aliens Police will inform the reception center who is going to be picked up, so the social worker can inform the asylum seeker and the latter can make his choice. However, there is a lot of political fuss about it.

- Spain

People apply for asylum at the asylum office. Within 72 hours one is declared admissible or not. If one is not admitted to the asylum procedure, the flight company has to fly this person back to the country of origin. If one is admitted to the asylum procedure, people stay for 6 months in a residential center where they get vocational training and after that they have to start working and live outside the center. Only vulnerable groups are allowed to stay in the center.

It's not common to appeal. People are self-supportive and don't have to leave the country.

Most cases are finished within one year.

Only one small NGO is working on voluntary return. IOM Spain is not more than a kind of travel agency. This year not more than 30 people returned voluntarily. Most people find a way to stay in Spain even after the procedure has ended. People can enter the country by asylum act or by the alien act. Moreover you have the legislation of groups of illegal people. All children are obliged to go to school and all people can use the medical services and everybody can start working after being 6 months in the country, so it's quite easy to stay illegally in the country.

There is no forced return, except for criminals.

- Czech Republic

There is no forced return. The Aliens Police can deport people, but the RFA (Refugee Facility Administration) has no involvement in this.

In 2003 about 1100 voluntary returns

In 2004 only 540 voluntary returns

The RFA does all the paper work and also pays for the tickets. IOM only intervenes in special cases.

Last year there were 5.000 new applicants for asylum.

The majority lives outside the centers, so the RFA doesn't know about them.

- The Netherlands

Ministry of justice:

-Foreign Police

- Immigration and Naturalization Services

- Central Organization of the reception of Asylum seekers

- IOM

2 groups in the reception centers:

* The ones under the old law

* The ones under the new law (since April 2001)

People under the old law get more money from IOM: 1750 euro for an adult
875 euro for a child

People under the new law have to leave the country within 4 weeks.

People under the old law first go to a departure center (open center), from where they will have to arrange all the documents to be able to leave the country.

People can be transferred to a detention center in order to repatriate them by force.

About 45% under the old law get a permit after 5 to 10 years in the country.

In almost every center an IOM-representative has consultation hours.
IOM is not always able to help them.

COA is doing everything to discourage people to stay and to encourage them to return.

COA provides special program on repatriation for all people who received their first negative decision. Part of the program consists of individual interviews by case managers and training with groups of asylum seekers by program managers.

2. Differences and similarities

- Some countries have forced return and some haven't.
- IOM and the reception organization have different tasks in every country. Most of the countries would like IOM to participate more.
- Spain is the most popular country among the members of the workshop
- Spain is focused on the integration of asylum seekers, they have to find work and leave the center. It has a lot of immigrants because it lies on the border of Europe.
- The amount of money that people get when they return varies from country to country. The members have different opinions about this subject.
- In Belgium people whose procedure has ended and who have children don't have to leave the center nor the country. And within this country there are also a lot of differences, between the Flemish and the Wallonian part.
- Switzerland sent some African people without a known nationality to Ivory Coast, because they had a treaty with this country. Not a best practice and it only worked for a certain amount of time.
- Spain works together with NGO's, this is a good idea.
- Sweden has a special unit which is in contact with all the embassies. They have a good relationship with these embassies and this maybe the reason why they deport. In Holland, for example, the Immigration Service has this kind of unit.

Comparison of the role of IOM

- In Norway IOM arranges everything for the repatriation
- In Belgium there are special programs, which change all the time, and workers don't know much about IOM. They would like to know more and hear success stories. IOM isn't in contact with the asylum seekers.
- Switzerland: IOM only assists with medical problems.
- Czech Republic: IOM assists with medical problems and also arranges documents. They also have the task to persuade people to return to their country of origin.
- Sweden: there is no IOM office, but it is really wanted.
- Spain: IOM is nothing more than a "travel agency". A lot of people go to an NGO when they want to return.

- Holland: IOM doesn't want to persuade the people, they only arrange a ticket and give advice how to arrange travel documents. They also work for illegal people. IOM has special programs for certain countries.

3. Best Practices

- In Belgium people can't go to IOM, they can only talk with the social workers. Lieven from Belgium prefers the Dutch way of working, namely that asylum seekers can talk with IOM and with the social workers. Sweden would also like to have IOM involved.
- The Dutch idea of giving return training - trainings is a good idea, according to Sweden and Norway.
- The Czech way of ending the reception is very clear, there are no people in a center without a procedure. But, for example in Holland and Norway, some municipalities don't want to cooperate to remove people from the center.
- In Sweden the pocket money is cut when people don't cooperate in arranging for their return.
- IOM should be involved in the return program in Spain.

Problems that we have in common

- Lack of documents
- Identity or nationality is not known
- Every country has a different opinion about which country is safe
- We all have a lot of illegal people
- Deportation is a hot issue in almost every country, except in Spain, because there is no deportation there.
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4. Conditions required for introducing best practices

- Give facts and numbers of how many people get a permit, to show the reality
- Return training: Norway for instance is interested. The information concerning these trainings need to be translated and could then be implemented, since, there are no special conditions required.

5. General assessment of the exchange experience

- The Enaro body should inform us about the program earlier, so we can prepare ourselves better for the exchange and are able to contact the colleagues in the host countries well ahead of time.
- To start an own website and publish all reports on this website, so everybody has easy access to the information and recommendations of other countries. This way you can also prepare the subject you would like to focus on.

- The Enaro body should read all reports in order to take all recommendations in consideration.
- Also, the experiences from the meeting in Solenice should be published on the Enaro website