Assessment of the Day-to-Day Operations and Management of the Pool of Forced-Return Monitors in Frontex

On 7 January 2017, the Pool of forced-return monitors was established by Frontex, in line with Article 29 of the European Border and Coast Guard (EBCG) Regulation (EU) 2016/1624 in force at the time, and on the basis of the outcomes of the EU–funded Forced-Return Monitoring I project (FReM I[1]). In line with Article 51 of EBCG Regulation (EU) 2019/1896 currently in force, the Pool is established within Frontex' structures and consists of monitors from the bodies of Member State responsible for carrying out forced-return monitoring activities in accordance with Article 8(6) of Directive 2008/115/EC.

October 2021

" The Agency shall, after taking due account of the opinion of the fundamental rights officer, constitute a pool of forced-return monitors from competent bodies of the Member States who carry out forced-return monitoring activities in accordance with Article 8(6) of Directive 2008/115/EC and who have been trained in accordance with Article 62 of this Regulation. "

Article 51(1), Regulation (EU) 2019/1896

" Member States shall provide for an effective forced-return monitoring system. "

Article 8(6), Directive 2008/115/EC

Since the Pool was established, the EU–funded Forced-Return Monitoring projects (FReM II[2] and III) have been supporting Frontex in institutionalising the Pool within the structures of the Agency. One of the aims of the FReM III project was to provide a final concept for the Pool's management structure and procedures, contributing to its sustainability, improved day-to-day management, transparency and independence. FReM III was the last project to support Frontex with the Pool's development. The full conceptualisation of the approach for the management of the Pool and all the procedures and activities are handed over to Frontex by the end of the FReM III project in December 2021.

In order to prepare the grounds for the handover, in 2019, an assessment of how the Pool currently functions was conducted as part of the project. This document summarises main findings of this assessment and presents the related recommendations.

The assessment of how the Pool functions has been carried out in order:

1)   to better understand and describe how the Pool currently operates and how it is managed and

2)   to identify possible gaps and needs, along with good practices, in its operations and management, in order to suggest possible approaches that contribute to the Pool's improved day-to-day management, sustainability, transparency and independence.

The assessment was conducted by the FReM III project team at ICMPD, composed of staff members of the Migration Dialogues & Cooperation Directorate in collaboration with two researchers from the Policy, Research and Strategy Directorate.

The assessment was based on a multi-method study, which included, among others, semi-structured interviews with key staff working at Frontex for the day-to-day management of the Pool and an online survey for forced-return monitors that are part of the Pool.
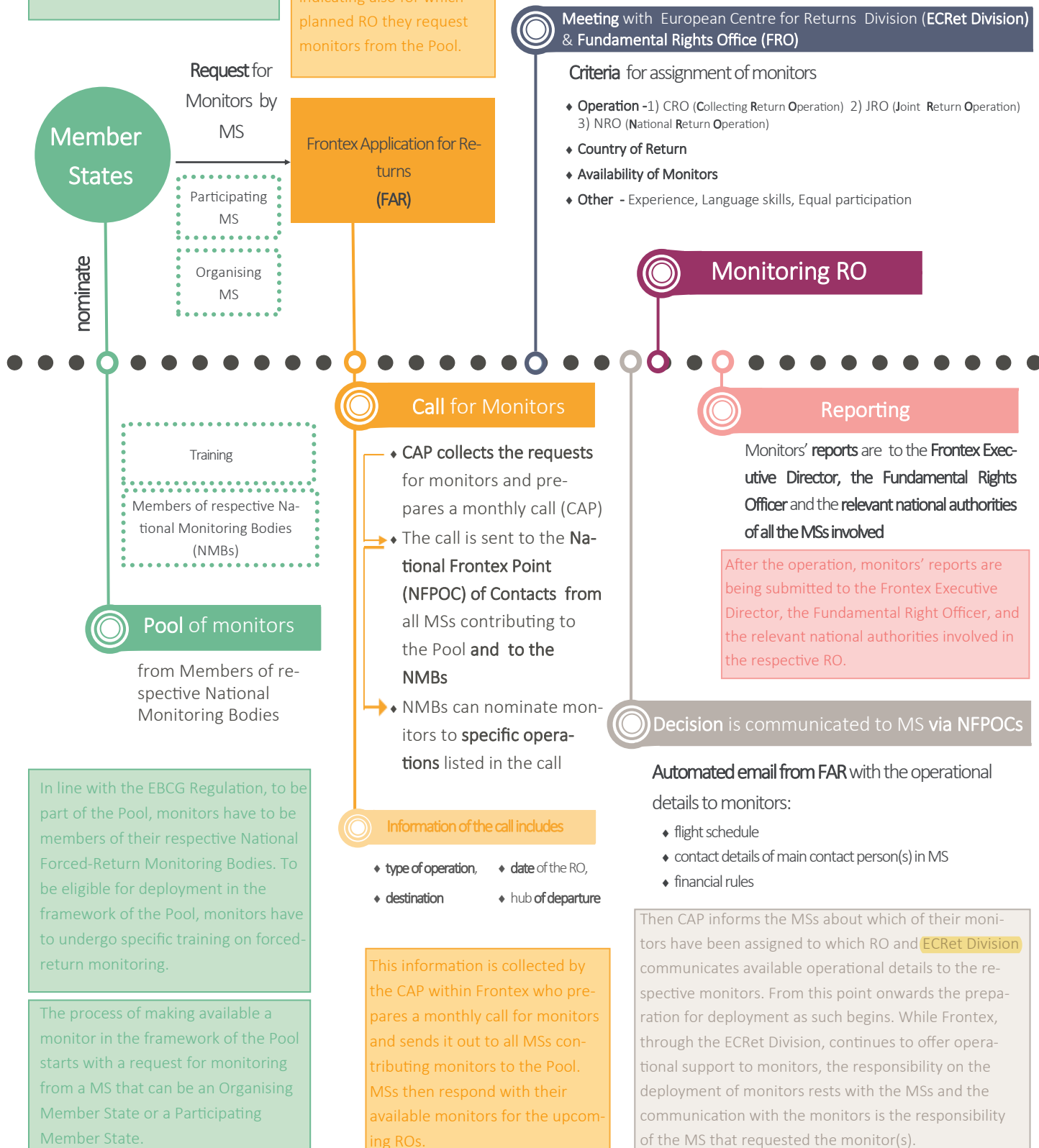
[1] FREM I was implemented from 2013 to 2015.
[2] FReM II was implemented from 2016 to 2018.

A basic overview of the current workflow within Frontex for the day to day operations and management of the Pool

Member States (MS) are responsible for nominating monitors to the Pool. As the nomination of monitors to the Pool is an ongoing process, MSs can continuously nominate monitors to the Pool.

On a monthly basis, MSs include their planned return operations (RO) in the Frontex Application for Returns (FAR) – a data base managed and maintained by Frontex – indicating also for which planned RO they request monitors from the Pool.

This information is collected by the Capability Programming Office (CAP) within Frontex who prepares a monthly call for monitors and sends it out to all MSs contributing monitors to the Pool. MSs then respond with their available monitors for the upcoming ROs.

Request for Monitors by MS

Member States

nominate

Participating MS

Organising MS

Frontex Application for Returns (FAR)

Meeting with European Centre for Returns Division (**ECRet Division**) & Fundamental Rights Office (**FRO**)

Criteria for assignment of monitors

- **Operation** - 1) CRO (**C**ollecting **R**eturn **O**peration) 2) JRO (**J**oint **R**eturn **O**peration) 3) NRO (**N**ational **R**eturn **O**peration)
- **Country of Return**
- **Availability of Monitors**
- **Other** - Experience, Language skills, Equal participation

Monitoring RO

Training

Members of respective National Monitoring Bodies (NMBs)

Pool of monitors

from Members of respective National Monitoring Bodies

Call for Monitors

- **CAP collects the requests** for monitors and prepares a monthly call (CAP)
- The call is sent to the **National Frontex Point (NFPOC) of Contacts** from all MSs contributing to the Pool **and to the NMBs**
- NMBs can nominate monitors to **specific operations** listed in the call

Information of the call includes

- **type** of operation,
- **destination**
- **date** of the RO,
- **hub** of departure

Reporting

Monitors' **reports** are to the **Frontex Executive Director, the Fundamental Rights Officer** and the **relevant national authorities of all the MSs involved**

After the operation, monitors' reports are being submitted to the Frontex Executive Director, the Fundamental Right Officer, and the relevant national authorities involved in the respective RO.

Decision is communicated to MS **via NFPOCs**

Automated email from FAR with the operational details to monitors:

- flight schedule
- contact details of main contact person(s) in MS
- financial rules

Then CAP informs the MSs about which of their monitors have been assigned to which RO and ECRet Division communicates available operational details to the respective monitors. From this point onwards the preparation for deployment as such begins. While Frontex, through the ECRet Division, continues to offer operational support to monitors, the responsibility on the deployment of monitors rests with the MSs and the communication with the monitors is the responsibility of the MS that requested the monitor(s).

In line with the EBCG Regulation, to be part of the Pool, monitors have to be members of their respective National Forced-Return Monitoring Bodies. To be eligible for deployment in the framework of the Pool, monitors have to undergo specific training on forced-return monitoring.

The process of making available a monitor in the framework of the Pool starts with a request for monitoring from a MS that can be an Organising Member State or a Participating Member State.

This information is collected by the CAP within Frontex who prepares a monthly call for monitors and sends it out to all MSs contributing monitors to the Pool. MSs then respond with their available monitors for the upcoming ROs.

Main findings and recommendations

Nominations of monitors to be part of the Pool

- Ensure more effectiveness and transparency of procedures for nominating monitors to the Pool
- Ensure more transparency regarding criteria for nominating monitors to the Pool
- Ensure that monitors with more experience are nominated to the Pool

Training of monitors

- Ensure more frequent training and provide more practical training
- Provide training on drafting monitoring reports
- Ensure further specific training

Monthly calls for monitors

- Include more information in the Frontex monthly call for monitors and ensure that the individual monitors are involved in the communication from early stages onwards
- Ensure that a sufficient number of monitors are nominated to all ROs listed in the monthly call
- Ensure transparency in the selection of monitors for specific ROs

Preparation for deployment

- Information on upcoming ROs should be updated regularly
- Ensure that the implementation plan is shared with the monitor as soon as it is available
- Develop standardised procedures for the MSs on how to communicate with the monitors

Reporting after monitoring a return operation in the framework of the Pool

- Ensure that monitors use the same reporting format and apply the same reporting standards
- Provide training on the use of the reporting tools
- Ensure effective communication and feedback to monitors on their monitoring reports

Reimbursement of monitoring costs

- Ensure that all Pool monitors are informed and know the rules for reimbursement
- The reimbursement procedures should provide for a uniform compensation for monitors' working time including a standardised monitoring fee

Some of the findings and recommendations from the assessment report were being addressed within the FReM III project and its available capacities.