

MONITORING OF FORCED RETURN OPERATIONS IN BULGARIA

Main Results and Recommendations

Sofia, 18 April 2019

EU POLICY IN THE AREA OF RETURN

- ❑ Directive 2008/115/EC – Common Standards and Procedures for Returning Illegally Staying Third-country Nationals
- ❑ European Agenda on Migration (May 2015)
- ❑ EU Action Plan on Return (2015;17)
- ❑ EU Action Plan Against Migrant Smuggling 2015 – 2020 (2015)
- ❑ Return Handbook (2015)

Aim: Increasing the share of returned TCN from the overall number of return decisions; increasing the share of voluntary returns

EU POLICY IN THE AREA OF RETURN

Internal Challenges

- ❑ Increasing the effectiveness of the systems for return;
- ❑ Consistent practices to stimulate return across the EU (reintegration measures);
- ❑ FRONTEX – enforced mandate (increasing joint operations; trainings for escort leaders and escorts; pool of escorts, pool of independent monitors);
- ❑ Return monitoring

EU POLICY IN THE AREA OF RETURN

External Challenges

- ❑ Enforced cooperation with third countries of origin;
- ❑ Facilitating the implementation of concluded;
Readmission agreements;
- ❑ Concluding new readmission agreements;
- ❑ Increased focus on voluntary return.

Effectiveness of return (EC data)

	2014	2015	2016	2017
Issued return decisions				
EC	470 080	533 395	493 785	516 115
Bulgaria	12 870	20 810	14 120	2 600
Share of returned TCN				
EC	170 415 (36%)	196 190 (37%)	228 625 (46%)	189 545 (38%)
Bulgaria	1 155 (1%)	735 (0.35%)	1 215 (0.9%)	1 755 (67.5%)
Number of voluntary returns				
Bulgaria	465 (40.25%)	180 (24.5%)	870 (71.6%)	1270 (72.4%)
Number of forced returns				
Bulgaria	665 (57.6%)	555 (75.5%)	354 (28.4%)	485 (27.6%)

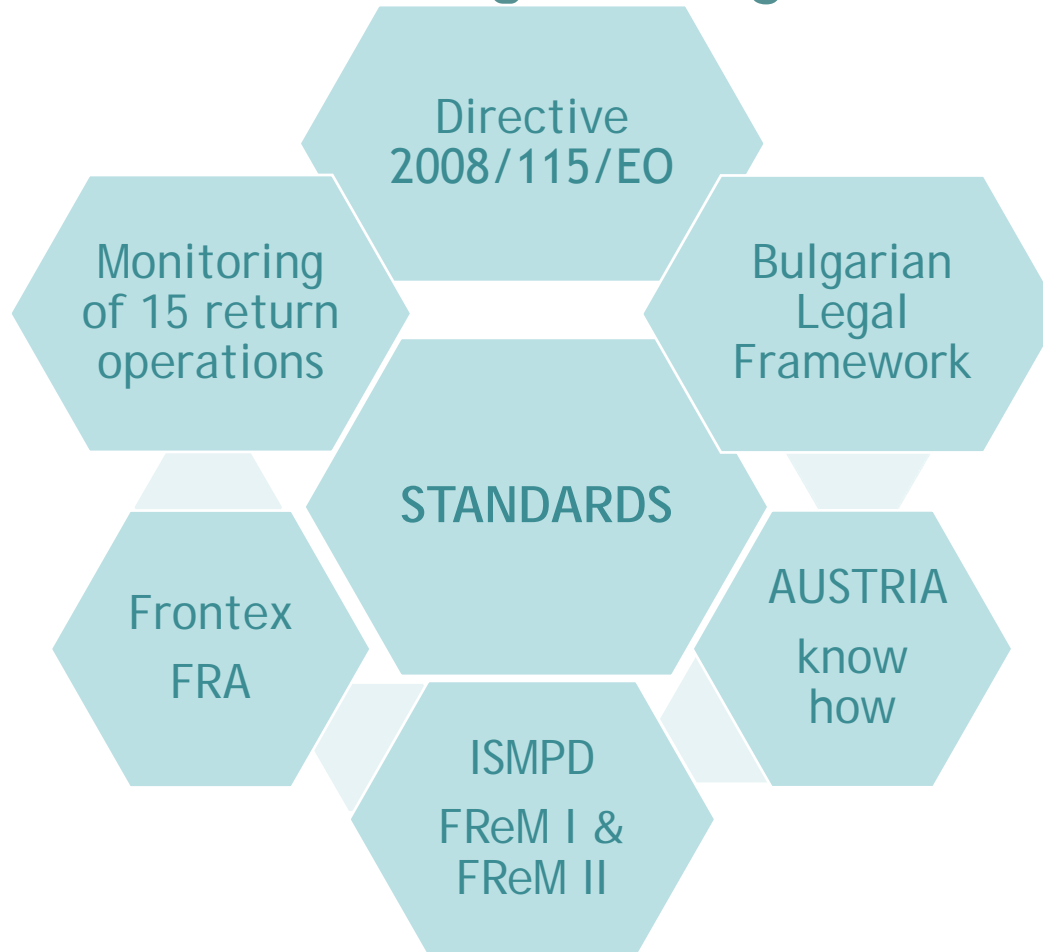
MONITORING FORCED RETURN IN THE EU

Art 8(6) of Directive 2008/115/EC introduces the obligation to provide for an effective forced return monitoring system.

Return Handbook

Monitoring is to serve as control mechanism for national return practices to ensure respect for returnee's rights and dignity.

Development of Standards for Forced Return Monitoring in Bulgaria



Monitoring Forced Return Operations in Bulgaria: May 2017 – December 2018

Full Monitoring (6); Partial Monitoring (9)

Profile of returned TCN:

25 persons,

All male

citizens of: Afghanistan (10), Shri Lanka (5), Iraq (4),
Egypt (3), Morocco (1), Mongolia (1),
Tunis (1).

Return destinations: Afghanistan, Shri Lanka, Iraq, Egypt,
Morocco, India, Mongolia, Tunis

MECHANISM FOR FORCED RETURN MONITORING IN BULGARIA: Recommendations

- Development of detailed legal framework governing the status of the organisations carrying out forced-return monitoring (Article 39a(2) of the FRBA): Provisions on:
 - ❑ terms and procedures for selecting monitoring organisations and their mandate;
 - ❑ criteria that the monitors themselves ought to fulfil;
 - ❑ procedures for conducting forced-return monitoring;
 - ❑ monitors' rights, duties, and responsibilities prior to, during, and upon the conclusion of a forced-return operation, including the confidentiality requirements.

MECHANISM FOR FORCED RETURN MONITORING IN BULGARIA: Recommendations

To ensure transparency:

- ❑ An independent organization (or organisations) should be selected and mandated to carry out forced-return monitoring along with the Ombudsperson of the Republic of Bulgaria.
- ❑ Timely information should be provided by the MoI's Migration Directorate about ALL upcoming forced-return operations.

To ensure sustainability:

Targeted funding (as opposed to project-based) should be provided to the organisations mandated to act as a monitor.

MECHANISM FOR FORCED RETURN MONITORING IN BULGARIA: Recommendations

- ❑ Monitors should be granted access to
 - source documentation
 - the security area at Sofia Airport

- ❑ Confidentiality declaration should be signed by the monitors to serve as a guarantee of non-disclosure of information;

- ❑ Training should be provided to forced-return monitors (training for escort police officers conducted by the Mol's Migration Directorate)

Thank you!

PRESENTATION

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