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Returning Rejected Asylum Seekers: challenges and good practices

Initial draft findings

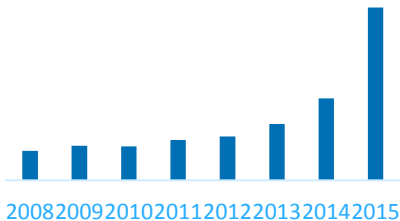
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Home Affairs



The non-return of rejected asylum seekers: a growing challenge in the EU



- Significant growth in asylum applications
- Applications **more than doubled in 2015** reaching 1.39m

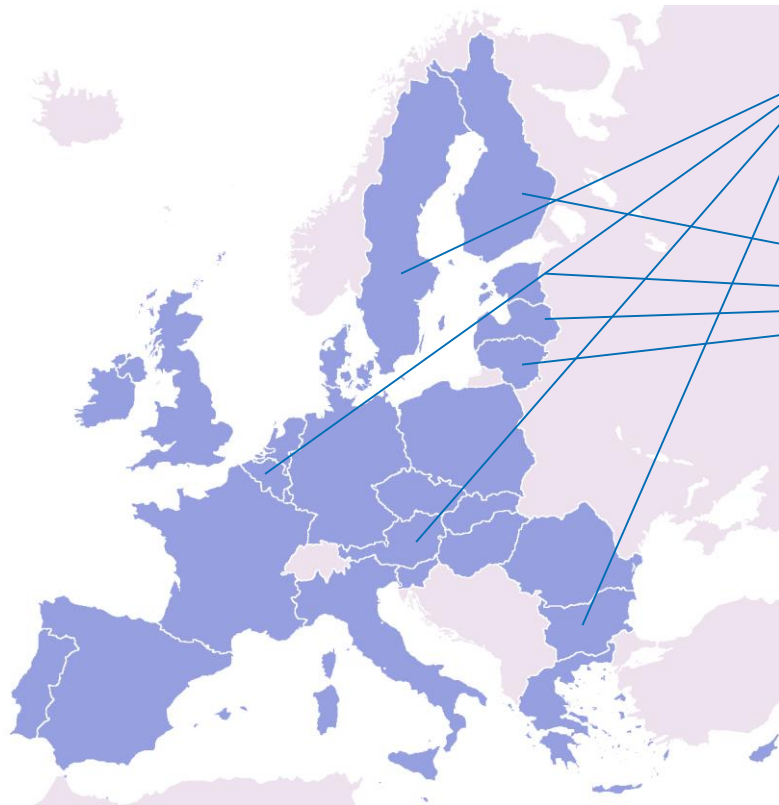
- Around **half of all applications are rejected.**
- In 2015 = 47% of applications (628,000 TCNs)



- Asylum seekers whose applications are rejected usually are required to return, but this is challenging. E.g. in 2014 of persons required to return **less than 40%** actually did so



Returning rejected asylum seekers is more of a policy priority in some MS than others

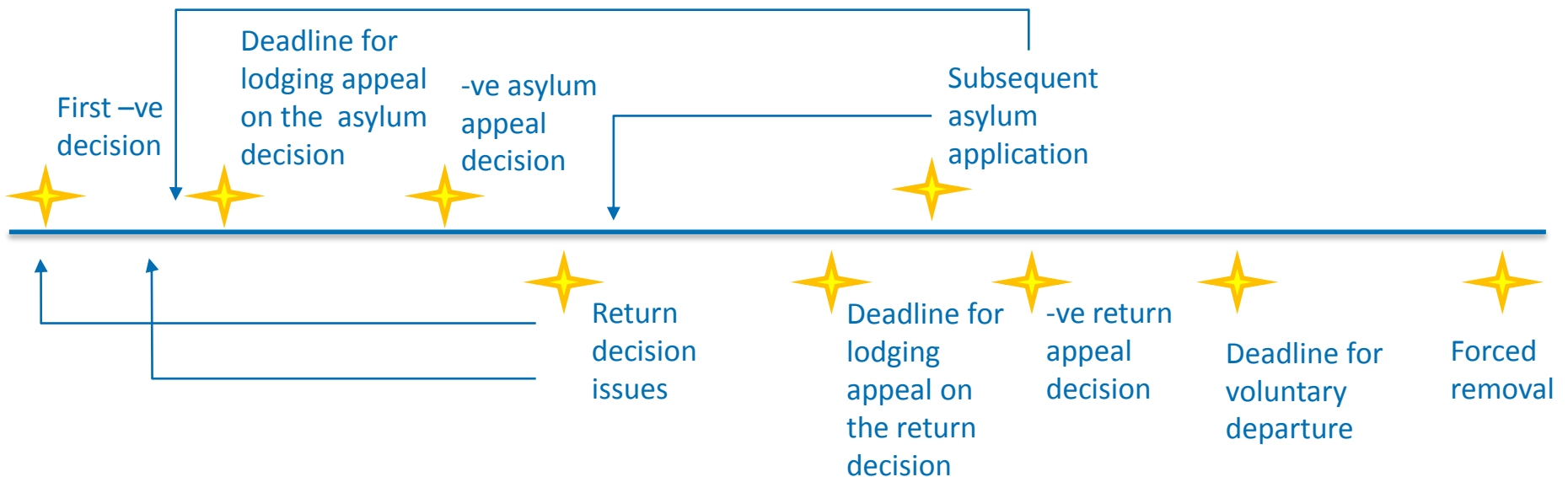


Policy priority in Austria,
Belgium, Bulgaria, Sweden

Not a major policy priority in
Estonia, Finland, Lithuania,
Latvia

The intersection between asylum and return decisions

Asylum process



Return process

What happens immediately after an asylum decision is finally rejected



Accommodation

- Continuous stay
- Specialised place
- Detention
- No support



Employment

- No access
- Access in practice



Education

- Access only for children
- Adults may continue until return



Healthcare

- Full access
- Access linked to accommodation
- Urgent care
- Emergency care



Welfare

- None
- Continuous
- Emergency care
- Tied to detention centres



Measures to prevent absconding

- Regular reporting
- Residence obligations
- Surrendering identity documents
- Reduction in benefits
- Detention
- Individualised follow-up on return decisions

The European Migration Network (EMN) is co-ordinated by the European Commission with National Contact Points (EMN NCPs) established in each EU Member State plus Norway.

Factors *specifically* preventing the return of rejected asylum seekers

- Increased processing times for asylum applications >> increased integration into / attachment to the host country
- Specific rights and benefits associated with asylum (even post rejection)
- Non-refoulement for asylum applications rejected on basis of article 1F of the 1951 Refugee Convention (*sensitive*)
- Challenges in arranging a suitable reception, especially for UAMs, in the countries of origin
- Difficulties in developing cooperation with third countries when asylum applications are quite rare from that country
- Difficulties in developing cooperation with third countries when contact cannot be made on return before all appeals have been exhausted
- Resistance to return from civil society in host country (*more common in cases of reject asylum seekers, as perceived as in greater need of advocacy than other returning TCN groups*)

Measures to address return obstacles which target rejected asylum seekers

- Early intervention:
 - Belgium's return pathway
 - Finland's work within AVR programmes
- Incentivising early return / cooperation on return
- Individualised counselling and information dissemination
- Videoconferencing for identification



Thank you

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