

EU Return Rates, COVID-19, and the Future of Return Policies and Partnerships

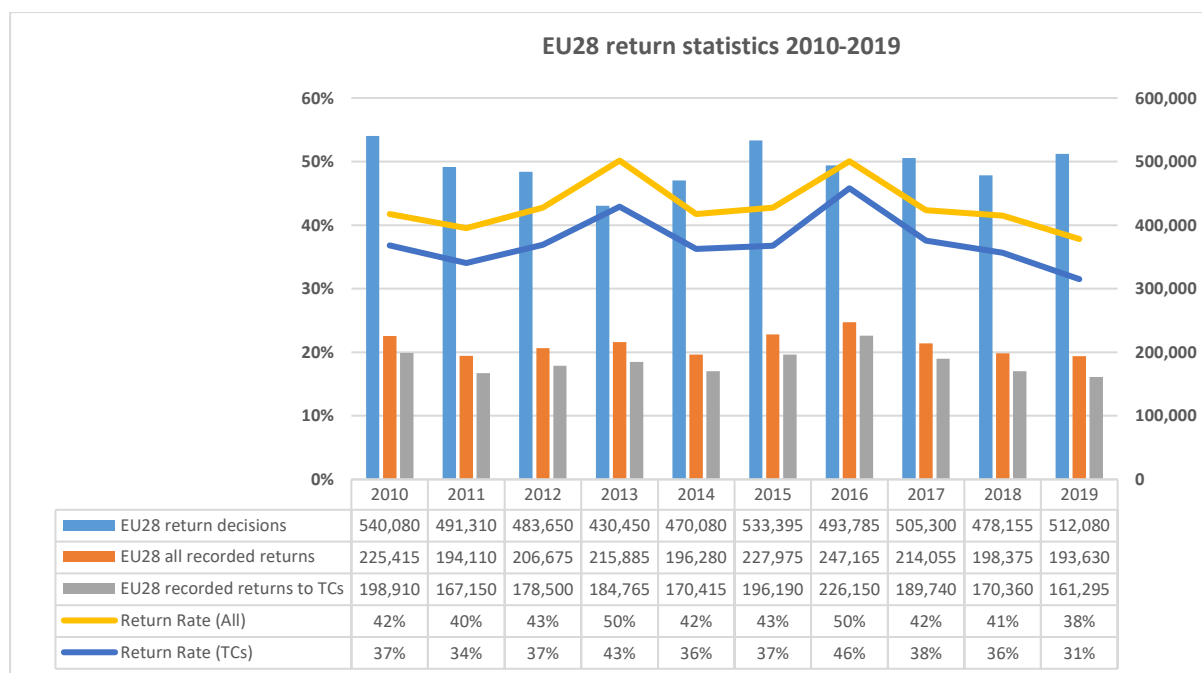
By Sergo Mananashvili ¹

Current Context

While the COVID-19 [has triggered the largest repatriation operation in history](#), it has brought the return of irregular migrants to a standstill in Europe. On the other side of the ocean, the combination of removals and COVID-19 creates inter-state tensions, which can be a premonition of what might be ahead when it comes to readmission cooperation. All this begs the question: how will COVID-19 and its short-, mid- and long-term implications shape the future of return policies and inter-state cooperation?

When the European Commission informed the June-2018 European Council that by making the European return policy more effective, “[the goal should be to achieve a return rate of at least 70% by 2020](#)” (from a then-36,6%), no one could imagine that 2020 might become a seemingly never-ending Black Monday for those so-called return rates. Although this [controversial](#) key measurement of the effectiveness of the EU return policy has steadily decreased since 2016, reaching a 10-year low in 2019 (see the graph below), 2020 and even 2021 might inflict to it a major blow, recovering from which might take years, unless it is finally (and hopefully) dropped as a main indicator. [A more refined measurement](#) relying on multi-annual and broader analysis, including also the data on applications for international protection, especially on rejections and acceptance of readmission requests, could be a good basis for developing a new indicator.

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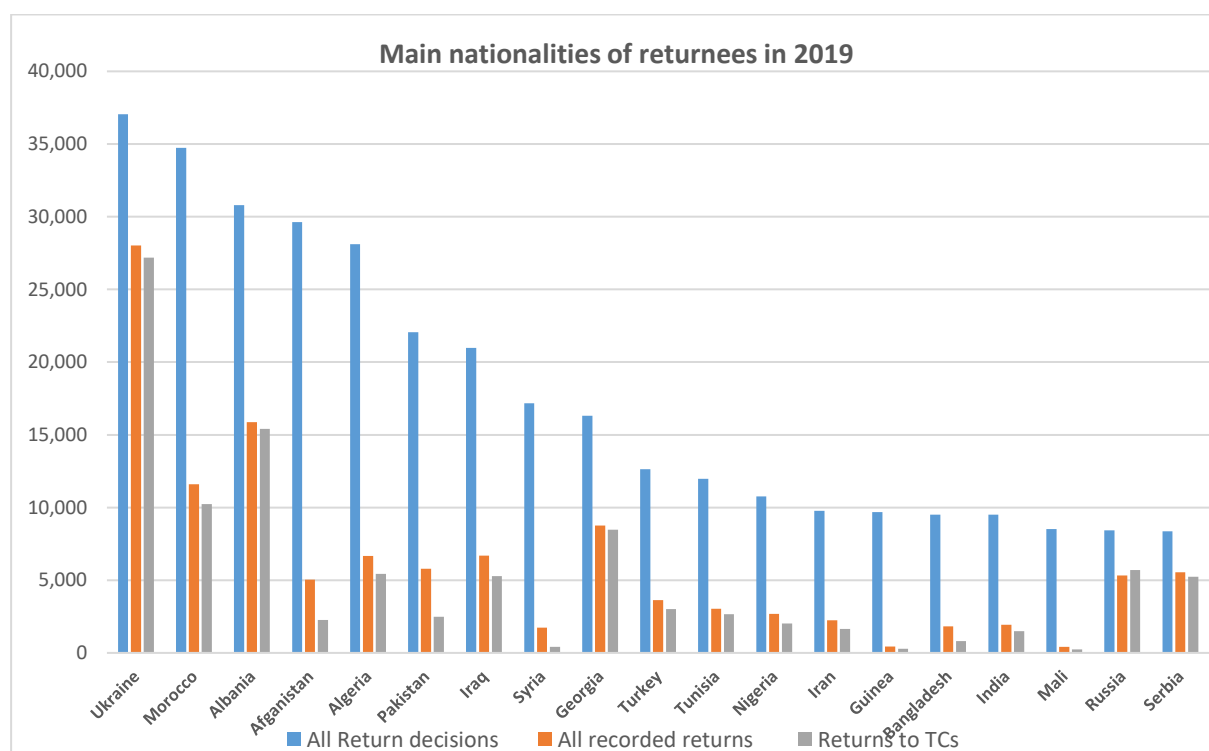
Source: own computation based on recent Eurostat data.

To picture the extent of the COVID-19 impact on returns of irregular migrants from the EU, one should first visualise a [return operation by a charter flight](#) to Nigeria or to Afghanistan. With just 30 returnees on board, the number of people participating in such an operation might easily reach more than 100, as returnees are accompanied by escort officers, including back-up teams, forced-return monitors, Frontex officers (if the operation is coordinated by the latter), medical staff, flight crew, etc. This is only the number of people involved in the so-called in-flight phase. In the pre-departure phase, which starts from transporting returnees usually from their place of detention, other people, namely, personnel of detention facilities, representatives of migration authorities, drivers, airport security personnel and others are also involved in the operation. Moreover, when different Member States participate in such an operation, returnees are escorted from respective Member States to departure hubs with different means and routes of transportation. Since 2016, Frontex alone facilitated the [return of more than 40,000](#) third country national through such operations.

Now imagine such an operation taking place before an effective COVID-19 vaccine is available and administered to returnees (provided that they agree) as well those who participate in return operations. Since mid-March hardly any return (operation) has taken place in the EU and it is safe to assume that it will be mission impossible to continue operations business as usual, unless States use severe threats and dependencies such as is the case between the USA and [Guatemala](#) or [Haiti](#). However, the Inter-state tensions and long-term damage to trust these threats create will hamper fruitful cooperation on migration and other matters for a long time to come. In the US-Guatemala example, Guatemala suspended landing permits for US return flights. In response, the US threatened to cut development aid (including to fight COVID-19), to ban visas and seems to be ready to use every political and economic leverage to bend the will of the government of Guatemala. This example gives a premonition of what might be ahead in inter-state readmission cooperation. The recent events

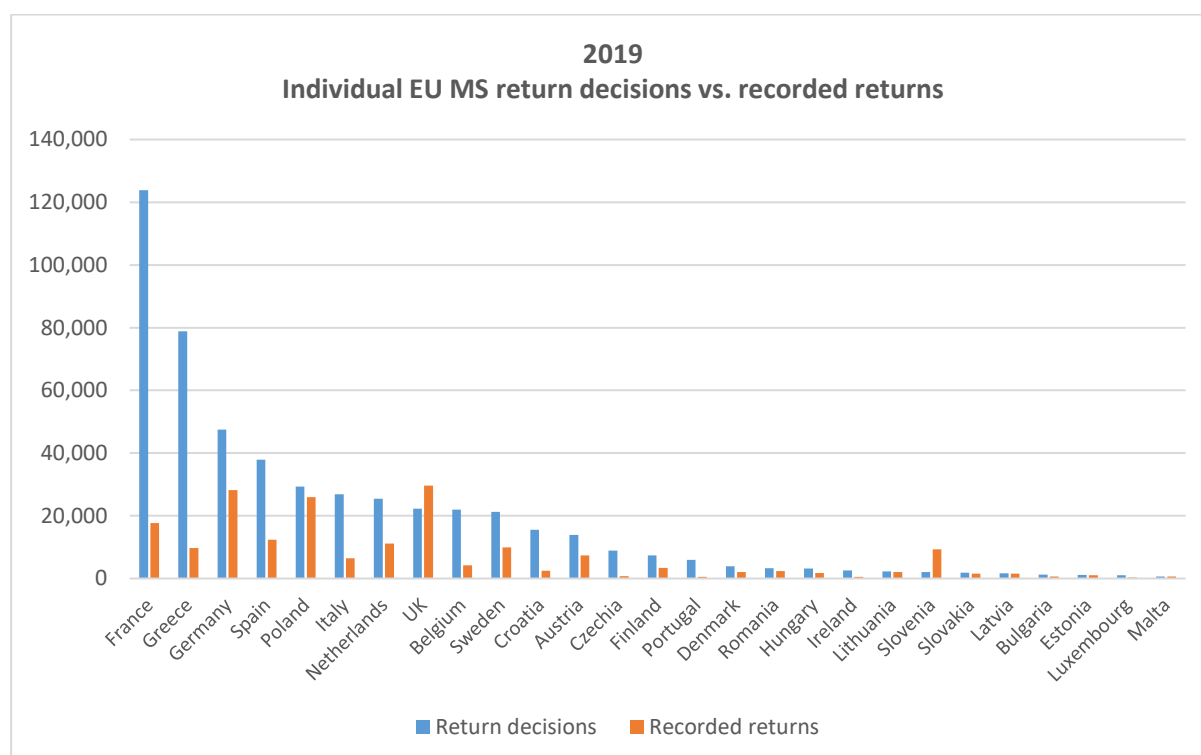
related to forced returns of [Ethiopians from Saudi Arabia](#) are another example of how things can quickly deteriorate. All of this is asking for a great deal of sensitivity from states in the future when dealing with returns, especially considering that the cooperation of countries of origin is the cornerstone of any effective return system.

The situation in the EU is further complicated by the fact that the list of main countries of return contains those states with whom return cooperation is not always easy, regardless of the reasons. For instance, due to the COVID-19 outbreak in its neighbouring countries, Afghanistan saw [close to 300.000 Afghans returning from Iran \(262,388\) and Pakistan \(1,833\)](#) and as a consequence asked returning countries, including [Germany](#) to suspend returns. It is, therefore, difficult to imagine that returns to Afghanistan will resume (even at the lowest levels) in the near future. One can assume the same for other top-countries of return (see the graph below) such as Morocco, Algeria, Nigeria, Iran and Pakistan. Despite the fact that relations with European countries of origin such as Albania, Georgia, Serbia or Ukraine allow for easier resumption of returns, those countries too might ask for extra guarantees such as continuous [tests](#) of not only returnees but also all other people with whom a returnee comes into contact all along the return process. Even then (the European Commission's recent [Communication](#) on COVID-19 guidance provides already some elements in this respect), the question of trust of such tests, checks and other guarantees will be key, especially since receiving countries, facing already internal pressures for readmitting their own nationals, are now under amplified internal political pressure and will not be willing to take political responsibility for any negative consequences should something go wrong. What the implications of this on overall return numbers or return rates will be is not difficult to predict.



Source: own computation based on recent Eurostat data. Returns to TCs captures returns outside the EU (mainly to CoO).

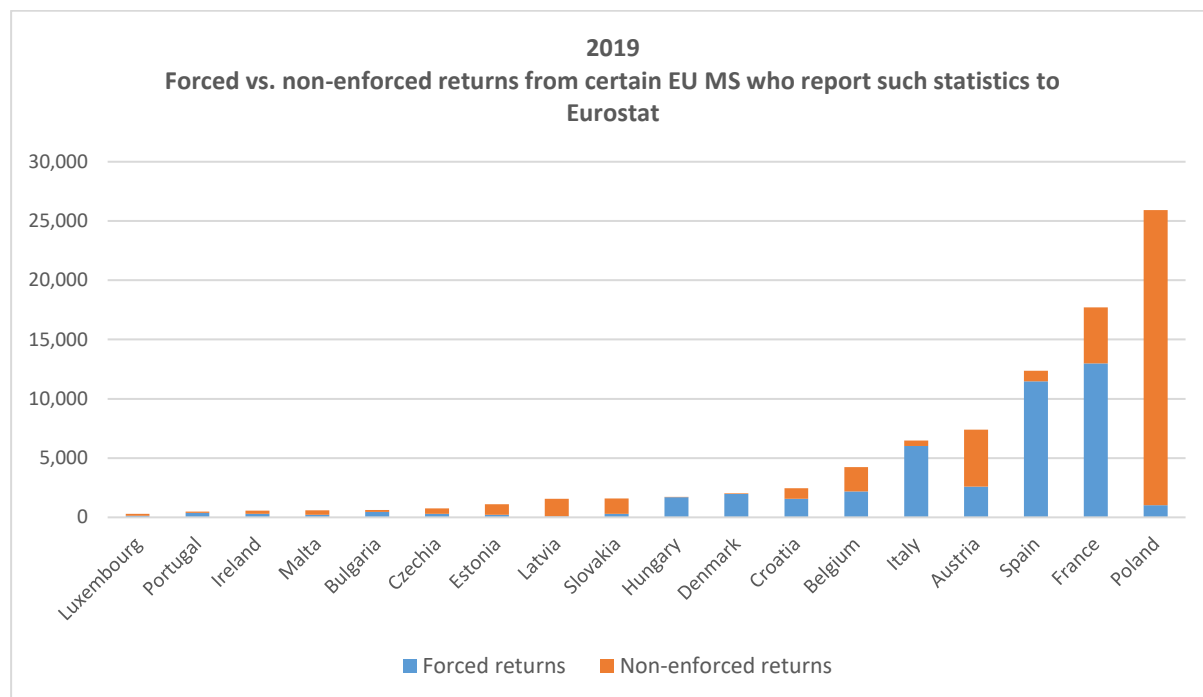
Other factors, which will further complicate future returns under COVID-19, will be the availability and possible lack of cooperation of returnees. In fact, due to COVID-19, some EU Member States such as [France](#) and Spain, are no longer detaining irregular migrants or are releasing returnees from pre-removal detention. It is worth mentioning here that Art. 15 of the EU Return Directive, in line with the relevant ECtHR case-law, requires that for any pre-removal detention to be lawful there must be [a reasonable prospect of removal within the time-period of foreseen detention](#). Since under current circumstances, it will be difficult to justify that such a prospect exists in the near future, judges in EU Member States might opt for the release of returnees. Also in line with the EU Return Directive as well as the relevant ECtHR case-law, a further legal impediment for removals in the future might be the spread of COVID-19 in a given country of return (e.g. in Iran) combined with a lack of effective access to COVID-19 treatment (on the latter cf. ECtHR judgment in [Paposhvili vs. Belgium](#)). All this will have particularly negative fallout on those Member States like France, Greece, Spain, Italy and Belgium, who already struggle with effectively returning irregular migrants (see the graph below) who often abscond in order not to comply with return decision.



Source: own computation based on recent Eurostat data.

In those Member States (see the graph below) from where returns are mainly non-enforced (so-called voluntary returns), like in Poland, the situation might be different since such returns are based on the returnee's decision and do not necessarily require the inter-state cooperation. However, depending on the situation in a given time-period in both countries of destination and countries of return, additional pre-return (for instance, to undergo a COVID-19 test and/or get a vaccine in the future) and

post-return (for any quarantine, tests, paperwork, etc.) support might be needed to enable such returns.



Source: own computation based on recent Eurostat data.

In general, it can be already anticipated that under COVID-19 returns, especially the forced ones, will become more expensive per capita. If in 2019, 25 Nigerians could be returned with a chartered aircraft worth [more than 290,000 €](#), in the future, the same type of aircraft might return only a half of that number, not to mention the cases where [an entire aircraft might be needed for just one returnee](#).

All this makes an even stronger case for the promotion of assisted non-enforced returns (obviously, for those who are no threat to the public). Even more so because many irregular migrants might opt for assisted (including spontaneous) returns for many reasons, including the precariousness of their situation (e.g. loss of informal jobs), the wish to be with their families or the felt duty to care for their parents and relatives in these difficult times. All of the listed are stronger motivators when it comes to deciding [whether to return to the country of origin](#). To increase the chances of successful return and reintegration and thus prepare them better for their return, EU Member States could even offer training opportunities to such returnees in sectors, which are important for countries of return (e.g. agribusiness, construction). In any case, the current AVRR model will also need to be rethought to properly factor in health issues (e.g. by providing assistance for any costs which might be incurred due to mandatory tests, quarantine, possible treatment of returnees as well as their family members) but also potential pressures or even threats from their communities, which returnees might face upon their return.

On a concluding note, we can argue that while health issues have already been part of return operations as well as of the return dialogue between countries of destination and of return, COVID-19 will make them even more prominent in any future return cooperation. Supporting countries of return in building up their health infrastructure and capacities of their relevant (health) institutions will be a powerful ingredient for the success of any genuine return partnership. At the EU policy level, the preparation of a new EU Pact on Migration and Asylum offers a good occasion to better accentuate health issues in the future EU return policy. To address legitimate interests and concerns of all the relevant stakeholders and to avoid any potential venue shopping, one of the policy options could be the development of EU-wide standards (in the form of soft-law and in broad consultation with major countries of return) on the health aspects of the return process. These standards could then be adapted to individual countries of return be it via specific SOPs, the amendment of the existing arrangements or through decisions within the existing joint readmission committees. Acting (swiftly) at the EU level and thus projecting the European unity on these crucial issues will not only send the right signal to external partners but will also be a must, especially in times like ours, when any Alleingang will be self-defeating.

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