

EUROPEAN MIGRATION NETWORK

PROGRAMMES AND
STRATEGIES IN IRELAND
FOSTERING ASSISTED
RETURN TO AND
REINTEGRATION IN
THIRD COUNTRIES

EMMA QUINN



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THE ECONOMIC AND SOCIAL
RESEARCH INSTITUTE

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EMMA QUINN

Research study completed by the Irish National Contact Point of the European Migration Network, which is funded by the European Commission Directorate-General Freedom, Security and Justice and the Irish Department of Justice, Equality and Law Reform.

Copies of this paper may be obtained from The Economic and Social Research Institute (Limited Company No. 18269). Registered Office: Whitaker Square, Sir John Rogerson's Quay, Dublin 2 and online @ www.esri.ie

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ISBN 978 0 7070 0294 1

ACKNOWLEDGMENTS

This report has benefited greatly from the information and comments supplied by Theodora Suter and Siobhan O’Hegarty from the International Organization for Migration, Dublin; staff members from the Repatriation Unit of the Irish Naturalisation and Immigration Service; Ultan Ryan and Noel Dowling from the Reception and Integration Agency; John Stanley, independent consultant; and by my colleague Philip O’Connell.

Sincere thanks are also due to my colleague Corona Joyce for her expert input and assistance in completing the report.

Thanks are also due to Emma Calvert, Deirdre Whitaker, Mary Cleary and Regina Moore for preparing this manuscript for publication.

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ABBREVIATIONS AND IRISH TERMS

| | |
|-----------------------|--|
| Dáil | Parliament, Lower House |
| EEA | European Economic Area |
| EMN | European Migration Network |
| EU | European Union |
| EURODAC | European Dactyloscopie. An electronic fingerprint system which allows Member States to identify asylum applicants and persons who have been apprehended while unlawfully crossing an external frontier of the Community. |
| FRONTEX | European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union |
| Gardaí/Garda Síochána | Police |
| GNIB | Garda National Immigration Bureau |
| HSE | Health Service Executive |
| INIS | Irish Naturalisation and Immigration Service |
| IOM | International Organization for Migration |
| NGO | Non-Governmental Organisation |
| ORAC | Office of the Refugee Applications Commissioner |
| RIA | Reception and Integration Agency |
| VARRP | Voluntary Assisted Return and Reintegration Programme |

EXECUTIVE SUMMARY

The aim of this European Migration Network (EMN) study is to share knowledge on assisted return across EU Member States and to assist with the development of related policy and programmes. A synthesis report will be produced compiling the findings of 23 country studies. The focus of the Irish report is on the assisted voluntary return of non-EU nationals although some comparative information will also be included on forced return and on an assisted return scheme offered to nationals of the 12 Member States that most recently joined the EU. The current report builds on work published in 2007 by the EMN on return migration in the widest sense, i.e. comprising forced, assisted voluntary and voluntary return.

Definitions related to return, particularly voluntary return, are often disputed and this is discussed in Chapter 2. The main issue in defining voluntary return is whether the decision to return is truly based on the free will of the returnee. In the Irish context there are two types of assisted voluntary return for non-EU nationals: a) Assisted Voluntary Return programmes are currently offered by the International Organization for Migration (IOM), Dublin to asylum seekers and vulnerable irregular migrants who cannot fund their own return, and b) the Repatriation Unit of the Irish Naturalisation and Immigration Service (INIS) offers administrative assistance to migrants who wish to undertake self-funded return but do not have the necessary documents. The Reception and Integration Agency (RIA) also offer an assisted voluntary return programme to destitute EU12 nationals.

The various categories of migrants subject to forced return and eligible for assisted voluntary return are also discussed in Chapter 2. Prior to March 2009 all asylum applicants and irregular migrants without the financial means to return home could submit an application for return to their country of origin

and/or legal residence to IOM-assisted voluntary return programmes. Since March 2009 the programmes are only open to asylum applicants and irregular migrants who meet specific vulnerability criteria.

Available data on the number of assisted voluntary returns and the nationality of returnees are supplied in section 2.3. These data indicate that the number of assisted voluntary returns has increased in recent years. In the case of IOM-assisted returns there was a 78 per cent increase between 2007 and 2008. However, the number of deportation orders issued each year still exceeds voluntary returns despite the fact that the number of deportation orders issued has generally declined since 2005. With regard to the assisted return scheme for EU12 nationals, the number of returnees has increased each year since its introduction in 2004, except 2007. The number of EU nationals who returned in 2008 was 757.

The nationality breakdown of non-EU assisted returnees has changed during the reference period. Between 2004 and 2006 approximately 20 per cent of IOM returnees were Nigerian nationals. This proportion has decreased and Brazilian nationals have become the largest group. In 2008, of persons who returned under IOM schemes, 55 per cent were Brazilian nationals, up from 41 per cent in 2007 and 4 per cent in 2005. A nationality breakdown was not available for INIS-assisted returnees until 2006 when 9 per cent of returnees were Brazilian; by 2008 the proportion was 36 per cent. These changes in nationality also reflect changes in the legal status of returnees. In 2006 IOM assisted returnees accounted for 52 per cent of asylum applicants and the remainder were irregular migrants; by 2008 just 22 per cent of returnees were asylum applicants and 78 per cent were irregular migrants. As shown in Table A2, Nigerian nationals are the main nationality group among asylum applicants in Ireland. With regard to EU12 nationals assisted to return, Polish nationals represented the largest group travelling on the scheme between 2004 and 2007. In 2008, however, Romanian nationals accounted for more than 60 per cent of returns assisted under the scheme.

The political and legal framework for Assisted Return is discussed in Chapter 3. There is no legislative provision for assisted voluntary return in Irish domestic legislation, although the Immigration Act 1999 sets out that before issuing a deportation order the Minister for Justice, Equality and Law Reform is obliged to inform the individual of his or her intention

and to invite the person to leave Ireland voluntarily. No specific mention of voluntary return repatriation has been made in the published Immigration and Residency Bill 2008 and no one interviewed for the purposes of this study was aware of any planned developments in this regard. Although there have been a number of policy developments in relation to return at EU level, the impact of these developments in Ireland are limited. The influence of European policy and legislation is more obvious in relation to forced return and the specific measures in which Ireland participates are discussed. In particular Ireland has been heavily involved in joint FRONTEX deportation operations.

Chapter 4 provides an overview of assisted return measures in Ireland. Motives, for perceptions of and obstacles to, assisted return are discussed. IOM-funded research into the Brazilian community in Ireland, Portugal and Belgium indicates that the majority of Brazilians in Ireland hold irregular immigration status and have migrated temporarily to work with a clear intention to return. These findings are supported by the data discussed in Chapter 2, which show a high rate of take up of assisted return among the Brazilian community in Ireland.

Efforts to improve the dissemination of information on the IOM assisted voluntary return scheme are discussed in section 4.4. IOM Dublin has undertaken a recent rebranding and publicity campaign for their Voluntary Assisted Return and Reintegration Programmes (VARRP). Research into the Moldovan and Georgian communities in Ireland suggest that they are not well integrated and do not have ready access to immigration-related information. Lack of English language skills was identified as a barrier to accessing information on immigration as well as a mistrust of almost all 'official' service providers regardless of whether they were governmental or non-governmental. Other obstacles to returns include push factors in the country of origin, such as high unemployment rates and poor living conditions. Research into homeless EU12 migrant workers draws attention to the position of unemployed workers with loans and dependents at home.

Available cost information on forced returns and voluntary returns under the IOM assisted voluntary return programmes is presented in section 4.5. Assisted voluntary return is clearly a much less expensive option for the state. In 2008 the transport costs per person of a forced return was € 5,704 compared to

€944 for an assisted return under the IOM general VARRP. Even when reintegration costs are included the IOM cost per person is €1,108.

The results of a value for money evaluation of IOM assisted voluntary return schemes are discussed in section 4.6. This evaluation drew attention to the fact that increasing numbers of irregular migrants were availing of the IOM schemes while asylum applicants were becoming less well represented among returns. A Memorandum of Understanding was agreed between IOM Dublin and the Department of Justice, Equality and Law Reform in March 2009, which set out that asylum applicants are IOM's main target group and that priority would be given to their return rather than the return of irregular migrants. Data on the number of applicants to IOM and the numbers who returned indicate that increasing numbers are being turned away without assistance. It is likely that this trend reflects a combination of increasing unemployment as a result of the economic downturn and the new policy of focussing on asylum applicants rather than irregular migrants.

Reintegration and the sustainability of return are discussed in Chapter 5. IOM Dublin have underlined the importance of reintegration grants in ensuring a sustainable return. However, the grant amount available to assisted returnees from Ireland remains quite low compared with reintegration grants provided by some other IOM offices worldwide: € 600 per individual and a maximum of € 1,200 per family. While almost all returnees initially apply for reintegration grants, just 40 per cent took them up in 2008, and these are mainly male returnees. It is considered to be the responsibility of the migrant to follow up on these grants after return, but IOM try to provide as much information as possible before travel. IOM Dublin does receive applications from people wishing to avail of their services more than once but such applications are never approved. Sustainability of return is a problem for the assisted voluntary returns of EU nationals. Annual figures on return show seasonal peaks after Christmas and Easter, particularly to Romania.

Chapter 6 gives an overview of the current issues surrounding assisted voluntary return in Ireland.

1. INTRODUCTION: PURPOSE AND METHODOLOGY FOLLOWED

The great majority of migrants who return to their country of origin do so entirely of their own free will. Their permission to be in the host country may have expired, they may have fulfilled the objectives of their temporary migration, or circumstances at home may require their return. In Ireland, no data exist on such return migrants because there are no border exit controls. Every managed migration system also makes provision for the forced return of migrants: those who have overstayed their permission to be in the state, those who have violated the terms of their residence, or who entered illegally and subsequently came to the notice of the authorities.

The current report builds on work published by the EMN in 2007 on return migration in the widest sense, i.e. comprising forced, assisted voluntary and voluntary return.¹ This study focuses instead on assisted return, a type of return which lies between forced and voluntary return in that the migrant who is offered assistance to return to their country of origin (usually by the State) does not generally have a clear legal right to reside in the country in the long term.

Assisted return is considered by the state and other agencies working in the area of return to be a preferable option to forced return, partly because the latter is more expensive and demanding on immigration authorities, and because voluntary return affords the returnee more dignity in what are difficult

¹ National reports and the synthesis report *Return Migration* are available at <http://emn.sarenet.es/html/index.html>

circumstances. The view that forced return should be a last resort of immigration authorities is being articulated more clearly in EU policy. The recently adopted Return Directive² highlights the importance of States offering the possibility of returning voluntarily, while the European Pact on Immigration and Asylum provides that Member States should ensure that illegally-staying migrants leave their territory, giving preference to voluntary return. Despite such developments in EU policy, assisted return is not provided for in Irish domestic legislation.

This study will provide an overview of the existing programmes and strategies in Ireland for the assisted return of migrants. The focus is on the assisted return of non-EU migrants although some comparative information will also be included on forced return and on an assisted return scheme for nationals of member states that have recently joined the EU. The costs of assisted return will be assessed and compared, as far as possible, to those of forced return. The manner in which assisted return is promoted, and the sustainability of such returns will be assessed. Available information on returnees' perceptions of assisted return will be presented. The majority of returnees on assisted return programmes are asylum applicants with a negative decision or whose decision is pending. The various terms and definitions used in this report are discussed further in section 2.1.

One aim of this study is to evaluate the assisted return measures existing in EU Member States with a view to sharing best practice and supporting co-operation and policy making in the area at EU level. To this end, a synthesis report will be produced which will compile the findings of 23 country studies produced by EMN National Contact Points (NCPs). Both this national study and the synthesis report are intended to be useful to domestic policy makers, agencies working in the area of return, NGOs dealing with asylum and return migration, researchers, and the general public.

² Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. Ireland has not opted into this Directive.

1.1 Methodology

As mentioned above the current report builds on a study of return migration, forced and voluntary, published in 2007. The information on assisted return contained in the earlier report has been updated and more detailed information has been added. In order to supply sufficiently detailed information it was necessary to interview officials and service providers from the following bodies involved in the provision of assisted return in Ireland:

- Repatriation Unit, Irish Naturalisation and Immigration Service (INIS)
- International Organization for Migration (IOM), Dublin office
- Reception and Integration Agency (RIA)

As well as offering their expertise and experience, interviewees supplied a great deal of information not readily available in the public domain, such as internal tender documents, interim reports, evaluations, and statistical breakdowns. The websites of these organisations were also consulted.³ Finally, all of the consulted officials and service providers listed above were asked to comment on a draft of the study.

Not all statistics requested in the specifications for this study could be supplied. The Repatriation Unit of INIS does not record information on the age or gender of returnees administratively assisted to return to their country of origin, only their nationality. The Reception and Integration Agency also limits the statistics collected to nationality only. IOM Dublin provided a limited gender breakdown of persons returned on the general Voluntary Assisted Return and Reintegration Programmes (VARRP).

1.2 Organisations Involved in Assisted Return from Ireland

IOM is an inter-governmental organisation established in 1951. It has 120 Member States, a further 19 States holding observer status and with offices in more than 100 countries. IOM opened an office in Ireland in 2001 and Ireland became a full Member State of the IOM organisation in 2002. IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental

³ www.iomdublin.org; www.inis.gov.ie; www.ria.gov.ie.

organization, IOM acts with its partners in the international community to assist in meeting the operational challenges of migration, to advance understanding of migration issues, to encourage social and economic development through migration, to and uphold the human dignity and well-being of migrants. In Ireland IOM's activities relate mainly to the operation of VARRPs.

The Department of Justice, Equality and Law Reform has a range of responsibilities including asylum and immigration policy and services, crime and security, law reform, equality, and human rights. The Department houses INIS and the RIA. Within INIS the Repatriation Unit has a range of diverse functions relating to voluntary return, forced removals, and Dublin II transfers. The Unit contains the Ministerial Decisions Unit, which takes the final decision on asylum claims, and the judicial review unit. The Repatriation Unit also assesses applications for subsidiary protection and leave to remain.

RIA was established on 2 April 2001 with the merger of the Directorate for Asylum Support Services and the former Refugee Agency of the Department of Foreign Affairs. The primary function of RIA is the coordination of the provision of services to asylum seekers and refugees. Following a Government Decision in March 2004, RIA was also assigned responsibility for supporting the repatriation of destitute nationals of the 10 new EU Member States.

2. DEFINITIONS, CATEGORIES OF RETURNEES AND AVAILABLE DATA

2.1 Definitions of Assisted Return

Definitions related to return, particularly voluntary return, are often disputed. The main issue in defining voluntary return is whether the decision to return is truly based on the free will of the returnee. In the strictest sense, once there is an obligation to depart the return should no longer be classed as voluntary. Using this strict definition persons who return ‘voluntarily’ would refer to migrants who are under no obligation to return (i.e. they are legally resident). The term ‘independent return’ may be used to describe the return of migrants who return without assistance, financial or administrative, from any party. In Ireland the majority of persons who return voluntarily fall into this category; their decision to return is made entirely freely and there is no State involvement in their return. As Ireland has no immigration exit controls, no information exists on these returns.

The ‘voluntary’ element in return can be more nuanced, particularly in respect of third-country nationals whose return is ‘assisted’ directly or indirectly by the State. ‘Assisted voluntary return’ as defined in the EMN Glossary⁴ refers to the provision of logistical, financial, and/or other material assistance for the voluntary return of a returnee. Such returnees may include illegally resident migrants and migrants who have applied to stay in the country but who have been declined permission or have not yet received a decision on their application. The current report will focus on assisted voluntary return thus defined. It is important to note that the majority of persons who avail of

⁴ The EMN Thesaurus and Glossary may be downloaded at <http://emn.sarenet.es/html/index.html>

assisted voluntary return from Ireland are unsuccessful asylum applicants and irregular migrants, and would ultimately have an obligation to return (Department of Justice, Equality and Law Reform, 2009).

2.1.1 DEFINITIONS OF ASSISTED RETURN IN THE IRISH CONTEXT

In the Irish context there are two types of assisted voluntary return:

1. In some cases people need to contact the Department of Justice, Equality and Law Reform for documents, held for example on an asylum application file, before they can travel home. In the case of unsuccessful asylum applicants who have received a final notification that their application for protection has been refused, known as a '15 day letter', they must supply details of their departure to the Department of Justice, Equality and Law Reform. The Department holds figures on such returnees (see Table 2.1). This type of return will be referred to as 'voluntary return with administrative assistance' in the current study.
2. Assisted Voluntary Return programmes are currently offered by the IOM, Dublin to non-EU asylum seekers and vulnerable irregular migrants who do not have the legal right to stay in Ireland or the means necessary to travel home. The RIA offer an assisted voluntary return programme to destitute EU12 nationals.

2.2 Categorisation of Returning Migrants

Return migrants are a heterogeneous group that includes, among others, rejected asylum seekers, those who had been protected under temporary schemes or refugees after the termination of their protection status, irregular migrants, migrants with expired temporary work permits, and those who are legally resident but who have achieved their objectives and return. The various categories of people specified as liable to return in Ireland are set out in the following sections.

2.2.1 FORCED RETURN

In Ireland forced return comprises deportation, removal and Dublin II Regulation transfers. Each type of return is discussed below.

Deportation: People who come to Ireland legally and fail to comply with laws of State, particularly immigration requirements, may be deported under the Immigration Act 1999, section 3, enforced by section 5. The Immigration Act 1999 sets out that such deportees will fall into one of the following categories:

- (a) a person who has served or is serving a term of imprisonment imposed on him or her by a court in the State
- (b) a person whose deportation has been recommended by a court in the State before which such person was indicted for or charged with any crime or offence
- (c) a person who has been required to leave the State under Regulation 14 of the European Communities (Aliens) Regulations 1977 (S.I. No. 393 of 1977)
- (d) a person to whom Regulation 19 of the European Communities (Right of Residence for Non-Economically Active Persons) Regulations 1997 (S.I. No. 57 of 1997) applies
- (e) a person whose application for asylum has been transferred to a convention country for examination pursuant to section 22 of the Refugee Act 1996
- (f) a person whose application for asylum has been refused by the Minister
- (g) a person to whom leave to land in the State has been refused,
- (h) a person who, in the opinion of the Minister, has contravened a restriction or condition imposed on him or her in respect of landing in or entering into or leave to stay in the State
- (i) a person whose deportation would, in the opinion of the Minister, be conducive to the common good (Immigration Act 1999 as amended).

Data are not available on the number of people issued with deportation orders that fall into each of these categories. However, it is understood that the majority of people who are deported from Ireland are unsuccessful asylum applicants.

Before the Minister for Justice, Equality and Law Reform issues a deportation order requiring an individual to leave the State, that person is sent a '15 day letter'. This letter sets out four options:

- (a) to make representations to the Minister as to why the person should be given leave to remain in the State
- (b) to apply for subsidiary protection (relevant for applicants for asylum)
- (c) to leave the State voluntarily within a short period
- (d) to consent to the making of the deportation order within 15 working days.

All options are officially valid for 15 working days, after which time a deportation order can be signed. The majority of recipients opt to make representations to the Minister as to why they should be allowed leave to remain in Ireland. This part of the procedure is based on Section 3 of the Immigration Act 1999 which sets out that in every individual case consideration must be given as to whether a deportation order should be issued or whether that person should be granted leave to remain in the State. An assessment of each individual case is made on the basis of 11 different factors such as the nature of the person's connection with the State and humanitarian considerations.

Removal: Irregular migrants who come to the State without permission or who over-stay may be removed under a purely administrative procedure under the Immigration Act 2003, section 5, provided that they arrived within three months of detection.

People who are refused permission to land at the Irish border on the grounds set out at section 4 of the Immigration Act 2004 are removed under the Immigration Act 2003, section 5.

Persons who claim asylum but are detained under the Refugee Act may decide to go home rather than pursue asylum claim. A District Court Judge may make an order directing the Minister for Justice, Equality and Law Reform to facilitate their return home. These people are, therefore, not the subject of a deportation order but of an order of a District Court. They may re-enter Ireland if they become 'immigration compliant' in the future. This is removal under the Refugee Act 1996, section 9.

Dublin II Transfers: The following asylum applicants may be transferred under the Dublin II Regulation⁵:

- (a) those who are to be transferred to another EU member State for family unity purposes
- (b) those in respect of whom another Regulation State has issued a visa or work permit
- (c) those who regularly crossed the frontier of another Regulation State prior to applying for asylum in Ireland
- (d) those who have made an asylum claim in another Regulation State which has not yet been finalised, or was withdrawn or rejected.

The Garda National Immigration Bureau (GNIB) report that the vast majority of Dublin II returnees are people who fall into the last category and are picked up on the EURODAC⁶ system (Quinn, 2007).

2.2.2 ASSISTED RETURN

The categories of returnees who may avail of assisted return are set out below. Persons excluded from availing of assisted return are those in respect of whom a deportation order has been issued and persons serving time for a criminal offence in prison.

2.2.2.1 Assisted Voluntary Return of Non-EU Nationals

Voluntary return with administrative assistance

All non-EU nationals who do not have a clear legal right to be in the State may apply for voluntary return with administrative assistance up to the point that a deportation order is issued. In this case the return is self-funded but the Voluntary Returns Unit within the Repatriation Division of INIS will help the returnee to access necessary travel documents and organise the return of

⁵ In 2003 the Dublin II Regulation succeeded the Dublin Convention as the instrument which provides the legal basis for determining which EU Member State is responsible for examining an asylum application. All Member States plus Norway and Iceland are subject to the new Regulation, with the exception of Denmark (the Dublin Convention remains in force between Denmark and the other Member States).

⁶ Electronic fingerprinting system

documents held within a government department or on file with the Office of the Refugee Applications Commissioner (ORAC), Refugee Applications Tribunal, or Ministerial Decisions Unit. Vulnerable groups such as unaccompanied minors will be directed by INIS to the IOM voluntary assisted return programme.

Assisted Voluntary Return with IOM

Prior to March 2009 all asylum applicants and irregular migrants without the financial means to return home could submit an application to IOM-assisted voluntary return programmes. Since March 2009 the programmes are only open to asylum applicants and 'vulnerable' irregular migrants who fulfil eligibility criteria. In more detail these categories include:

- asylum applicants with decisions pending on their case
- failed asylum applicants who have received a negative decision and '15 day letter' and who await the decision of the Minister on representations related to leave to remain in the State
- applicants for subsidiary protection⁷
- vulnerable irregular migrants, including
 - unaccompanied minors and aged-out minors (until the age of 21 years)
 - victims of trafficking
 - individuals with particular health needs (mental and/or physical)
 - vulnerable family compositions (i.e. single parent families, large number of minor children and/or elderly returnees)
 - post conflict returns
 - individuals who exhibit other specific vulnerability.

⁷At present, failed asylum seekers are typically informed that they can apply for leave to remain in the State and subsidiary protection in the same '15 day letter'. Applications for subsidiary protection are determined first if applied for, and, if a negative decision is issued regarding this application, a decision in respect to leave to remain will automatically be considered. This decision in respect of leave to remain may be made at any time after a negative subsidiary protection determination. While subsidiary protection is determined prior to the decision in respect of deportation/leave to remain, unsuccessful leave to remain applicants generally receive confirmation of the deportation order either very soon after they receive notification of the negative subsidiary protection decision, or under the same cover letter.

IOM Dublin will also provide return assistance to particularly vulnerable migrants or those with urgent humanitarian needs who have regular immigration status, subject to the approval by the Department of Justice, Equality and Law Reform (IOM Dublin, 2009a).

2.2.2.2 Assisted Voluntary Return of EU Nationals

Destitute EU12 nationals who cannot find work in Ireland and who cannot access social assistance/benefits due to the Habitual Residence Condition may avail of assisted voluntary return organised by the RIA.⁸ This scheme is discussed further in sections 3.1.2 and 4.3.2. (Note: Nationals from the Baltic States with Russian citizenship may not avail of return assistance by the RIA.)

2.3

Data on Return

2.3.1 NON-EU RETURNEES: FORCED AND ASSISTED VOLUNTARY RETURN

Table 2.1 compares the number of non-EU nationals who availed of assisted voluntary return to the number of deportation orders issued and effected in the period 2001-2008. If INIS and IOM assisted voluntary returns are taken together the number of assisted voluntary returns completed is similar to the number of deportation orders effected in the period. However, this is largely because the enforcement of deportation orders is a challenge, and there are many more deportation orders signed each year than voluntary assisted returns completed, with the exception of 2007 when the number of deportation orders issued was particularly low. This may be attributable to the accession of Bulgaria and Romania to the EU on 1 January 2007, which would have had a large impact on reducing the overall number of asylum applicants.⁹ The disparity between the number of deportation orders issued and the number of voluntary assisted

⁸ A Habitual Residence Condition was included ahead of the accession of ten new EU Member States in May 2004. The basic requirement for a person to be deemed 'habitually resident' is to have been resident in Ireland or the UK for a continuous period of two years before making an application for social welfare.

⁹ See Quinn 2007 for more information on problems associated with the enforcement of deportation orders.

returns completed has been reduced in recent years, mainly because the number of deportation orders issued has fallen.

The numbers of deportation orders issued and effected peaked in 2004, declined until 2007, and increased again in 2008. The decline may be attributed to a variety of policy developments including the 2004 enlargement of the EU and the resulting fall in irregular immigration from new member states. Recent changes in citizenship law may also have had the effect of reducing irregular immigration. Prior to 2005 all persons born in Ireland could acquire automatic Irish citizenship. The non-Irish parents of Irish-born children could subsequently apply for residency in Ireland based on the Irish citizenship of their child. This led to concerns that people were travelling to Ireland without the necessary immigration status in order to have children here. Since 2005 only children born in the state whose parents are Irish nationals or who have lived in Ireland for three of the preceding four years may automatically acquire citizenship.

Many non-Irish national parents who had applied for residency on the basis of their Irish child had their claims suspended in 2003. A large number of these families have since been able to regularise their status. In January 2005 the Department of Justice, Equality and Law Reform invited these families to apply to remain in Ireland under the Irish Born Child 2005 Scheme (IBC/05). Almost 18,000 applications were submitted under the Scheme and of these almost 16,700 were approved. Renewal arrangements have also been put in place.

In addition, asylum applications have declined in recent years, which may be due in part to the introduction of certain measures to speed up the asylum process. Under amendments to the 1996 Refugee Act contained in the Immigration Act 2003 the Minister for Justice, Equality and Law Reform was empowered to designate safe countries of origin (currently Croatia and South Africa). Nationals of such safe countries are subject to accelerated asylum application procedures. In addition the Minister may designate categories of prioritised applications (currently priority must be accorded to applications made by Nigerian nationals).

The number of IOM-assisted returns grew steadily between the introduction of the first programme in 2001 and 2003. As the IOM Dublin VARRP is only available to non-EEA nationals, the enlargement of the EU in 2004 meant there was a reduction in the number of nationalities eligible. This is reflected in lower

numbers of returns in 2005 and 2006. Numbers began to rise again in 2007 and increased substantially in 2008 with a 78 per cent increase recorded between 2007 and 2008.

There were 261 IOM-assisted voluntary returns and 78 voluntary returns with administrative assistance between January and August 2009.¹⁰ These figures suggest that the increase in IOM-assisted returns seen since 2006 will continue into 2009. The number of voluntary returns with administrative assistance also looks likely to increase significantly between 2008 and 2009.

Table 2.1: Number of Non-EU Nationals who Availed of Assisted Voluntary Return and Number of Deportation Orders Signed and Effected*, 2001-2008

| | IOM-Assisted Voluntary Returns | Voluntary Returns Administratively Assisted | Deportation Orders signed** | Deportation Orders Effected** |
|---------------------------------|--------------------------------------|--|-----------------------------------|-------------------------------------|
| 2001 (as from December 2001) | 3 | 353 | 2,025 | 365 |
| 2002 | 110 | 396 | 2,430 | 521 |
| 2003 | 401 | 361 | 2,411 | 591 |
| 2004 | 393 | 218 | 2,946 | 598 |
| 2005 | 210 | 125 | 1,900 | 395 |
| 2006 | 175 | 63 | 1,573 | 301 |
| 2007 | 255 | 161 | 418 | 139 |
| 2008 | 453 | 74 | 757 | 161 |
| Total | 2,000 | 1,751 | 14,460 | 3,071 |

Sources: 2001-2003: Quinn 2007; 2004-2008: Department of Justice, Equality and Law Reform, Repatriation Unit.

* Note: Orders signed in one period may be effected in a subsequent period.

** Excludes Dublin Transfers from September 2003 when Dublin Regulation came into effect in place of the Dublin Convention. Transfers under the Dublin Convention were very low. These data include consent deportations.

2.3.2 EU RETURNEES: ASSISTED VOLUNTARY RETURN

RIA administers a voluntary assisted return programme for EU nationals who cannot afford to stay in Ireland or to return home. With the exception of 2007, the number of EU nationals availing of the scheme has increased each year since its introduction in 2004. More information on the origin and

¹⁰ Department of Justice, Equality and Law Reform.

organisation of this scheme can be found in sections 3.1.2 and 4.3.2. Data on the nationality of returnees under the RIA programme are supplied in Table 2.8.

Table 2.2: Numbers of EU Nationals who Availed of Assisted Voluntary Return, 2004-2008

| | RIA-Assisted Voluntary Returns (EU nationals) |
|-----------------|--|
| 2004 | 149 |
| 2005 | 318 |
| 2006 | 646 |
| 2007 | 539 |
| 2008 | 757 |
| Jan-August 2009 | 399 |
| Total | 2,808 |

Source: Reception and Integration Agency.

2.3.3 DEMOGRAPHIC CHARACTERISTICS OF RETURNEES

2.3.3.1 Demographic Characteristics of Non-EU Returnees: Forced and Assisted Voluntary

Forced Return

The Repatriation Unit of INIS does not collect demographic data on returnees, forced or voluntary assisted, beyond nationality. Data are not available on forced returns by category of deportee as set out in section 2.2.1. Tables 2.3 and 2.4 show the nationality of persons in respect of whom a deportation order was signed and the nationality of those deported between 2004 and 2008. On average 44 per cent of deportation orders signed each year were in respect of Nigerian nationals. The next most common nationalities within these data were Romanian, up to the accession of Romania to the EU in January 2007, and Chinese. Brazilian nationals accounted for just 4 per cent of persons issued with a deportation order in 2006 and by 2008 this proportion had grown to 15 per cent.

As shown in Table A2, Nigerian and Romanian nationals, historically, have dominated asylum applications made in

Ireland, and the majority of people issued with a deportation order were unsuccessful asylum applicants. Brazilian nationals are more usually migrant workers, often with irregular immigration status (see section 4.1)

Table 2.3: Nationality of Persons in Respect of Whom a Deportation Order was signed, 2004-2008*

| 2004 | | 2005 | | 2006 | | 2007 | | 2008 | |
|--------------|-------------|--------------|-------------|--------------|-------------|--------------|------------|--------------|------------|
| Nigeria | 1001 | Nigeria | 979 | Nigeria | 625 | Nigeria | 188 | Nigeria | 368 |
| Romania | 664 | Romania | 414 | Romania | 282 | China | 84 | Brazil | 116 |
| China | 172 | China | 119 | China | 157 | Brazil | 58 | China | 74 |
| Moldova | 129 | South Africa | 49 | Georgia | 136 | Moldova | 14 | Moldova | 66 |
| Algeria | 83 | Croatia | 49 | Brazil | 55 | Ukraine | 13 | Mauritius | 20 |
| Georgia | 72 | Moldova | 29 | Russia | 53 | South Africa | 12 | Pakistan | 14 |
| Ghana | 63 | Albania | 29 | Albania | 29 | Others | 49 | South Africa | 11 |
| Ukraine | 56 | Georgia | 26 | South Africa | 26 | | | Others | 88 |
| DR Congo | 48 | Algeria | 20 | Croatia | 25 | | | | |
| Russia | 48 | Angola | 17 | Cameroon | 17 | | | | |
| Others | 610 | Others | 169 | Others | 168 | | | | |
| Total | 2946 | Total | 1900 | Total | 1573 | Total | 418 | Total | 757 |

Source: Repatriation Unit, Irish Naturalisation and Immigration Service.

*Note: Figures lower than 10 are not supplied.

Table 2.4: Nationality of Persons Deported, 2004-2008*

| 2004 | | 2005 | | 2006 | | 2007 | | 2008 | |
|--------------|------------|--------------|------------|--------------|------------|--------------|------------|--------------|------------|
| Romania | 250 | Nigeria | 134 | Romania | 96 | China | 42 | Nigeria | 81 |
| Nigeria | 78 | Romania | 122 | Nigeria | 79 | Nigeria | 33 | China | 21 |
| Moldova | 57 | China | 18 | China | 37 | Brazil | 19 | Others | 59 |
| South Africa | 29 | South Africa | 17 | Moldova | 20 | Moldova | 11 | | |
| Ukraine | 26 | Croatia | 17 | Others | 69 | Others | 34 | | |
| China | 19 | Moldova | 15 | | | | | | |
| Kosovo | 18 | Brazil | 13 | | | | | | |
| Algeria | 14 | Algeria | 11 | | | | | | |
| Czech Rep. | 13 | Others | 48 | | | | | | |
| Croatia | 12 | | | | | | | | |
| Others | 82 | | | | | | | | |
| Total | 598 | Total | 395 | Total | 301 | Total | 139 | Total | 161 |

Source: Repatriation Unit, Irish Naturalisation and Immigration Service.

*Note: Figures lower than 10 are not supplied.

The nationality breakdown of persons deported is less consistent over the period in question. In 2004, Nigerian nationals made up just 13 per cent of forced returnees. During 2006 and 2007, approximately one-quarter of forced returnees were Nigerian, while in 2008 this proportion increased to one-half. Romanian

and Chinese nationals also account for a large proportion of forced returnees in the reference period. People who are deported from Ireland are normally returned to their country of nationality, except in a small number of cases where people have been sent to a country where they have a right to legal residence. None are registered as 'destination unknown'.

Voluntary Return with Administrative Assistance

Table 2.5 shows the nationality of people who returned voluntarily with administrative assistance from INIS. Unfortunately, a nationality breakdown could not be accessed for 2004 and 2005. In 2008, of assisted returnees 36 per cent were Brazilian nationals, up from 9 per cent in 2006 and 16 per cent in 2007. The increasing dominance of Brazilian nationals in these data is also reflected in returns under the IOM VARRPs discussed below. The majority of persons assisted to return by INIS return to their country of origin, unless they have legal residency in another country. There are no recorded instances of an unknown destination.

Assisted Voluntary Return with IOM

Table 2.6 shows the nationality of people who returned under the IOM voluntary assisted return programmes. Between 2004 and 2006 approximately 20 per cent of those who returned under the IOM general VARRP were Nigerian nationals. Between 2007 and August 2009 this proportion has fallen significantly and Brazilian nationals have dominated instead. In 2008 of persons who returned under IOM schemes 55 per cent were Brazilian nationals, an increase of corresponding figures of 41 per cent in 2007 and 9 per cent in 2006. Returns of Moldovan nationals have also increased in recent years. In commenting on the increased numbers of Brazilian nationals availing of the IOM VARRP, IOM Dublin observed that this trend has impacted on the balance of irregular migrants taking up return assistance, compared to those in the asylum system (see section 4.6).

In their interim report for 2009, IOM Dublin note that the percentage of Brazilians returning under the programme has decreased when compared with the corresponding period in 2008. It is stated that this can be directly linked to the change in eligibility criteria introduced for the VARRP in mid-March 2009. The number of returns of Nigerian nationals in the first six months of 2009 represented an increase of 5 per cent on the

same period in 2008 and it is likely that this reflects a higher proportion of asylum applicants. See section 4.6 for further discussion.

The majority of persons assisted to return by IOM return to their country of citizenship. They may be assisted to return to another country if they already have legal residency there, but IOM does not become involved in attempts to secure such residency.

Table 2.5: Nationality of Persons Who Availed of INIS Assisted Voluntary Returns, 2006 – 4th August 2009

| 2006 | | 2007 | | 2008 | | 2009 Jan-Aug | |
|--------------|-----------|--------------|------------|--------------|-----------|-----------------|-----------|
| Romania | 14 | Romania | 110 | Brazil | 12 | Brazil | 28 |
| Pakistan | 7 | Brazil | 14 | Moldova | 7 | Moldova | 6 |
| Moldova | 5 | Moldova | 6 | Malaysia | 7 | Nigeria | 5 |
| China | 4 | China | 6 | China | 5 | Georgia | 5 |
| Italy | 4 | Egypt | 4 | Nigeria | 4 | Philippines | 4 |
| Nigeria | 3 | Pakistan | 3 | India | 4 | Malaysia | 3 |
| USA | 3 | South Africa | 2 | Jordan | 4 | South Africa | 2 |
| Albania | 2 | India | 2 | Iraq | 3 | USA | 2 |
| India | 2 | Iraq | 2 | Pakistan | 3 | India | 2 |
| South Africa | 2 | Mongolia | 2 | Mauritius | 3 | Palestine | 2 |
| Other | 17 | Other | 10 | Other | 22 | Other | 19 |
| Total | 63 | Total | 161 | Total | 74 | Total | 78 |

Source: Repatriation Unit, Irish Naturalisation and Immigration Service.

Table 2.6: Nationality of Persons Who Availed of IOM-Assisted Voluntary Returns, 2004 – 4th August 2009

| 2004 | | 2005 | | 2006 | | 2007 | | 2008 | | 2009 Jan-Aug | |
|--------------|------------|--------------|--------------|--------------|------------|--------------|------------|--------------|------------|-----------------|------------|
| Nigeria | 73 | Serbia | 39 | Nigeria | 46 | Brazil | 105 | Brazil | 249 | Brazil | 114 |
| Romania | 53 | Nigeria | 34 | Brazil | 16 | Nigeria | 25 | Moldova | 60 | Moldova | 47 |
| Croatia | 36 | Croatia | 23 | Sth Africa | 16 | Moldova | 18 | Nigeria | 29 | Nigeria | 24 |
| Sth Africa | 36 | Romania | 17 | Moldova | 8 | Israel | 16 | Georgia | 14 | Georgia | 14 |
| Czech Rep | 20 | Moldova | 13 | Serbia | 8 | Mauritius | 14 | Iraq | 11 | Sth Africa | 7 |
| Lithuania | 20 | Sth Africa | 12 | Algeria | 7 | Georgia | 13 | China | 9 | Ukraine | 6 |
| Russia | 19 | Ukraine | 11 | Kenya | 7* | Belarus | 7 | Israel | 8 | Russia | 5 |
| Israel | 15 | Algeria | 10 | Croatia | 6 | Russia | 7 | Ukraine | 8 | Iraq | 5 |
| Moldova | 14 | Brazil | 8 | Romania | 6 | Sth Africa | 6 | Mongolia | 7 | Iran | 4 |
| Poland | 11 | Israel | 7 | Russia | 6 | Ukraine | 6 | Serbia | 6 | China | 3 |
| Other | 96 | Others | 33 | Other | 49 | Other | 38 | Other | 52 | Other | 32 |
| Total | 393 | Total | 207** | Total | 175 | Total | 255 | Total | 453 | Total | 261 |

Source: Repatriation Unit, Irish Naturalisation and Immigration Service.

* Includes 5 Somalis **Total of disaggregated data lower than grand total supplied in Table 2.1.

Further demographic information beyond nationality is limited. Table 2.7 shows the gender breakdown of returnees on the IOM general VARRP in 2007 and 2008; male returnees clearly dominate. Data on earlier years are unavailable.

Table 2.7: Gender Breakdown of Returnees under the IOM General VARRP, 2007-2008

| | Male | Female |
|------|-------|--------|
| 2007 | 70.9% | 29.1% |
| 2008 | 67.0% | 33.0% |

Source: IOM Dublin.

During the first six months of 2009 the number of individuals returned was 241. Of this number 157 were male (65%), and 84 female (35%) (IOM Dublin, 2009a).

2.3.3.2 Demographic Characteristics of EU Returnees: Assisted Voluntary Return

Table 2.8 shows the nationality of the EU12 nationals who availed of assisted voluntary return with RIA between the introduction of the scheme in 2004 and 2008. Polish nationals represented the largest group travelling on the scheme between 2004 and 2007. In 2008, however, Romanian nationals accounted for more than 60 of returns assisted under the scheme. Returnees may only be assisted by RIA to travel to their country of nationality.

Table 2.8: Nationality of EU Nationals Who Availed of Assisted Voluntary Return, 2004 –2008

| | 2004 | | 2005 | | 2006 | | 2007 | | 2008 | |
|--------------|------------|--------------|------------|--------------|------------|--------------|------------|--------------|------------|--------------|
| | | % | | % | | % | | % | | % |
| Bulgaria | – | – | – | – | – | – | 4 | 0.7 | 5 | 0.7 |
| Cyprus | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0.2 | 1 | 0.1 |
| Czech R. | 19 | 12.8 | 15 | 4.7 | 33 | 5.1 | 18 | 3.3 | 27 | 3.6 |
| Estonia | 39 | 26.2 | 6 | 1.9 | 10 | 1.5 | 1 | 0.2 | 1 | 0.1 |
| Hungary | 13 | 8.7 | 19 | 6 | 46 | 7.1 | 58 | 10.8 | 28 | 3.7 |
| Latvia | 7 | 4.7 | 28 | 8.8 | 47 | 7.3 | 32 | 5.9 | 24 | 3.2 |
| Lithuania | 5 | 3.4 | 33 | 10.4 | 28 | 4.3 | 33 | 6.1 | 23 | 3.0 |
| Malta | 0 | 0 | 0 | 0 | 1 | 0.2 | 0 | 0.0 | 0 | 0.0 |
| Poland | 51 | 34.2 | 138 | 43.4 | 380 | 58.8 | 172 | 31.9 | 151 | 19.9 |
| Romania | – | – | – | – | – | – | 150 | 27.8 | 462 | 61.0 |
| Slovakia | 11 | 7.4 | 69 | 21.7 | 98 | 15.2 | 65 | 12.1 | 32 | 4.2 |
| Slovenia | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0.9 | 3 | 0.4 |
| EU 15 MS | 0 | 2.7 | 10 | 3.1 | 3 | 0.5 | 0 | 0.0 | | 0.0 |
| Total | 149 | 100.0 | 318 | 100.0 | 646 | 100.0 | 539 | 100.0 | 757 | 100.0 |

Source: Reception and Integration Agency.

3. THE POLITICAL AND LEGAL FRAMEWORK IN IRELAND

3.1 The Political and Legal Framework for Forced Return

The main legislative instrument concerning deportation is the Immigration Act 1999 (Section 3) which puts deportation on a statutory footing. Operational arrangements are contained in secondary legislation arising from the Act. Statutory Instrument (S.I.) No. 55 of 2005 – Immigration Act 1999 (Deportation) Regulations 2005 authorises Immigration Officers and members of the Garda Síochána to deport a person from Ireland under the Immigration Act 1999. The form of the deportation order and the prescribed places of detention for the purposes of deportation are set out in the First and Second Schedule of the Order respectively.

Ireland partakes in the Dublin Regulation¹¹ regarding determination of the Member State responsible for examining an application for asylum. On 1 September 2003, Council Regulation (EC) 343/2003 (the Dublin Regulation/Dublin II) succeeded the Dublin Convention as the instrument that provides the legal basis for determining which EU Member State is responsible for examining an asylum application. All Member States, as well as Norway and Iceland, are subject to the Regulation, with the exception of Denmark (the Dublin Convention remains in force between Denmark and the other Member States). After an asylum application is made, Ireland has three months under the Dublin Regulation (as opposed to

¹¹ Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

six months under the Dublin Convention) to ask another country to take responsibility for the application. Under the Dublin Regulation, Member States are required to respond to these requests within either two months or one month depending on the circumstances of the case (three months were allowed under the Convention). During 2008, 271 Transfer Orders to other European States under the Dublin II Regulation were effected, with some 372 Transfer Orders signed.

3.2 The Political and Legal Framework for Assisted Return

3.2.1 ASSISTED VOLUNTARY RETURN OF NON-EU NATIONALS

The Immigration, Residency and Protection Bill 2008 is currently moving through the legislative process, and if enacted will introduce a major overhaul of the immigration and asylum procedures in Ireland. No specific mention of voluntary return repatriation has been made in the published Bill and no one interviewed for the purposes of this study were aware of any planned developments in this regard. However, as the Bill may impact indirectly due to the introduction of a single protection determination procedure. This single procedure would mean that all protection claims, including claims for both asylum and subsidiary protection, would be set out at the time of making a protection claim. An applicant would also be required to state all of the non-protection-related reasons that permission to remain should be granted at this early stage, and all of these matters would be examined together.

The '15 day letter', as discussed in section 2.2.1, would become obsolete under this new system in respect of asylum applicants because they would no longer have any statutory basis to make further representations as to why they should be given leave to remain in the State. A new administrative system will have to be devised for informing individuals, in respect of whom the Minister intends to make a deportation order, of the option to return voluntarily.

3.2.2 ASSISTED VOLUNTARY RETURN OF EU NATIONALS

In 2003 Ireland, the UK and Sweden opted to allow nationals of the 10 states due to accede to the EU in May 2004¹² unrestricted access to their labour markets. All other existing member states chose to impose or maintain restrictions. In order to protect the Irish social welfare system in the event of large scale migration post accession, the government introduced a Habitual Residence Condition (HRC). This is a condition that applicants for certain social welfare payments and child benefit must satisfy before a payment is made. The condition was implemented from the date of accession, 1 May 2004, and affects all applicants regardless of nationality.

Essentially, applicants for social welfare must show they are resident in Ireland and have a proven close link to Ireland. When the condition was first introduced there was a requirement for a minimum two-year residence in Ireland but this has been replaced with a more fluid assessment of a number of different factors. Currently the Department of Social and Family Affairs assesses the following issues:

1. the applicant's main centre of interest, based on facts such as:
 - whether they own or lease a home here
 - where their close family members live
 - whether they belong to social or professional associations here
 - any other evidence or activities indicating a settled residence in Ireland
2. the length and continuity of the applicant's residence in Ireland or other parts of the Common Travel Area
3. the length of and reason for any absence from Ireland
4. the nature and pattern of employment
5. future intention to live in the Republic of Ireland as it appears from the evidence.

The evidence used for each factor depends on the facts of the individual case and the final decision reached is to some extent subjective.

¹² Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia.

The introduction of the HRC left a policy gap, in that the Irish State could not deny destitute EU nationals social support or any alternative solution. An assisted voluntary return scheme for destitute EU nationals was introduced by way of a government decision on 2 March 2004 in order to fill this gap. The government decision refers to new EU10 nationals, but the scheme was always intended to include Romania and Bulgaria which acceded in 2007. There have also been isolated incidents of 'older' EU Member State nationals receiving assistance to return home under the scheme. Due to the fact that RIA had a supply of temporary accommodation available, this agency was tasked with implementing the scheme.

3.3 The Influence of European Policy, Legislation and Funding

3.3.1 THE INFLUENCE OF EUROPEAN POLICY AND LEGISLATION

The impact of European policy and legislation on assisted return has been limited in Ireland. Individual measures are discussed below.

3.3.1.1 The European Pact on Immigration and Asylum¹³

In the European Pact on Immigration and Asylum the European Council makes five basic commitments, one of which is particularly relevant to the current study: to control illegal immigration by ensuring that illegal immigrants return to their countries of origin or to a country of transit. Under this commitment it was agreed that

... illegal immigrants on Member States' territory must leave that territory. Each Member State undertakes to ensure that this principle is effectively applied with due regard for the law and for the dignity of the persons involved, giving preference to voluntary return, and each Member State shall recognise the return decisions taken by another Member State.

Furthermore, Member States were invited to 'devise incentive systems to assist voluntary return and to keep each other

¹³ Available from http://ec.europa.eu/justice_home/news/intro/doc/doc_13440_08_en.pdf

informed on this point, in order to prevent the fraudulent return to the European Union of those who receive such aid⁷.

It was also agreed that Member States, the Commission and the countries of origin and of transit would aim for greater co-operation in order to control illegal immigration, and that illegally-staying migrants on Member States' territory would leave that territory. All States are required to readmit their own nationals who are staying illegally on the territory of another State.

Specific policy responses to the provisions related to voluntary return in the Pact have not yet emerged in Ireland.

3.3.1.2 European Legislation on Immigration and Asylum

Ireland is a non-Schengen state, and along with the UK and Denmark, Ireland may opt out of immigration and asylum-related measures. It is likely, therefore, that the impact of European legislation is more limited than in many other European countries. However, in respect of removal European legislation has influenced domestic policy to some extent. The specific measures are discussed below.

- *Council Directive 2001/40/EC*¹⁴ *on the mutual recognition of decisions on the expulsion of third-country nationals.*
This Directive seeks to make possible the recognition of an expulsion decision issued in one Member State against a third-country national present within the territory of another Member State. The Directive does not apply to family members of citizens of the Union who have exercised their right of free movement. Member States were required to bring into force the laws and administrative provisions necessary to comply with this Directive by 2 December 2002.

The Minister for Justice, Equality and Law Reform has stated that the original deadline for implementation only applied to Schengen Member States. Ireland has notified the

¹⁴ Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:149:0034:0036:EN:PDF>.

Council of its desire to participate in this measure as part of Ireland's application to participate in some of the provisions of the Schengen Acquis. At present there is no implementing mechanism for such mutual recognition of return decisions. Ireland has only limited access to the Schengen Information System (SIS). It is intended that the Immigration, Residence and Protection Bill 2008 will provide the necessary legislative framework for implementing this measure.

- *Council Decision 2004/573/EC¹⁵ on the organisation of joint flights for removals from the territory of two or more Member States of third-country nationals who are subjects of individual removal orders.*

As a non-Schengen state Ireland did not opt fully into the establishment of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX). However Ireland participates very actively in related measures such as the organisation of joint flights for forced removals. The Repatriation Unit of INIS has indicated that they have had a very positive experience with such flights, as small numbers of returnees may be sent to their country of origin (for example Georgia) at a much lower cost than if Ireland was operating unilaterally. Ireland has participated in nine FRONTEX joint flights to date, the details of which are supplied in Table 3.1 below:

Table 3.1 FRONTEX Joint Flights in which Ireland has Participated to Date

| Destination | Date | Leading Member State |
|-------------|------------------|----------------------|
| Nigeria | 24 June 2008 | Dutch Lead |
| Nigeria | 21 August 2008 | Austrian Lead |
| Nigeria | 11 December 2008 | Irish Lead |
| Nigeria | 25 February 2009 | Irish Lead |
| Georgia | 27 March 2009 | Austrian Lead |
| Nigeria | 29 April 2009 | Irish Lead |
| Nigeria | 28 May 2009 | Swiss Lead |
| Georgia | 24 June 2009 | Austrian Lead |
| Nigeria | 30 June 2009 | UK Lead |

Source: Repatriation Unit, Department of Justice, Equality and Law Reform.

¹⁵ Available from http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_261/l_26120040806en00280035.pdf.

- *Council Decision 575/2007/EC¹⁶ of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' and related Implementing Acts*

Ireland opted in to this measure, and activities to date as well as planned activities are discussed in section 3.2.2 below.

Ireland does not participate in the following measures:

- Council Directive 2003/110/EC¹⁷ on assistance in cases of transit for the purposes of removal by air
- Council Decision 2004/191/EC¹⁸ on the setting out of criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals
- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.¹⁹ INIS has stated that to opt in to this measure would have worked against the preservation of the Common Travel Area with the UK.

With regard to EU Readmission Agreements the impact has been very limited. Ireland has only participated in one readmission agreement (with Hong Kong) and rarely has had occasion to use it. In contrast, the bilaterally negotiated Readmission Agreement with Nigeria is considered to be a valuable tool despite the fact that the Agreement has not been ratified on the Nigerian side and there are no immediate plans to do so.

¹⁶ Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007D0575:EN:NOT>.

¹⁷ Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:321:0026:0031:EN:PDF>.

¹⁸ Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004D0191:EN:NOT>.

¹⁹ Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008L0115:EN:NOT>.

3.3.2 THE INFLUENCE OF EUROPEAN FUNDING

The European Return Fund is one of four financial instruments of the General Programme on 'Solidarity and Management of Migration Flows'.²⁰ The General Programme is designed to encourage a fair sharing of responsibilities between EU Member States regarding integrated management of external borders and the implementation of common policies on asylum and immigration. The European Return Fund is a common fund that Member States may draw from to improve the management of return. A preference for voluntary return is stated. The Fund is also intended to support joint return actions which involve several Member States.

The overall budget of the European Return Fund for 2008 – 2013 is €676 million. The majority of the fund is to be divided among Member States according to objective criteria such as the number of third-country nationals subject to return measures, while 7% is directly managed by the Commission and dedicated to Community actions.

Under the European Return Fund 2008, funding (which may be accessed until June 2010), only forced return projects will be resourced. A proposal under this Fund is expected imminently from the GNIB. The available funding under the 2009 Annual Programme is €578,350 which must be matched on a co-financing 50:50 basis from either private or public funds and spent before June 2011. It is intended that these resources will be split evenly between voluntary and forced actions. The INIS have stated that they will shortly be inviting proposals for relevant projects by way of a public call for proposals.²¹

During the period 2005-2007, the Department of Justice, Equality and Law Reform funded the following Preparatory Actions under the European Return Fund. All except the last project listed below were implemented in partnership with IOM.

²⁰ The other three Funds are: the European Fund for the Integration of Third Country Nationals, the External Borders Fund, and the European Refugee Fund.

²¹ Ireland's Multi Annual Programme for the European Return Fund may be accessed at http://www.inis.gov.ie/en/INIS/Pages/The_European_Return_Fund.

- *Information on Return and Reintegration in Countries of Origin (IRReCO)*. The purpose was to create a mechanism through a web based database to allow for the provision of adequate, neutral and timely information in support of voluntary return and reintegration possibilities in countries of return. IOM Dublin took on the coordinating role in respect of Nigeria under the 2005 Return Preparatory Actions.
- *Assessment of Brazilian Migration Patterns and Assisted Voluntary Return Programme for Selected European member States to Brazil*. This project targeted assisted voluntary return of irregular Brazilians from Ireland, Belgium and Portugal. The project also included a research component which aimed to profile the irregular Brazilian migrant community in the three countries with a view to improving and appropriately aiming outreach campaigns and information needs (IOM, 2009). Some research findings are discussed in section 4.6.
- *VARRP for Illegal Vulnerable Nigerian Nationals in Ireland and the Netherlands (VINN)*. The aim of the project was to facilitate the voluntary return and reintegration of vulnerable Nigerian nationals living in Ireland and the Netherlands in an irregular situation.
- *Nigerian Immigration Services (NIS) Project*. This project was implemented in conjunction with IOM Nigeria. The purpose of this project was to strengthen the capacity of the Nigerian Immigration Service to detect and investigate travel document fraud and deter irregular migration to the UK, Ireland and Europe.
- *Cooperation with the Democratic Republic of Congo (DRC) in the Field of Return*. The objective of this project was to establish operational cooperation with the consular authorities and immigration services of the DRC in order to improve the identification of illegally staying nationals of the DRC and their return to their country of origin.

4. OVERVIEW OF ASSISTED RETURN MEASURES

4.1 Motives for and Perceptions of Assisted Return

All parties consulted stressed that assisted voluntary return is a preferable option to forced return. This is because voluntary return is more cost-effective and affords the individual concerned a more dignified return under difficult circumstances. IOM states that returns should be underpinned by the following key principles of return: ‘voluntary, informed, dignified, cost effective, sustainable, and by the most appropriate route’ (IOM Dublin, 2009b). The incentives to voluntary return are limited to the cost of the air fare and reintegration assistance in addition to the support offered in accessing documents. Also included in IOM Dublin assistance is a ‘door-to-door’ transport arrangement comprising all domestic travel in Ireland and in home country, as well as the cost of any new travel documentation needed.

Research conducted by IOM into the Brazilian community provides some insight into the perception of IOM assisted voluntary return by the returnees. The research is based on a non-random survey of 1,257 Brazilian nationals: 372 respondents in Belgium, 400 respondents in Ireland, and 485 respondents in Portugal. In Ireland 73 per cent of the sample were in an irregular immigration situation (including holders of student visas working longer than the permissible hours)²² compared to 67 per cent in Belgium and 41 per cent in Portugal. IOM assisted voluntary return programmes are viewed very positively by Brazilian nationals, with the result that a substantial number who have recently applied to return have been turned away without assistance.

²² Currently non-EEA students holding immigration Stamp 2 may work for 20 hours during term-time and full-time during holidays.

The majority of irregular Brazilian migrants interviewed for the IOM study were uncertain when asked as to how much longer they would stay in Portugal, Belgium or Ireland, or when they would leave the EU. Many of the migrants in Ireland indicated that they had decided to migrate to Ireland to work for a short period only (51 per cent responded that they had intended to migrate to Ireland for two years or less and just 6 per cent viewed their migration as permanent). Due to changed economic circumstances many now intend to return. In Belgium and Portugal the migrants tended to belong to family groups that had migrated together with a more permanent relocation in mind.

The research indicated that 42 per cent of respondents in Ireland were aware of the existence of the IOM assisted voluntary return programme. A further 10 per cent indicated that they had heard about the assisted voluntary return programme in Brazil. The vast majority of applications to IOM to return (83 per cent between 2006 to end May 2008) were referred to IOM by Centro de Apoio aos Brasileiros na Irlanda (CABI). The main reasons given for wanting to leave Ireland were an irregular/undocumented situation and a lack of work (IOM, 2009).

4.2 Obstacles to Assisted Return

Obvious obstacles to assisted voluntary return are push factors in the country of origin, such as high unemployment rates, and poor living conditions. Research into the Brazilian community in Ireland, Belgium and Portugal also points to the problem of a lack of professional opportunities in Brazil (IOM, 2009). The number of assisted voluntary returns is obviously also constrained by the level of resources available. Table 4.1 compares the number of applications to return under an IOM scheme and the number that actually returned. More people apply to be returned than are returned in each year.

It is possible that a lack of information on available programmes is an obstacle to assisted voluntary return. IOM Dublin has been involved in the development of the IRRiCO project (see section 5.2), which attempts to address, at least, the problem of misinformation about non-security-related conditions in countries of origin.

Research commissioned by IOM Dublin indicates that the Moldovan and Georgian communities in Ireland are not well

integrated and do not have ready access to immigration-related information; it is likely that this includes information on voluntary assisted return. Lack of English language skills was identified as a barrier in accessing information on immigration, as well as a mistrust of almost all 'official' service providers regardless of whether they were governmental or non-governmental (IOM Dublin, 2008a, b). It should be noted that awareness of the IOM VARRPs was found to be high among the Brazilian community in Ireland (IOM, 2009).

People who contact the Repatriation Unit of INIS for administrative assistance have made the decision to return, and as a result such returns tend to run smoothly. In some cases transit or destination countries may refuse to issue the relevant travel document and an Irish Travel document must be used instead. However, this document is generally not accepted within the EU. In such cases the Repatriation Unit advises returnees to book their route to avoid transiting within Europe.

IOM Dublin also indicated that, in general, the process of return operates quite smoothly, and good working relationship exists with the main countries of return from Ireland. Certain countries are less cooperative about receiving their returning nationals and if the case is complicated, for example in a case where a child has been born abroad to parents, it may take a long time to procure the necessary travel documents.

In 2006 the Homeless Agency published research into EU10 nationals using homeless services in Ireland. It was found that despite experiencing extreme hardship the migrants interviewed were reluctant to return home; indeed over half of those surveyed intended to stay in Ireland for a minimum of one year. Some respondents commented that returning home was not feasible because of outstanding loans and the need to support dependents at home. Others stated that their families hoped to join them in Ireland, and so they would remain here in the hope that their circumstances would improve (TSA Consultancy, 2006).

4.3 Organisation of Assisted Return Measures

4.3.1 ORGANISATION OF ASSISTED RETURN MEASURES FOR NON-EU NATIONALS

4.3.1.1 Voluntary Return With Administrative Assistance

When a person applies to the Voluntary Return Unit of INIS for assistance the Unit first checks that they are not the subject of a Deportation Order. The Voluntary Return Unit and the wider Repatriation Unit work from the same database so this may be quickly established. The majority of people who contact INIS for administrative assistance with a return are unsuccessful asylum applicants who have received a '15 day letter'. If a person does not have funds to pay for their own travel the Repatriation Unit of INIS will direct them to IOM. In the case of asylum applicants whose documents are held on their asylum file, INIS will arrange for the documents to be passed to the GNIB.

The returnee will be advised to make their own travel arrangements, and provide INIS with evidence that their travel is one-way and to their home country (or a country where they have a legal entitlement to residence). The returnee's departure is supervised by an Immigration Officer who returns the travel documents at the airport departure gates. The Immigration Officer then confirms to the Voluntary Repatriation Unit of INIS that the person has left the State.

If a person wishes to return but does not have a valid travel document the Voluntary Repatriation Unit arranges for the person to submit an application for a temporary travel document to the Travel Document Section of INIS. Such documents can normally be provided within 2 or 3 working days. If a travel document cannot be secured from the country of return or transit, the Repatriation Unit will organise an Irish Travel document (see 4.2.1 above).

Assistance offered by the Repatriation Unit of INIS is limited to accessing documents necessary for travel. No financial support is offered for travel or reintegration and there is no counselling available to returnees.

4.3.1.2 IOM Assisted Voluntary Return

During 2009, IOM Dublin is providing a general VARRP. The VARRP is funded by the Irish government and runs for the calendar year. The aim is to provide return assistance to 450 people, including pending and rejected asylum seekers and particularly vulnerable irregular migrants, to their countries of origin or to another country where they have legal residence. Reintegration assistance may be provided to returnees once they are in their home country (see section 5.1).

During 2008, IOM Dublin also completed a VARRP for Illegal Vulnerable Nigerian Nationals as well as a project for research into the Brazilian migrant community which had a small assisted return component. Approximately 40 Brazilian migrants were returned under this latter programme, which was organisationally very similar to the general VARRP. The findings of the research exercise into the Brazilian community are discussed in section 4.1.

A VARRP 2009 Memorandum of Understanding was agreed between IOM Dublin and the Department of Justice, Equality and Law Reform and stated that priority would be given to the return of asylum seekers rather than irregular migrants. Following a 2008 Value for Money audit regarding IOM Dublin VARRP activities, recommendations from the audit were subsequently incorporated into the project structure for 2009. At present, therefore, irregular migrants are not eligible for the VARRP unless they present with any of the vulnerabilities listed below, in which case they are assessed for inclusion:

1. unaccompanied minors and aged-out minors (until the age of 21 years)
2. victims of trafficking (women, men and children who have been trafficked for sexual or labour exploitation)
3. individuals with particular health needs (mental and/ or physical)
4. vulnerable family compositions (i.e. single parent families, large number of minor children and / or elderly returnees)
5. post conflict returns (e.g., Iraq, Afghanistan, Democratic Republic of Congo).

Individuals who exhibit specific vulnerability, but who do not formally fall under one of these five headings, may be offered additional assistance in line with their specific needs.

Once an individual is identified as particularly vulnerable their case is prioritised and their specific needs (pre-departure, during travel and post-arrival) are highlighted (IOM Dublin, 2009a). Other irregular migrants without these vulnerabilities will not be considered for inclusion in the 2009 VARRP.

Table 4.1 compares the number of applications to return under an IOM scheme and the number that actually returned. It is likely that the decline in the percentage returned reflects the economic downturn, increasing numbers of unemployed migrants wishing to return home, and the new policy of returning only vulnerable irregular migrants.

Table 4.1: Number of Applications to Return under all IOM Schemes and the Number Actually Returned

| | IOM Assisted Voluntary Return Applications* | IOM Assisted Voluntary Returns* | % of those who applied and were provided with Return Assistance |
|------|--|--|--|
| 2004 | Not available | 393 | |
| 2005 | 234 | 210 | 89.7% |
| 2006 | 206 | 175 | 85.0% |
| 2007 | 354 | 255 | 72.0% |
| 2008 | 836 | 452 | 54.1% |

Source: IOM Dublin.

* These return statistics cover all assisted voluntary returns facilitated by IOM Dublin in that year. They may include returns on a variety of concurrent projects other than the general VARRP. All data refer to individuals.

Each applicant for the IOM VARRP receives information from an IOM Dublin operations staff member on their decision to return. The same staff member assesses eligibility and takes the returnee's application. IOM operations staff receive on-the-job training to equip them to offer this information counselling. Interpreters are used where necessary to ensure applicants make a well-informed choice. Those applicants who have not received legal advice prior to making an application are advised to do so, and referrals to legal services are arranged when necessary. All vulnerable clients are monitored and assessed to take account of their needs, and when necessary onward referral to supporting services is arranged with the Health Service Executive (HSE).

Applications are then forwarded to the Repatriation Unit of the Department of Justice, Equality and Law Reform (DJELR) for approval, and a reply is usually received within days. If the application is approved, IOM staff begin to organise necessary travel documents working with embassies of the country of return, many of which are located in London. If the country of return is a member state of IOM the process is expedited; a working relationship exists already and embassies provide necessary documents quickly. In the first six months of 2009 IOM provided assistance in obtaining travel documentation for 28 per cent or 67 of the 241 individuals who returned (IOM Dublin, 2009a).

During 2009 all returnees travelled on scheduled flights. In 2009 a system called Amadeus was introduced which allows IOM Dublin staff to book fares directly with airlines and secure fares associated with airline agreements negotiated by IOM headquarters for use by IOM projects worldwide. These fares are less expensive (in the range of €200-2000 saving per ticket) because there is no need to involve a local travel agent, and they are negotiated on the basis of bulk purchases worldwide. The fares also include larger baggage allowances (which can be particularly necessary for returning migrants) and lower fares for escorts. Refunds are given in the event of migrants failing to present on the appointed day. There are now also direct contact points with each airline allowing IOM Dublin to clarify issues directly with the airlines rather than through an intermediary travel agent (IOM Dublin, 2009a).

On the day of departure IOM Dublin generally meets returnees at Dublin Airport at a prearranged time. The cost of travel from the returnee's place of residence to the airport is covered by IOM. They are then accompanied to the relevant gate in the airport by an IOM Dublin staff member. When a person returns with the assistance of IOM voluntary return programmes an email is sent to the Repatriation Unit of INIS on the day of departure, which provides the name, immigration reference number, and flight details of the person who departed.

Flights mainly transit through London, Paris and Amsterdam, and in each airport an IOM staff member will meet the returnee and accompany them to the onward gate. IOM has visa waiver agreements with many of the countries of transit which facilitates

the return journey greatly. In certain exceptional cases Irish Travel Documents are used to facilitate return travel, generally when documentation is not available through the relevant embassy, However, IOM recommends that returnees travel home on documentation issued by their own authorities where possible, and pursues this option as best practice.

If the returnee wishes, and there is an IOM mission in the country, they may also be met at the end of the journey and avail of onwards transportation to final destination. IOM Dublin is responsible for organising transit and arrival assistance for returnees from Ireland. Between January and end of June 2009, transit and/or arrival assistance was provided to 93 per cent of individuals who returned. Such assistance includes the provision of transit visa waivers, assistance in transit airports, and arrival assistance by IOM staff in the home country (IOM Dublin, 2009a).

In certain cases returnees are accompanied for the entire journey from Dublin. If they have particular medical needs a doctor or a nurse will be contracted by IOM for the purpose. All unaccompanied minors are escorted, if possible by two social workers (one funded by the HSE and one funded by IOM) or one social worker and one IOM operational staff member. Single parents travelling with two or more children under two years of age are offered an escort for the flight, as airlines do not provide seats to children under two years and each under-two-year-old travelling must have an accompanying adult.

IOM does not offer counselling in the country of return beyond information/support related to reintegration assistance. See section 5.1.

4.3.2 ORGANISATION OF ASSISTED RETURN MEASURES FOR EU NATIONALS

In order for an EU national to return home under this scheme they must wish to return and be considered to be 'destitute'. The definition of destitution is not a matter for RIA but for the Department of Social and Family Affairs. The majority of EU nationals who will return under this scheme will have approached a Community Welfare Officer to find out if they are entitled to Supplementary Welfare Allowance, and will have been

referred to the 'Asylum Seekers and New Communities Unit' of the HSE.²³ This Unit checks the applicant's entitlements, and if it is found that the person has none they will be referred to RIA for assisted return.

RIA also receives referrals out of hours from the Homeless Persons Unit of the HSE and from Garda Stations. If a person is found sleeping rough they may be brought to a RIA accommodation centre, referred to the Asylum Seekers and new Communities Unit the next day, and if found to be destitute an assisted return is organised. RIA does not accept direct referrals from Embassies or by individuals themselves.

RIA takes a copy of the returnee's passport, organises accommodation until their return, and books the relevant flight. The person may only fly to their country of origin and not to another EU state. Only air transport, not ground or sea transport, may be used. Direct flights are favoured and if there is a stopover the connection will be from the same airport. Usually only one night of accommodation is required, and where possible the returnee flies on the same day as she or he is referred. The manager of the accommodation centre ensures the returnee has the correct tickets and organises a taxi to the airport. Only on rare occasions will a person be accompanied to the airport, for example if they are ill and are travelling straight from hospital.

The majority of EU12 nationals who require accommodation prior to departure are accommodated at two centres, at Camden Street (with 19 and 15 bed spaces) and Aungier Street (25 bed spaces, opened in 2009). Occupancy levels fluctuate and RIA uses bed spaces for other purposes, including overnight accommodation for asylum seekers coming to Dublin as part of the asylum process. When there is high demand for the assisted return service, such as after Easter and Christmas, RIA use additional placements at other centres in order to facilitate departures.

²³ Community Welfare Officers are responsible for administration of Community Welfare Services. The majority of their work involves the administration of the Supplementary Welfare Allowance Scheme, which is funded by the Department of Social and Family Affairs and administered by the HSE.

4.4 Information Campaigns

4.4.1 INFORMATION CAMPAIGNS ON ASSISTED RETURN FOR NON-EU NATIONALS

INIS does not actively publicise the availability of administrative assistance with self-funded returns. IOM in contrast places a major emphasis on information dissemination. The need for improved information dissemination became clear in the findings of the mapping exercises into the Moldovan and Georgian communities in Ireland (IOM Dublin, 2008a, b). This research indicated that Moldovan and Georgian nationals often operate in closed networks, preferring to seek advice from family and friends rather than service providers. Poor English language skills also contribute to a lack of information of immigration issues. When asked for ideas on how to spread information on assisted voluntary return service, providers working with these groups suggested emphasising that the service is non-governmental, spending sufficient time with clients, trying to make the office space/drop-in clinic welcoming and informal, and treating clients with dignity and respect.

In contrast, as discussed above, research indicates that awareness of the existence of IOM VARRPs is high among Brazilian nationals, with 10 per cent of respondents indicating that they knew of the programme before they left Brazil (IOM Dublin, 2009).

During 2009, IOM Dublin launched a new information campaign with updated posters and leaflets bearing the tag line 'Thinking of Home?' and a signposting theme. Information leaflets containing a basic description of IOM and the nature of assisted return and reintegration are available in eight languages: Arabic, Chinese, English, French, Georgian, Portuguese, Russian and Urdu. The new leaflets include a detachable contact card to encourage potential returnees to consider the option of AVR, and perhaps make contact in private at a later stage. IOM Dublin states that the new campaign is aimed directly at promoting the VARRP project to eligible migrants, rather than promoting periphery services or the organisation itself.

Local referral partners in Ireland also include a range of community and statutory organisations, such as the Refugee Legal Service, the HSE, and non-governmental organisations. An e-newsletter is used to update relevant agencies and individuals on the IOM VARRP.

RIA runs information clinics with asylum applicants resident in direct provision centres. IOM Dublin uses these events to present the option of assisted voluntary return. A pilot joint outreach strategy was implemented with RIA staff from early 2009, involving IOM and RIA staff undertaking joint visits to asylum applicants' accommodation centres. Following a review in June 2009 it was decided that, for the second half of 2009, IOM would visit centres alone, while continuing to work closely with RIA to plan and tailor outreach sessions and information provision to direct provision centres.

A working group has also been set up with ORAC to develop and implement a suitable strategy for sensitive and appropriate outreach and information provision within the offices of ORAC, with the aim of ensuring that asylum seekers are provided with information on the VARRP project at the earliest stages of their asylum claim (IOM Dublin 2009a).

4.4.2 INFORMATION CAMPAIGNS ON ASSISTED RETURN FOR EU NATIONALS

The assisted return scheme operated by RIA is not advertised publically. All returnees are referred, mainly by Community Welfare Officers.

4.5 Costs of Assisted Return Measures for Non-EU Nationals

Table 4.2 provides available cost information on forced returns and voluntary returns under the IOM general VARRP. It is important to note that these figures are not fully comparable, as forced return costs exclude Garda (police) personnel costs which are likely to be considerable. The data indicate that voluntary return is a much less expensive option than forced return.

Table 4.3 supplies information on the costs of the general VARRP including reintegration payments.

Table 4.4 indicates that government funding to IOM assisted voluntary return schemes has increased in recent years. From 2006, a reintegration grant was available under IOM programmes to all those returning with IOM. Prior to 2006, reintegration grants were available only to certain categories, so this increase in allocation of funds for reintegration reflects increased funding. Under the IOM programme, numbers of beneficiaries to be assisted per year also increased steadily year

on year, so this increased funding also reflects operational budget portions which are calculated on a per person cost (e.g. 2007 – 250 persons; 2008 – 300 persons; 2009 – 450 persons).

Table 4.2: Transport Costs Associated with Forced Returns²⁴ and Voluntary Returns under the IOM General VARRP

| | Travel Costs Total Cost in € | INIS Number Deported | Cost pp in € | Travel Total Cost in € (Excluding Reintegration Costs) | IOM No. Returned | Cost pp in € |
|-------|------------------------------------|----------------------------|--------------------|--|------------------------|--------------------|
| 2007 | 786,335 | 143 | 5,499 | 264,893 | 231 | 1,147 |
| 2008 | 924,059 | 162 | 5,704 | 411,756 | 436 | 944 |
| 2009* | 464,614 | 143 | 3,249 | 199,111 | 241 | 826 |

*January to end June 2009.

Source: Repatriation Unit, Department of Justice, Equality and Law Reform, IOM Dublin.

Table 4.3: IOM General VARRP Reintegration Costs (in €)

| | Reintegration Cost | Total operational Cost (Travel +) | Cost pp Including Reintegration Payment |
|-------|-----------------------|--|--|
| 2007 | 49,191 | 314,084 | 1,360 |
| 2008 | 71,307 | 483,063 | 1,108 |
| 2009* | 96,842 | 295,953 | 1,228 |

Source: IOM Dublin.

Table 4.4: Government funding of IOM Assisted Voluntary Return Schemes (in €), 2004 – 2008

| | Funding to IOM* |
|------|-----------------|
| 2004 | 513,433 |
| 2005 | 579,678 |
| 2006 | 609,974 |
| 2007 | 800,175 |
| 2008 | 1,239,065 |

Source: IOM Dublin.

* Note: These figures represent actual spends.

²⁴ Excluding transfers under the Dublin II Regulation.

4.5.1 COSTS OF ASSISTED RETURN PROGRAMME FOR EU12 NATIONALS

The EU12 Assisted Voluntary Return scheme is run on an agency basis by the RIA for the Department of Social and Family Affairs. This arrangement is unusual in that funding for the scheme comes from the Department of Justice, Equality and Law Reform (RIA's parent Department) rather than Social and Family Affairs.

Table 4.5 shows the costs associated with this scheme since its inception in 2004. In 2008, of expenditure on flights 63 per cent was in respect of flights to Romania. Of 757 people returned 61 per cent were Romania nationals. The next biggest group was Polish nationals representing 20 per cent of people returned and 18 per cent of expenditure on flights. The RIA indicated that the overrepresentation of Romanian nationals within the statistics reflects the problem of repeat use of the service by the same individuals, as is discussed further in section 5.2.

Table 4.5: Cost of Assisted Return Programme for EU12 Nationals, 2004–2008 (in €)

| | Flights | Accommodation | Other (Mainly Taxis) | Total Cost pp Returned |
|------|---------|---------------|-------------------------|---------------------------|
| 2004 | 38,597 | 89,303 | 23,351 | 1,015 |
| 2005 | 60,180 | 159,773 | 10,415 | 724 |
| 2006 | 125,401 | 166,733 | 11,992 | 471 |
| 2007 | 114,535 | 391,368 | 7,711 | 955 |
| 2008 | 162,940 | 398,208 | 8,309 | 752 |

Source: Reception and Integration Agency.

4.6 Evaluation of Assisted Return Measures

The INIS system of administrative assistance to returnees has not been evaluated. The Department of Justice, Equality and Law Reform's Internal Audit Unit carried out a value for money examination at the end of 2008 in the context of tighter budget constraints for all government departments. A major finding of this report was that more irregular migrants were returning on IOM's assisted voluntary return programmes than asylum applicants. In particular, Brazilian nationals who had been working illegally and had lost their jobs due to the economic downturn were applying to return home with IOM.

Table 4.6 shows that the proportion of irregular migrants returned has increased in recent years from 48 per cent in 2006 to 78 per cent in 2008.

Table 4.6: Breakdown of Irregular Migrants to Protection Applicants Returned on the IOM General VARRP, 2006-2008

| | Irregular Migrants* | Protection Applicants* | Total |
|------|---------------------|------------------------|--------|
| 2006 | 48.3% | 51.7% | 100.0% |
| 2007 | 71.2% | 28.8% | 100.0% |
| 2008 | 78.0% | 22.0% | 100.0% |

Source: IOM Dublin.

The Repatriation Unit has asked IOM to refocus efforts on providing return assistance to greater numbers of unsuccessful asylum applicants due to a State commitment to provide support (such as accommodation) to asylum seekers. As discussed above, IOM has responded by applying specific vulnerability criteria from 18 March 2009 to irregular migrants who apply under their voluntary assisted return programme. Data for the first six months of 2009 indicate that the change in policy has already impacted on which migrants are being offered return assistance. In the period January-June 2009, 70 per cent of returnees were irregular migrants and 30 per cent had protection applications pending. In the three months since the introduction of the eligibility criteria (April-June 2009) 49 per cent of returnees were irregular migrants and 51 per cent were protection applicants. The new information campaign discussed in section 4.4.1 is designed to inform asylum seekers about voluntary return options.

5. REINTEGRATION AND SUSTAINABILITY OF RETURN

5.1 Reintegration

From 2006-2009 reintegration assistance was offered to all returnees under the IOM VARRP. Prior to 2006 only certain categories of migrants were eligible for reintegration assistance. In 2001-2002 no reintegration was provided under the general IOM VARP. Overall, reintegration assistance is intended for initial short-term income generating or educational activities. All activities and costs are forwarded to IOM Dublin before final approval is granted and activities are monitored at a six-monthly interval after the initial payment is made. Under the 2009 VARRP, IOM Dublin differentiates in terms of eligibility for reintegration assistance. As the main target beneficiary group of the VARRP, asylum seeker applicants are the principal beneficiaries of reintegration assistance, and are eligible for €600 reintegration assistance per individual or €1000 for returning family groups, regardless of the number of children. In the past, irregular migrants who did not meet the vulnerability criteria were provided with return assistance but were not eligible for reintegration assistance following return. Since March 2009 such migrants may not avail of return or reintegration assistance (IOM Dublin 2009b).

On return a migrant who is eligible for reintegration assistance must make contact with an IOM mission in order to access that payment. Except Brazil, most of the major countries of return from Ireland have an IOM mission. Brazilian returnees must make contact with the mission in Buenos Aires in order to arrange reintegration assistance. While IOM undertakes to inform returnees of their entitlements before they travel to the return country, it is considered to be the responsibility of the migrant to follow up the payment post return. Suitable reintegration activities are identified after return by the migrant together with the IOM Mission in the country of return (if applicable) and/or local partners. All reintegration activities must

have prior approval by IOM Dublin, which also sets a time frame for the activities and is responsible for ensuring that they are properly implemented and managed. Such monitoring of reintegration assistance involves the completion of a substantial questionnaire, which can be filled in by means of a telephone interview with the returnee, or in person. IOM staff in countries of return carry out the monitoring for IOM Dublin returnees. The questionnaire was fully redesigned in 2009, and is now more comprehensive and more specifically tailored to the needs of this type of monitoring. The new questionnaire captures a wider range of relevant information.

IOM Missions in countries of return point out that the local rates of unemployment are often extremely high. In 2008, IOM provided reintegration assistance to approximately 40 per cent of returnees. Almost all returnees initially applied for reintegration assistance but not all followed up their application post return. Some applications are turned down if, for example, a business plan does not make financial sense. Payments are not made directly to the returnee, but by IOM to the provider of the product/service in question.

The majority of recipients were male returnees (IOM Dublin, 2009b). Reintegration assistance is often used to support returnees in trying to access employment. Between January and June 2009 the most popular reintegration activity approved was starting/restarting/expanding a small business, representing 49 per cent of 134 requests. The provision of tools and materials to allow returnees to re-establish themselves in trades, such as mechanic, carpenter, builder and driver, also represents 49 per cent of requests. A further 2 per cent of requests proposed using reintegration assistance for educational purposes (IOM Dublin, 2009a). In the case of returnees starting up a small business, IOM Dublin may release the grant in tranches. In some countries the local IOM office also has the capacity to provide business mentoring and support to the returnees (IOM Dublin, 2009b).

Research into the Brazilian community in Ireland, Belgium and Portugal indicated that many Brazilians in Ireland had formulated plans for reintegration payments well in advance of return: 26 per cent said they would like to set up a small business in Brazil and 19 per cent said they would use it to undertake a training course (IOM, 2009).

It has been observed that take up rates for reintegration assistance among those returning to Iraq was 100 per cent. IOM Dublin expect that those returning in 2009 to post conflict countries will exhibit a high take up rate of reintegration assistance, and this group is specified in the 2009 VARRP eligibility criteria (IOM Dublin, 2009b).

In order to improve take up rates IOM Dublin plans to improve the quality and timeliness of information provided to all returnees eligible for reintegration assistance, including information on the types of assistance available, how the assistance will be administered, the timeframe for assistance, and examples of reintegration assistance already provided.

5.2 Sustainability

It is unusual for INIS to be contacted twice by the same person for administrative assistance with their return. However, if the person is willing to meet their own travel costs their return would normally be facilitated.

Return under the IOM VARRP may only be availed of once. IOM do not accept repeat applications and the Repatriations Unit of INIS stated that they would not approve an IOM application in respect of the same person twice unless there were particularly unusual circumstances. Overall, requests for repeat return by the same individual do occur but are not considered to be a major issue.

IRRiCO 2 is a project designed to contribute to a more sustainable return. This involves the construction of a database of country of origin information based on information requests from potential returnees on IOM VARRPs in nine EU countries. An individual may pose a question via IOM on, for example, entitlements to education, healthcare, etc. in their home country. An answer is supplied within a short time by a focal point in the 20 participating countries of return and stored with the date and the source of information for future reference.²⁵

Some returns under the RIA-run scheme for EU12 nationals prove not to be sustainable and there appears to be abuse of the scheme in this regard. Annual figures on return show seasonal

²⁵ For more information see www.iom.int/irrico

peaks after Christmas and Easter, particularly to Romania. RIA does not require a returnee to complete a form undertaking to use the service only once. Such a form may be introduced but the strength of its legal basis would be questionable.

6. CONCLUSIONS

The number of voluntary assisted returns facilitated by IOM has increased since 2007. In the context of difficult economic conditions and budget cuts across government departments it can be seen as positive that funding to IOM has increased. Cost saving initiatives on the part of IOM, such as the use of the Amadeus system, have also improved value for money spent. However, the number of deportation orders issued each year generally well exceeds the number of people returned voluntarily, despite the fact that the former figure has declined considerably since a 2004 peak. From a resource perspective this situation is unsatisfactory. From the perspective of the migrant it is also a very negative outcome: individuals may abscond and continue to live in Ireland as irregular migrants, and if they are detected and deported their future mobility will be limited. As the data in Chapter 4 showed, voluntary return is financially much more advantageous to the State than deportation. The low rate of enforcement of deportation orders (21 per cent in 2008) also has cost implications particularly in terms of Garda resources.

The 2007 European Migration Network synthesis report Return Migration included information on how voluntary return programmes are incentivised in other EU Member States. In the United Kingdom, reintegration assistance of up to £2500 sterling (equivalent then to approximately €3700) was available for those who applied for VARRP between a specified timeframe and returned before the end of 2006. In contrast reintegration payments in Ireland remain low (a maximum of €1,000 per family). Other Member States introduced tailored assisted voluntary return schemes for specific subgroups of migrants, such as asylum applicants who had applied for protection at a specified time.

The EMN synthesis report also underlined the importance of assisted voluntary return schemes being well publicised. In terms of information dissemination, IOM Dublin has been very active in recent months and major improvements have been made as discussed in section 4.4. Data on the number of people turned away after applying to return with IOM suggest that interest in

the programme is high, but partly among groups that are no longer eligible to return. The Department of Justice, Equality and Law Reform requested that IOM focus efforts on providing return assistance to asylum applicants and only the most vulnerable irregular migrants. New eligibility criteria were introduced in March 2009 and already the profile of returnees is tending to favour protection applicants.

However, the number of applicants turned away from IOM suggests that the vulnerability criteria may be too restrictive as more migrants, regular and irregular, become unemployed. Economic contraction has led to increasing rates of unemployment, particularly among non-Irish nationals. In the first quarter of 2009, the unemployment rate for non-Irish nationals was 14.7 percent compared to 9.4 percent for Irish nationals. Research into the Georgian and Moldovan communities in Ireland showed increasing homelessness among irregular migrants who have lost their jobs. In addition, it was found that it can be difficult for non-EU migrants to access homeless services and shelters. In some cases those with irregular migration status have been refused entry to hostels, as emergency accommodation providers are already overwhelmed by demand (IOM Dublin 2008a,b). The research conducted by the Homeless Agency into EU10 migrant workers in Ireland showed that even when offered the opportunity to return to their country of origin free of charge, return was not an option for many. Migrants may have loans to pay off and the prospect of returning destitute is reason enough to remain (Homeless Agency, 2006). Under these circumstances it may be appropriate to include homelessness and destitution within the IOM eligibility criteria.

The draft Immigration, Residence and Protection Bill 2008 is currently making its way slowly through the legislative process. In the discussion document published ahead of this Bill it was proposed that Ireland introduce some form of statutory provision for voluntary assisted return. Such a provision did not appear in the Bill and those consulted for this research saw no such developments in the foreseeable future. The Act would introduce a single protection determination procedure. This single procedure would mean that all protection claims, including claims for both asylum and subsidiary protection, would be set out at the time of making a protection claim. An applicant would also be required to state, at the beginning of their claim, all of

the non-protection-related reasons why permission to remain should be granted at the beginning of their claim. This would replace the current system under which unsuccessful protection applicants are offered an opportunity to make representations to the Minister as to why they should be allowed to remain in the state. The vast majority of these representations are refused and the case proceeds automatically to a deportation order being issued. If the single procedure is enacted, a new administrative system will have to be devised for informing individuals in respect of whom the Minister intends to make a deportation order of the option to return voluntarily. An opportunity exists to develop a system that channels more migrants towards voluntary return rather than deportation as under the current system.

APPENDIX 1: CONSENT DEPORTATIONS

Consent deportations are close to the definition of voluntary departures under the Return Directive, in that the individual concerned consents to having a deportation order issued in their name. Some brief information is provided below on consent deportations but, as they are clearly classified as forced rather than voluntary returns in the Irish context, they are not explored in detail in the main body of the report.

Generally those who consent to deportation at ‘15 day letter’ stage are persons in custody whose sentences may be slightly reduced in order to accommodate their deportation. Furthermore, since the beginning of 2009 returnees under the IOM schemes must fulfil vulnerability criteria in order to qualify for inclusion on the VARRP. This means that persons who are illegally in the State, cannot meet their own travel costs, and do not meet IOM’s vulnerability criteria may consent to be deported. INIS advise that South Africans have accounted for the majority of consent deportation to date.

Table A.1 shows the number of consent deportation orders enforced between 2001-2008. The number of consent returns dropped markedly between 2003 and 2004. This drop may be explained by the fact that IOM voluntary assisted return programmes were well established and offered people an alternative to forced return.

Table A.1: Number of Consent Deportation Orders Effected, 2001-2008

| 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | Total |
|------|------|------|------|------|------|------|------|-------|
| 160 | 140 | 105 | 11 | 37 | 18 | 17 | 13 | 501 |

Source: Department of Justice, Equality and Law Reform.

APPENDIX 2: ADDITIONAL STATISTICS

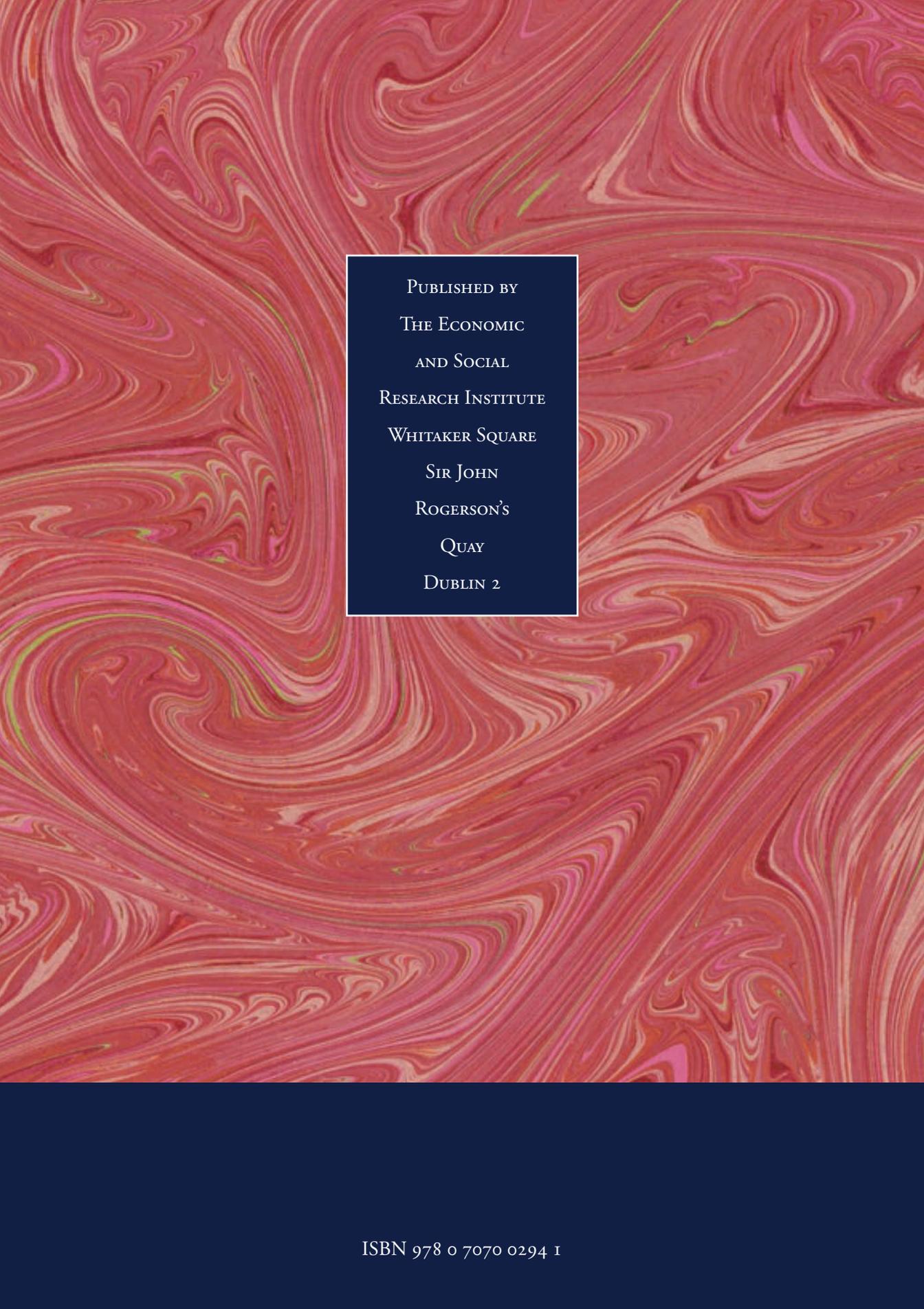
Table A2: Nationality Breakdown of Asylum Applicants, 2004-2008

| 2004 | | 2005 | | 2006 | | 2007 | | 2008 | |
|---------|-------|---------|-------|---------|-------|----------|-------|----------|-------|
| Country | % | Country | % | Country | % | Country | % | Country | % |
| Nigeria | 37.3 | Nigeria | 29.6 | Nigeria | 24.1 | Nigeria | 25.8 | Nigeria | 26.1 |
| Romania | 6.0 | Romania | 8.9 | Sudan | 7.1 | Iraq | 7.2 | Pakistan | 6.1 |
| Somalia | 4.2 | Somalia | 8.5 | Romania | 6.7 | China | 6.5 | Iraq | 5.3 |
| China | 3.2 | Sudan | 4.7 | Iraq | 5.0 | Pakistan | 4.6 | Georgia | 4.7 |
| Sudan | 3.0 | Iran | 4.7 | Iran | 4.8 | Georgia | 4.4 | China | 4.7 |
| Other | 46.3 | Other | 43.7 | Others | 52.4 | Other | 51.5 | Others | 53.1 |
| Total | 4,766 | Total | 4,323 | Total | 4,314 | Total | 3,985 | Total | 3,866 |

Source: Office of the Refugee Applications Commissioner.

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PUBLISHED BY
THE ECONOMIC
AND SOCIAL
RESEARCH INSTITUTE
WHITAKER SQUARE
SIR JOHN
ROGERSON'S
QUAY
DUBLIN 2

ISBN 978 0 7070 0294 1