



European Migration Network

Belgian National Contact Point

Programmes and strategies in Belgium fostering assisted voluntary return and reintegration in third countries

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This report was written by Fedasil (www.fedasil.be) on behalf of the Belgian National Contact Point for the European Migration Network. The Belgian National Contact Point is a mixed point composed of experts from the Immigration Department, the migration observatory of the Centre for Equal Opportunities and Opposition to Racism, the Office of the Commissioner General for Refugees and Stateless Persons and the Directorate General for Statistics and Economic Information (Federal Public Service Economy).

The European Migration Network was set up with the purpose of providing up-to-date, objective, reliable and comparable information in the areas of asylum and migration for the European institutions, national authorities and other stakeholders.

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Programmes and strategies in Belgium fostering assisted voluntary return and reintegration in third countries

Belgian EMN report

Executive Summary

In 1984 the then Minister for Social Integration concluded an agreement with the IOM to set up a voluntary return programme for asylum seekers, failed asylum seekers and third country nationals who had never claimed asylum. This programme, known as REAB (Return and Emigration of Asylum Seekers Ex Belgium), makes provision for a return trip, a subsidy of EUR 250 (then BEF 10,000) and reimbursement of expenses relating to the return (visa, transport to the airport, etc.).

At that time Belgium was the second European country, after Germany, to organise such a programme.

In Belgium, voluntary return does not reside with the Minister (or Secretary of State) for Migration and Asylum Policy, unlike the majority of European countries, but comes under the authority of Social Integration. Nor, in fact, is the programme entrusted to the Immigration Department, but to Fedasil (the Federal Agency for the Reception of Asylum Seekers). This particular institutional context (political and administrative separation of voluntary return and migration control) impacts on the organisation and establishment of voluntary return.

One important consequence is that voluntary return is seen as an instrument of social support designed to allow those who wish to return home to leave under the best possible circumstances.

Thanks in part to this social focus, voluntary return relies on a broad base of support in Belgian society and on operational assistance from NGOs and asylum centres (= the network of REAB partners constituting the gateway to the programme).

Another important consequence of this social focus is that the group targeted under the voluntary return programme is defined in extremely broad terms. Theoretically, anyone who is on the territory without a permanent residence permit will have access to the voluntary return programme, irrespective of administrative antecedent. It is a matter of solving an individual social problem (a wish to return to the country of origin), and one which can arise irrespective of a person's administrative situation.

Another, obvious, consequence is that this institutional separation of voluntary and forced return does not make the process of coordinating the two any easier. The division between voluntary and forced return makes it more difficult to design an integrated return policy as part of an overall approach to migration.

In the period between 1984 and 2006 the REAB programme remained virtually unchanged. More than 40,000 migrants took advantage of it.

However, when workers at asylum centres and NGOs raise the subject of voluntary return as an alternative migration project, they often run across all kinds of objections and obstacles, to which they are unable to give an adequate response via the present programme.

With the establishment of the European Refugee Fund the resources needed to extend the present programme have come available. Several organisations are developing projects which combine voluntary return with local support.

In 2006, the then Minister for Social Integration, Christian Dupont, decided to cluster and extend a number of pilot projects to create a general reintegration support programme which would complement the existing REAB programme.

This programme provides material support in the country of origin to the value of EUR 700 per person (maximum EUR 1,750 per case file). In the case of vulnerable groups, extra support of EUR 700 per person can be set aside. No extra acceptance criteria have been set; anyone who qualifies for the REAB programme may apply for extra support.

The reintegration programme is run by reintegration partners in Belgium (the IOM and Caritas). They discuss the funds with returnees and allocate them via their local branches (known as local reintegration partners).

In the period from 2006 to 2008 about 2000 people made use of the extra support.

This added programme has made the organisation of voluntary return much more complex. In response to this it was decided, in 2006, to set up a separate department in the competent authority (Fedasil) to monitor and manage this area of policy.

The current programme was evaluated in 2008/2009 and is to be extended and reformed in 2010, partly through funding from the European Return Fund.

The core ideas are those of extending support to more strictly defined target groups and investing in parallel measures (information, improvements in assisted return, monitoring and evaluation of activities on the ground).

1. Introduction: purpose and methodology

1.1 Purpose

In 2008 the EMN Steering Board included in the EMN Work Programme 2009 a study on assisted return and reintegration. The aim of the study is to share current knowledge across the Member States and thus assist with the development of policy and programs for asylum applicants whose claims have failed or migrants with other status who have decided to return to their country of origin. Specifically, this study will include:

- an overview of programs and strategies in EU Member States;
- analysis of strategies on how voluntary return is promoted and barriers to return are overcome. Also, an examination of the sustainability of voluntary return;
- analysis of incentives and motivations to participate in voluntary return and reintegration programmes;
- finally, a review of evaluation of voluntary return programmes and their effectiveness and sustainability in Member States.

In other words, the study might provide step towards enhanced cooperation between Member States, through an exchange of, among other things, best practice and this in the light of achieving an integrated return policy.

As outlined below, the terminology used by different actors in the context of voluntary and/or assisted return is not always clear and opinions vary about what 'voluntary' actually means. There are 4 scenarios:

Scenario 1: a third-country national (= non-EU citizen) who has a valid permit or card to stay in a Member State (or in any case has authorisation to stay) returns to a third country of his/her own free will and there is no obligation for him/her to leave ("Voluntary Return" as defined in the EMN Glossary)

Scenario 2: a third-country national who does not have a valid permit or card to stay (or authorisation to stay) but goes back to a third country before being apprehended or detected by the authorities.

Scenario 3: a third-country national who does not have or has overstayed a valid permit or card, or authorisation to stay in a Member State and who is already subject to a Return Decision, decides to comply voluntarily with the obligation to return ("Voluntary Departure" as defined in the Return Directive).

Scenario 4: the same as Scenario 3, but the obligation to return must be enforced by means of physical transportation ("Forced Return" as defined in the EMN Glossary).

In keeping with the aims of this EMN study, only Scenarios 1, 2 and 3 shall be addressed.

The outcome of this study is primarily intended for entities concerned with (the development of) return policy, and for organisations (e.g. NGOs) professionally involved in return migration.

Fedasil, the main author of this report, will use of this study, which is a snapshot in the evolution of voluntary return, as an internal and external reference document.

1.2 Methodology

This study gives a factual overview of how voluntary return is applied in practice in Belgium. As has already been stated, the study was carried out by the Voluntary Return Unit of the Fedasil Operational Services Department.

Fedasil (Federal Agency for the Reception of Asylum Seekers) is the agency which, under supervision by the Minister for Social Integration, organises asylum seeker reception as well as voluntary return).

In 2006 Fedasil set up a separate department to manage 'Voluntary Return' policy. This Voluntary Return Unit has three objectives:

- to ensure correct and effective management of the available resources;
- to monitor activities and evaluate the results with a view to further policy development;
- to foster systematic integration of voluntary return in the assistance offered to asylum seekers.

This review of voluntary return is based on a number of policy documents and assessment reports as well as statistical and project-related information to which the Voluntary Return Unit has access in the context of its management task.

The latest date for including new information in this review has been set at 31 August 2009.

To ensure that the review has adequate support it was put before the Immigration Department prior to publication (the authority which manages the European Return Fund and organises forced return), the IOM and Caritas (the organisations which implement the voluntary return programmes). All these organisations were given the opportunity to provide input.

2. DEFINITIONS, CATEGORIES AND PROFILES OF (POTENTIAL) RETURNEES AND AVAILABLE DATA

2.1 Definitions of assisted return

Belgium does not yet have a legal definition for voluntary return.

To date the definition of voluntary return used in the agreement between the IOM and the Belgian government serves as the reference.

In this “agreement concerning the organisation of a voluntary return programme for asylum seekers and destitute third country nationals wishing to return to their home country or to emigrate to a third country voluntarily”, voluntary return is defined as follows:

“Return is voluntary when the migrant expresses freely and in an unequivocal manner the choice he has made in this sense».

The Act of 12 January 2007 on the reception of asylum seekers and some categories of third country nationals (known as the ‘Asylum Reception Act’) defines the legal obligations of the Agency in respect of voluntary return. The Act specifies that it is the task of Fedasil to organise a voluntary return programme and set out the details of this by Royal Decree.

Said Royal Decree, currently in draft form, will provide a definition of voluntary return. The preparatory documents use the following provisional definition:

“Voluntary return is the return, with government support, of a third country national to his/her country of origin or a third country, provided he/she makes the decision to return freely and with full knowledge of the facts and makes this known in an unequivocal manner.”

This provisional definition reveals a few important aspects of the Belgian government’s view of voluntary return.

- The offer is not restricted to asylum seekers or third country nationals subject to a return decision. The target group definition is broad and extends to all third country nationals who do not have a permanent residence permit. It should be stated that people held in a closed centre with a view to their removal may also return voluntarily.
- The notion of voluntary return is not restricted to country of origin. Third country nationals may use the programme, given they possess the necessary travel and residence papers, to emigrate from Belgium to a third country.
- The notion of ‘information’ is crucial. Basically, a return can only be voluntary if each person in question has been correctly informed of their individual residence situation, the possible consequences, the various alternatives and the opportunities for voluntary return offered through the programme.
The annual REAB programme budget specifically allocates resources for the purpose of informing the target group.

2.2 The group targeted by voluntary return

The group targeted by the voluntary return programme is defined in the agreement between the Minister for Social Integration and the IOM. Thus, as with its definition, the target group is yet to be legally set.

This will be done in the Royal Decree, which is currently in preparation. Until then, the provisions of the agreement shall apply.

The agreement defines the target group as follows:

- Asylum seekers who abandon their claim (Category A)
- Failed asylum seekers (Category B)
- Migrants who have not yet claimed asylum and are (or are likely to become) the responsibility of the Belgian state (category C). The condition of destitution (= being (or being likely to become) the responsibility of the state) must be demonstrated on the basis of a social report.

Thus the group targeted for voluntary return is very broadly defined. Theoretically, anyone who does not have a permanent residence permit may take up the programme. People with a temporary (asylum seekers) or permanent (recognised refugees) residence permit are required to relinquish their status and residence permit prior to admission to the programme.

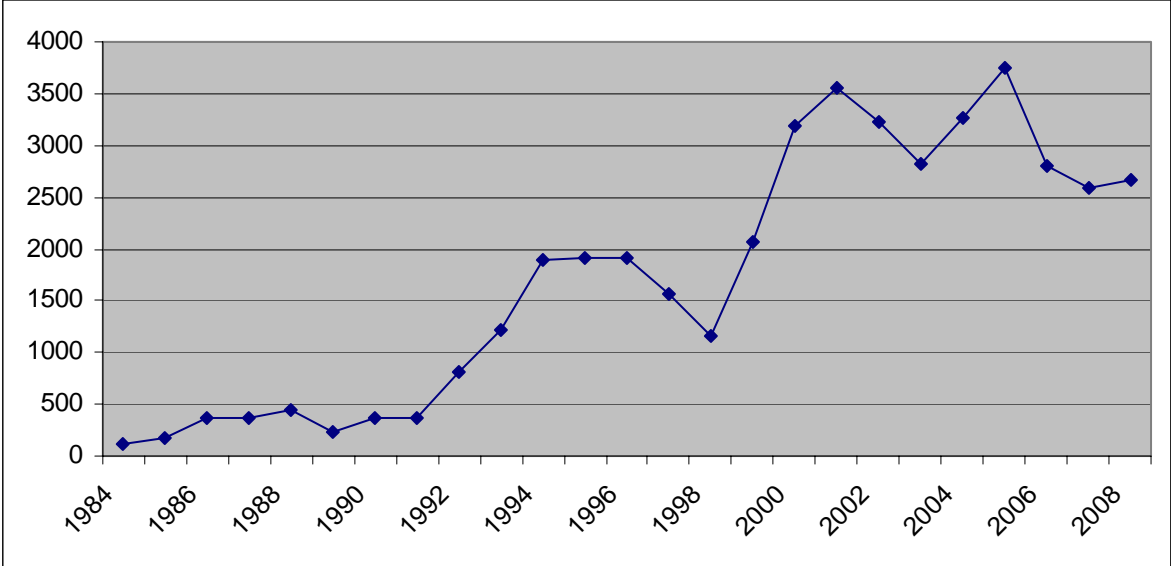
Please note:

- Migrants held in closed centres may take up the voluntary return programme provided they are not subject to an order for deportation. In such a case the removal process is halted.
- In theory, citizens of the EU and the Schengen zone are excluded from voluntary return. When 10 new EU Member States acceded in 2003 it was ruled, by way of a transitional measure, that people staying in these Member States would still be able to take up the programme, but without the EUR 250 per person reintegration subsidy. This transitional measure, which was not given an expiry date, is still in force and has been extended to Romania and Bulgaria in the meantime.

2.3 Data on voluntary return

Statistical information on various aspects of voluntary return has been available since 1984. Below we give an overview of the trends for a number of key figures.

Number of people returning under the REAB programme, 1984-2009:



Source: IOM

Overview of the countries of return (destination), 1999-2008

Country of Return	99	2000	2001	2002	2003	2004	2005	2006	2007	2008	Total
AFGHANISTAN				8	11	10	14	6	7	17	73
ALBANIA	34	80	153	107	83	36	52	27	11	6	589
ALGERIA	2	8	19	33	18	24	30	37	28	18	217
ANGOLA	5	2	5	2	7	23	23	10	20	8	105
ARGENTINA			2	1	2	3	9	1			18
ARMENIA	83	108	140	121	168	188	193	184	127	135	1447
AUSTRALIA		7	4	19	2	9	3			1	45
AZERBAIJAN		3	12	3	9	14	16	10	8	7	82
BANGLADESH	2	1	1	6	1	6	4	1	5	6	33
BELARUS	18	23	58	29	35	32	18	26	14	10	263
BENIN	2	2	1	1	3	2	1				12
BOLIVIA	7	1	3	6	13	14	19	16	17	8	104
BOSNIA-HERZEGOVINA	10	7	79	63	64	54	35	40	17	19	388
BRAZIL	23	14	77	120	365	637	714	708	805	697	4160
BULGARIA	36	143	283	456	133	107	151	89	62	41	1501
BURKINA FASO	2	1	2	2	1	3		2		1	14
BURUNDI	3	4	1	4	12	4	6	8	5	3	50
CAMBODIA	1			5							6
CAMEROON	16	14	4	3	9	16	24	20	9	14	129
CANADA	8	8	4	24	12	21	33	17	10		137
CENTRAL AFRICAN REP					1						1
CAPE VERDE									3		3
CHAD				1		1					2
CHILE	10	8	8	15	19	25	20	13	8	15	141
CHINA	4			3	5	4	5	9	28	15	73
COLOMBIA	34	14	14	18	17	12	7	8	6	5	135
COMOROS	2										2
CONGO-BRAZZAVILLE		1	1		1	1	2	1		1	8
CONGO-DRC	23	14	10	13	27	25	39	31	34	26	242
COSTA RICA									1		1
CROATIA	1	4	6	1		2	4	3	4	7	32
CUBA	1		1		1			2		1	6
CZECH REPUBLIC	29	177	228	302	71	16	50	3	9	30	915
DJIBOUTI		1	1	1	1		3		1		8
DOMINICAN REPUBLIC				1	1	1					3
ECUADOR	60	69	115	89	184	154	91	41	40	37	880
EGYPT	1				3	4	6	1	1	3	19
ERITREA						1					1
EL SALVADOR						7	8	4	2	1	22
EQUATORIAL GUINEA								1			1
ESTONIA		3	3	2			2				10
ETHIOPIA		3	2	1		7	2	2	6	7	30
FYROM	15	15	14	37	35	72	33	32	21	23	297
GABON				1			2		3		6
GAMBIA			1		2	1	1	1			6
GEORGIA	68	58	37	31	47	78	66	66	44	41	536
GHANA	12	6	3	6	6	12	9	14	12	8	88
GUADELOUPE		2									2

GUATEMALA	2		1			10		1		3	17
GUINEA	29	27	16	9	15	34	12	13	6	8	169
GUYANA										1	1
HAITI					1			1			2
HONDURAS					1	2			1		4
HONGKONG										1	1
HUNGARY	2	12	27	12	23	39	24	6	7	3	155
INDIA	12	8	4	10	22	30	28	26	24	23	187
INDONESIA	3	2	1						1	1	8
IRAN	4	37	201	119	87	68	65	44	31	20	676
IRAQ					2	11	1	34	17	10	75
ISRAEL				2	1		7	2	5	6	23
ITALY	1										1
IVORY COAST	7	1	3		6	2	1	2	2	1	25
JAMAICA		1				1					2
JAPAN	1										1
JORDAN	1		2		3	2	4		4	6	22
KAZAKHSTAN	6	142	166	87	57	60	26	40	25	24	633
KENYA	1	5		1	5	2	9	3	1	1	28
KOREA									1		1
KOSOVO, SERBIA	557	711	134	193	129	136	105	72	63	80	2180
KYRGYZSTAN		69	96	32	29	21	15	26	8	9	305
LAOS				2							2
LATVIA		2	3	7	18	69	10	12	9		130
LEBANON	4	5	15	5	16	10	14	13	7	15	104
LIBERIA				1	2	1	2	1	2	1	10
LIBYA					1			3	2	1	7
LITHUANIA	3	12	31	16	7	46	8	6	1		130
MADAGASCAR	3	1	1		1						6
MALAYSIA									1	3	4
MALI						3			1		4
MALTA						1					1
MAURITANIA		1			1	3	2	1	1	4	13
MAURITIUS				1		7	2	2		1	13
MEXICO			1		1	1			1		4
MOLDOVA REPUBLIC	33	37	29	33	67	123	77	62	41	44	546
MONGOLIA	6	20	68	46	43	84	134	177	142	119	839
MONTENEGRO										3	3
MOROCCO	4	2	2	7	9	20	17	13	19	18	111
NEPAL	6	3	6	16	10	5	9	24	28	45	152
NIGER	5	3	2	14	10	33	23	14	15	3	122
NIGERIA	16	6	1	1	9	9	26	24	12	5	109
NORWAY											0
PAKISTAN	14	6	11	15	7	22	28	15	26	12	156
PANAMA				1	1	1		1		1	5
PARAGUAY			1		3		1	4	4	1	14
PERU	6		3	7	1	6	4	4	5	6	42
PHILIPPINES		1		1			2	1	9	1	15
POLAND	5	8	21	37	18	7		4	1	2	103
ROMANIA	239	184	133	112	51	53	45	28	47	20	912
RUSSIAN FED.	29	194	402	285	272	205	210	159	158	260	2174
RWANDA	7	4	3	3	8	8	6	19	14	14	86

SENEGAL	5	2	1	4	3	2	9	9	4	3	42
SERBIA-MON. (EX- FRY)		8	9	20	49	34	30	22	38		210
SERBIA										10	10
SEYCHELLES ISLANDS									2		2
SIERRA LEONE					2		3	2	4	2	13
SINGAPORE					1			1			2
SLOVAKIA	444	688	525	341	225	166	679	127	131	390	3716
SLOVENIA								1			1
SOMALIA					0	2	1	2			5
SOUTH AFRICA				2	1	1	1		1		6
SRI LANKA	1			9	6	5	10	2	1	2	36
SUDAN	1				2	3	2		1	3	12
SURINAME			1								1
SYRIA	14	5	1	5	1	10	10	9	15	22	92
TAJIKISTAN						1			3		4
TANZANIA						9	1		7	2	19
THAILAND	2				1			3	1		7
TOGO	1	6	4	3	4	2	6	6	7	4	43
TUNISIA				3		1	2	5	4	5	20
TURKEY	12	9	16	17	16	29	28	23	11	17	178
UGANDA	1			3		1		4	1		10
UKRAINE	36	96	171	155	166	232	346	286	244	217	1949
UN. ARAB EMIRATES	1										1
URUGUAY							2	1			3
USA	20	31	94	12	18	4	5	7			191
UZBEKISTAN	5	30	45	34	10	3	4	4	4	1	140
VENEZUELA	1	1		2	2	4	1	2	2	3	18
VIETNAM	2	1	2	1		2	1	3	1	1	14
YEMEN							1	1	1		3
YTHREA	4										4
ZAMBIA						3					3
ZIMBABWE			1		1		1				3

Source: IOM

Countries of return, divided according to those who have and have not claimed asylum, 2004-2008

2004- (failed) asylum seekers

1	Slovakia	163
2	Russian Federation	161
3	Kosovo	120
4	Armenia	83
5	Latvia	69
6	Iran	64
7	Macedonia (Fyrom)	58
8	Ukraine	54
9	Bulgaria	53
10	Kazakhstan	53

2004- irregular migrants

1	Brazil	636
2	Ukraine	178
3	Ecuador	151
4	Armenia	105
5	Moldova Republic	95
6	Mongolia	57
7	Bulgaria	54
8	Russian Federation	44
9	Georgia	30
10	Romania	30

2005- (failed) asylum seekers

1	Slovakia	666
2	Russian Federation	153
3	Bulgaria	90
4	Kosovo	80
5	Ukraine	74
6	Armenia	73
7	Iran	65
8	Albania	49
9	Czech Republic	48
10	Georgia	41

2005- irregular migrants

1	Brazil	710
2	Ukraine	272
3	Armenia	120
4	Mongolia	109
5	Ecuador	91
6	Moldova Republic	72
7	Bulgaria	61
8	Russian Federation	57
9	Romania	30
10	Georgia	25

2006- (failed) asylum seekers

1	Slovakia	123
2	Russian Federation	109
3	Armenia	91
4	Bulgaria	59
5	Kosovo	55
6	Ukraine	41
7	Iran	40
8	Bosnia and Herzegovina	37
9	Kazakhstan	36
10	Iraq	34

2006- irregular migrants

1	Brazil	706
2	Ukraine	245
3	Mongolia	163
4	Armenia	93
5	Moldova Republic	54
6	Russian Federation	50
7	Ecuador	41
8	Georgia	36
9	Bulgaria	30
10	Algeria	18

2007- (failed) asylum seekers

1	Slovakia	126
2	Russian Federation	97
3	Kosovo	50
4	Bulgaria	48
5	Armenia	30
6	Iran	30
7	Ukraine	30
8	Nepal	26
9	Congo (DRC)	24
10	Georgia	22

2007- irregular migrants

1	Brazil	785
2	Ukraine	214
3	Mongolia	125
4	Armenia	97
5	Russian Federation	61
6	Ecuador	36
7	Moldova Republic	31
8	Romania	27
9	China	26
10	Georgia	22

2008- (failed) asylum seekers

1	Slovakia	376
2	Russian Federation	212
3	Kosovo	61
4	Nepal	36
5	Armenia	33
6	Czech Republic	30
7	Ukraine	27
8	Kazakhstan	22
9	Iran	20
10	Georgia	19

2008- irregular migrants

1	Brazil	696
2	Ukraine	190
3	Mongolia	116
4	Armenia	102
5	Russian Federation	48
6	Moldova Republic	39
7	Ecuador	37
8	Bulgaria	23
9	Georgia	22
10	Kosovo	19

Overview of the relationship between asylum seekers (category A), failed asylum seekers (category B) and irregular migrants (category C), 1984-2008:

YEAR	Cat. A	%	Cat. B	%	Cat. C	%	TOTAL
1984	39	36	30	28	40	37	109
1985	67	39	39	23	66	38	172
1986	246	66	77	21	48	13	371
1987	186	49	147	39	43	11	376
1988	129	29	267	60	47	11	443
1989	79	34	93	41	57	25	229
1990	198	55	124	34	38	11	360
1991	194	53	109	30	60	17	363
1992	294	36	436	53	90	11	820
1993	373	31	714	58	135	11	1222
1994	257	14	1487	79	144	8	1888
1995	141	7	1578	83	185	10	1904
1996	95	5	1550	81	260	14	1905
1997	129	8	1192	76	248	16	1569
1998	136	12	803	69	227	19	1166
1999	463	22	1044	50	561	27	2068
2000	831	26	2073	65	278	9	3182
2001	437	12	2691	76	418	12	3546
2002	170	5,3	2301	71,4	750	23,3	3221
2003	141	5	1549	55	1124	39,9	2814
2004	256	8	1303	40	1716	52	3275
2005	358	10	1504	40	1893	50	3755
2006	140	5	934	33	1737	62	2811
2007	172	7	697	27	1724	66	2593
2008	292	11	824	31	1553	58	2669
Grand Total	5784	12,9	23536	53,1	13442	31,4	42831

Source: IOM

Duration of stay in Belgium before voluntary return, 2000-2009

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008
Months	12	11,7	13,5	18,9	24	20,8	24,3	27	25,5

Source: IOM

Emigration to third countries (i.e. not country of nationality) via the REAB programme (including 4 main countries of return), 2005-2007

	total								
2005	74	Australia	29	Russia	15	Czech Republic	8	USA	5
2006	64	Canada	20	Russia	10	Australia	9	Tanzania	7
2007	35	Canada	10	Ukraine	5	Russia	4	Serbia	4

Source: IOM

Table: relationship between number of asylum seekers who returned (voluntarily) and number of asylum claims (1990-2008)

Year	N returned asylum seekers (1)	N asylum applications (2)	Relation (1) to (2)
1990	322	12944	2,5
1991	303	15173	2,0
1992	730	17647	4,1
1993	1087	26882	4,0
1994	1744	14353	12,2
1995	1719	11420	15,1
1996	1645	12433	13,2
1997	1321	11788	11,2
1998	939	21965	4,3
1999	1507	35778	4,2
2000	2904	42691	6,8
2001	3128	24549	12,7
2002	2471	18805	13,1
2003	1690	16940	10,0
2004	1559	15357	10,2
2005	1862	15957	11,7
2006	1074	11587	9,3
2007	869	11115	7,8
2008	1116	12252	9,1

Source: Immigration Department

Trends

A number of trends can be distinguished for the period 2004-2009 on the basis of previous statistical information:

- As with the number of asylum claims there was a fall in the number of (failed) asylum seekers (categories A & B) who returned voluntarily in the period 2001-2008. However, this fall is less sharp in relative figures than in absolute figures.
- The number of people who have never claimed asylum is rising in both absolute and relative terms. This rise has been extremely pronounced since 2004.
- From the countries of return we can deduce a shift to a population of mainly irregular migrants. Since 2002 a number of return countries which do not appear in the asylum figures have been present in the voluntary return statistics nonetheless. These are Brazil, Ecuador, Mongolia and Ukraine.
- Due to the gradual breakdown of the borders with and within Central and Eastern Europe, 'formal' return migration to the new EU Member States is rapidly declining. This trend becomes visible in the 2006 figures. The only exception is return migration to Slovakia.

Overview of voluntary return to new EU Member States 1998-2008

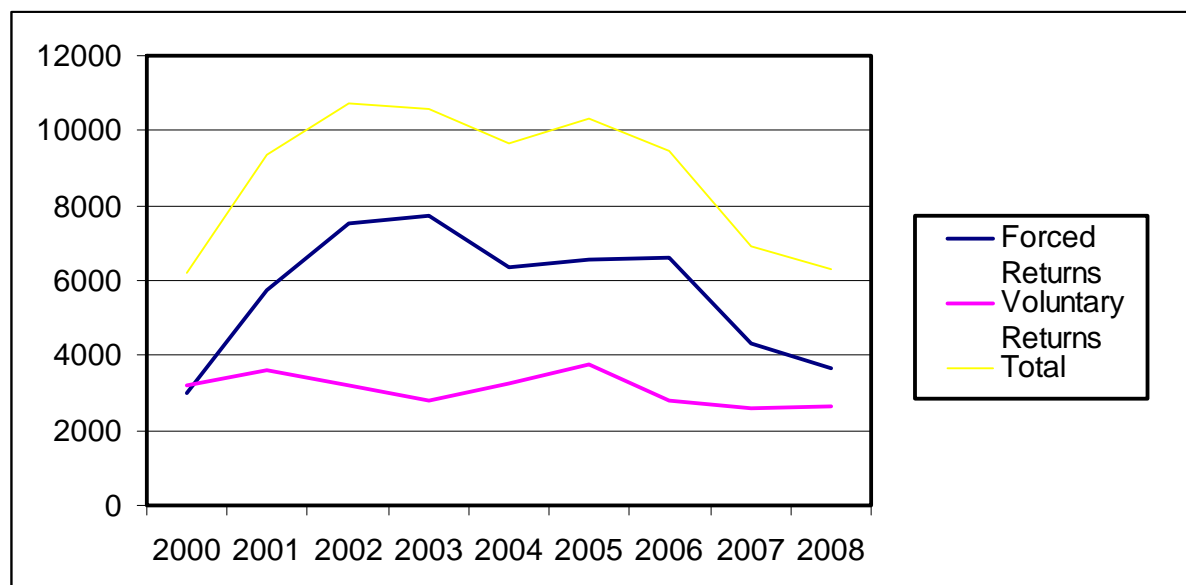
Destination	2003	2004	2005	2006	2007	2008	Total
Slovakia	225	166	679	127	131	390	1718
Bulgaria	133	107	151	89	62	41	583
Romania	41	53	45	28	47	19	233
Czech Republic	71	16	50	3	9	30	179
Latvia	18	69	10	12	9	0	118
Hungary	12	23	39	24	7	3	108
Lithuania	16	7	48	6	1	0	78
Poland	18	7	0	4	1	2	32
Estonia	0	0	2	0	0	0	2

Slovenia	0	0	0	1	0	0	1
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Source: IOM

Statistical overview of forced return

To place the figures above in the context of overall state-organised or supported migrant outflow, we include a number of indicators relating to forced return below.



Source: Immigration Department

Number of voluntary (VR) and forced returns (FR), main countries of destination (2008)

2008	VR	FR	Total
Brazil	697	427	1124
Russian Federation	260	23	283
Morocco	18	256	274
Ukraine	217	46	263
Albania	6	166	172
Armenia	135	14	149
Mongolia	119	11	130
Nigeria	5	120	125
Turkey	17	89	106
Kosovo	80	23	103

Source: Immigration Department

Comparing these statistics against the data on voluntary return allows us to draw a number of general conclusions:

- There is little influence between the number of people returning voluntarily and the number of people forcibly removed.
- Return migration appears to follow different patterns for each nationality. Return migration to some countries is almost exclusively voluntary (Russia, Mongolia, Armenia), whereas for others the opposite is true (Albania, Nigeria, Morocco).

3. POLITICAL AND LEGAL FRAMEWORK

3.1 Political and legal framework in Belgium

A. Political-institutional context

Voluntary return is, along with reception of asylum seekers, the responsibility of the Minister for Social Integration. Removal policy (forced return, closed centres) falls under the authority of the Minister for Asylum and Migration. This is a fairly exceptional situation. In most European countries voluntary and forced return fall under one and the same authority.

This institutional context has an obvious impact.

The separation of voluntary and forced return allows room for a perspective in which a voluntary return is seen more as an instrument of social support than migration control. The main objective is to raise voluntary return to the level of a credible and feasible alternative migration project.

This at first sight theoretical basis has a number of specific consequences:

- There are no strict acceptance criteria. The assumption is that any migrant who does not have a permit to stay should have access to the support needed to return voluntarily in the best possible circumstances.
- The programme enjoys, thanks in part to the fact that voluntary return is institutionally separate from removal policy, the support of NGOs, migrant organisations and civil society. This support is not merely passive. Quite a few NGOs play a part in organising voluntary return (the so-called REAB partners).
- Another, obvious, consequence is that the institutional separation of voluntary return makes it more difficult to establish integrated return control as part and parcel of migration policy.

B. Legal context

Although the initial voluntary return programme dates back to 1984, its establishment by law is of a much more recent date.

Programme Law 2002

The first reference to voluntary return in a legal document dates to 2002. The Agency's memorandum of association specifies that Fedasil is responsible for running a voluntary return programme. This legal document does not go into further detail on the concept of voluntary return.

Asylum Reception Act 2007

This general provision is developed further in the legislation concerning the reception of asylum seekers and other categories of third country nationals (January 2007).

The provisions of this law can be summarised as follows:

- Establishment by law of the principal that a voluntary return programme must be organised;
- Guarantee of accessibility to the program;
- Establishment of the organisational structure, in which Fedasil plays a central, coordinating role and has the authority to delegate (certain aspects of) the programme to third parties.

The law gives no definition of voluntary return and sets no criteria or conditions to be satisfied by the programme. This is to be done by Royal Decree.

The provisions of the agreement with the IOM over the organisation of the REAB programme are to provide the formal basis for voluntary return in Belgium until the Royal Decree comes into effect.

Other provisions – tertiary legislation

The January 2007 Act provides that reception shall be available to anyone who signs up for voluntary return.

Specifically, this means that in the case of a person whose entitlement to reception is in danger (such as an asylum seeker whose claim has failed) this right may be extended, during the preparations for a voluntary return, until the date of departure.

3.2 The influence of European policy, legislation and funding

European policy and legislation

The provisions on voluntary return in the Return Directive can be summarised as the formal establishment of voluntary return, preferably including reintegration support, as part of every return policy. The priority of voluntary return as a (more humane) alternative over forced return has been made imperative (a period of time is to be included in which a person is able to consider voluntary return whilst enjoying protection against forced return), although provision is also made for exceptions (e.g. danger to public order; fraudulent claims, etc.). It can be said that this is supportive of Belgian policy (developing voluntary return as a feasible alternative migration project for any migrant who does not have a permit to stay on Belgian territory).

To date, European return policy and European legislative initiatives, with the exception of the recently-founded European Return Fund, have had little or no influence on Belgian (voluntary) return programs.

European funding- national

European funding in support of this policy development (the European Refugee Fund and more recently the European Return Fund), is of fundamental importance in developing the voluntary return programme;

The multi-annual programme for the national aspect of the European Return Fund stipulates that funding (on deduction of technical assistance) is to be shared proportionately between voluntary and forced return. Several priorities have been set to ensure that these funds are employed effectively.

In the first place, a distinction is made between funds under the expenditure needed to finance essential components of the voluntary return programme (structural expenditure), and activities designed to develop and strengthen this structural programme.

The structural funding, about EUR 5,200,000, comes from the national budget and is allocated as follows:

- Overheads at the Agency (5 FTE, of which three operate as return counsellor-file administrator) and the presence of expertise in the federal reception centres (18 x 0.1 FTE).
- Funding of the REAB programme (operational expenses, booking and handling, communication and information), whose implementation is outsourced to the IOM (EUR 3,600,000).
- Funding of Caritas Belgium, which implements the reintegration programme along with the IOM (EUR 300,000).
- Funding of staff-related budgets for reintegration support (about EUR 1,000,000).

The finance provided by the European Return Fund is used to strengthen the structural programme along 4 lines:

- Improvement of **information and communication** through development of new techniques (for example, video conferences with countries of origin, interactive DVDs, etc.) and outreach to new target groups (mapping, etc.).

- **Reinforcement of the first-line** which handles return assistance (both in and outside the reception network). This involves action such as accessing information and organising specific training courses.
- Development of **specific reintegration projects** based on certain target groups (nationalities) or objectives (economic reintegration, support of vulnerable groups, etc.).
- Development of a communal (= shared by all actors involved) **methodological framework** which can be used to plan, budget, monitor and evaluate all activities.

European Return Fund: current situation

The funds set aside for forced return are allocated directly to the Immigration Department which has a legal monopoly on the implementation of forced return.

The funds set aside for voluntary return are made available through a call for projects. The first call for projects, in which the funds for 2008 in 2009 were made available concurrently, was launched on 1 May 2009. The selection procedure will draw to an end in early September 2009. The projects are due to start in the autumn of 2009.

European funds - community

In the area of (voluntary) return there are opportunities for international cooperation, both to accelerate the learning process in the different Member States and achieve advantages of scale, and therefore greater efficacy. European Return Fund finances, which are controlled by the Commission in order to stimulate community action, provide an incentive for these types of operational cooperation between the different EU Member States.

As we will see further, both IOM Brussels and Caritas have taken part in projects in recent years, through which transnational networks have been set up with this European co-funding.

4. OVERVIEW OF ASSISTED RETURN MEASURES

4.1 Implementation of the programmes

A Structure

Fedasil has ultimate responsibility for organising the voluntary return programme and all parallel measures (information, communication, etc.). In fulfilling this responsibility Fedasil delegates several tasks to third parties (this principle of delegation is set out in the legislation).

Below, we give an overview of the tasks which Fedasil has kept for itself and those it has delegated to third parties.

1. Fedasil

The law stipulates that Fedasil is responsible for:

- Organising the voluntary return programme and providing support for reintegration;
- Ensuring accessibility of the programme.

All aspects of implementing the programme have been delegated to third parties.

Several management tasks have remained with Fedasil since they are inalienable from the mandate of the competent Agency:

- Policy preparation and monitoring policy implementation;
- Resource management, involving resources provided via both the national budget and the European Return Fund (allocated for voluntary return), as well as control of the spend;¹
- Monitoring of the different activities and evaluation of the results.

In addition, Fedasil carries operational responsibility for a number of activities which fall within its legal remit as regards the reception of asylum seekers.

- Development of an information strategy to provide both the target group and reception staff with information on the subject of voluntary return;
- Integration of voluntary return in the assistance offered to asylum seekers;
- Development of knowledge and expertise in the reception network. To this end 1 person in every reception centre is on part-time release from their duties as return counsellor. The job of the return counsellor consists of three parts:
 - o Point of contact between the reception centre and general executive;
 - o Provision of information for reception staff;
 - o Guarantee of high-quality assisted return;
- In the case of de-centralised reception (small-scale reception by local authorities, see further) this task is carried out by regional return counsellors.

¹ Resources available through the European Return Fund are controlled by the competent authority (EU Funds Unit of the Immigration Department).

2. The International Organization for Migration

The IOM has carried ultimate operational responsibility for implementing the REAB programme since 1984.

Some of these tasks are then re-delegated by the IOM to a network of NGOs, reception centres and local authorities (= REAB partners), i.e. a significant portion of the provision of information for the target group, return assistance and preparation of case files.

The terms of the REAB programme can be summarised as follows:

- Target group:
 - o Asylum seekers who withdraw their asylum claim (category A)
 - o Failed asylum seekers (category B)
 - o People who have never claimed asylum and are, or are likely to become, the responsibility of the state (category C)
- Specific terms:
 - o Organisation of the return trip (flight).
 - o Reimbursement of travel document expenses;
 - o Reimbursement of transport to the airport or defrayal of the cost of extra luggage (to a maximum value of EUR 50 per person);
 - o A reinstallation subsidy of EUR 250 (EUR 125 for minors). These figures were set in 1984 and have not been altered since.
 - o Assistance at the airport of departure, transit and (where possible and, if requested in advance) arrival.
 - o Transport from the airport to the final destination;
 - o Where applicable: special measures (up to and including escorts) for people who are unable to travel alone for medical or other reasons.
- Counselling:
 - o For each case file which leads to a departure the REAB partner receives a fixed fee to cover administrative costs of EUR 50 per adult.

No re-entry ban is imposed upon anyone who makes use of the REAB programme. They do, however, have to sign a statement to the effect that they will repay their travel costs if they return to Belgium within a five-year period. This provision has been difficult to enforce in practice. This is because the IOM has access to its own data files only, and cannot enforce the provision unless a person makes a second return request within the five-year period.

In 2006 the REAB programme came to include a reintegration programme. Implementation of this programme is also delegated to third parties (the IOM and Caritas).

The reintegration case files are prepared by the IOM Brussels. Support and assistance following return is provided by local IOM missions in the countries of origin. For this service they receive a so-called 'service fee' of EUR 250 maximum per case file.

3. Caritas

Caritas has been involved in voluntary return from Belgium since 1984. Until 2004 it was no more than a REAB partner (Caritas was the first and is still the largest REAB partner). In 2004 Caritas implemented a number of projects with co-funding from the European Refugee Fund, through which it sought ways of providing reintegration support through its international network.

Caritas has had a structural involvement in implementing the reintegration programme since 2007. Like the IOM it delegates support and assistance after return to its local branches in the country of origin.

B Link with other projects

As explained above the basic programme, which is funded nationally, is underpinned by external (European) funding. The latter is not confined to projects funded by the National Return Fund. Fedasil supports a number of transnational activities which are funded through the community actions of the European Return Fund.

1. IOM Consultations on European Co-operation

Every year since 2007 IOM Brussels has put together a delegation from every Member State of the EU for a two-day consultation in Brussels. The purpose of this consultation is to develop avenues of European cooperation by bringing together administrations (= policymakers) and IOM missions (= operational partners).

2. IRRiCO²

The activity we refer to above falls under the IRRiCO project.

In 2006 IOM Brussels took the initiative to set up a network involving a number of IOM missions in the EU and 25 missions in the countries of origin.

The project sets aside the resources needed to quickly and efficiently gather (general and specific) international information in each of the countries of origin with a view to supporting the assisted return process.

3. CRI

Fedasil has co-financed the CRI project for a number of years. This project was designed to guarantee reliable international information, but essentially relied on NGOs to achieve this.

4. ERSO³

ERSO is a network in which a number of European NGOs, mostly Caritas branches, cooperate with each other and NGOs in the countries of origin, on:

- Development and improvement of counselling techniques;
- Strengthening local reintegration partners;
- Mutual provision of networks in the countries of origin through which the investment needed to develop a network of local reintegration partners can be shared among the various countries.

² <http://irrico.belgium.iom.int/>

³ <http://www.erso-project.eu/>

C Information on return

Reaching the target group with information on voluntary return is not a simple matter.

- The outline of the target group is sketchy, making any development of adequate strategies a complex matter.
- Many different actors are involved in the process. Information is required not only by the prospective beneficiaries, but their formal representatives (lawyers, embassies, government authorities, municipalities, etc.) and informal representatives (NGOs, migrant organisations, religious communities, etc.).
- Between the various nationalities there are major differences in language, culture, background and reason for migration. The strategies and information channels developed have to bridge these differences.
- Since 2006 the information provision has broadened considerably but has also become more complex. This has hampered communication with first-line social services, which provide migrants with information.

In line with these considerations a strategy has been developed based on centralised development and support of organisation networks which can provide migrants with information directly (rather than communicating directly with migrants from the centre).

- The **network of REAB partners** is a network of NGOs, reception centres and municipal authorities which are in contact with the target group. There are more than 60 organisations working across the territory as REAB partners. As part of their regular services they give migrants information on the voluntary return option.

This network is controlled by the IOM. A briefing (REAB partner meeting) is organised at least twice a year, at which recent information is shared. A monthly newsletter is also sent out.

- In 2007, on the initiative of the Minister for Internal Affairs and the Minister for Social Integration, a **Circular** was sent to all municipal authorities. This letter asked the authorities to appoint a contact person to receive voluntary return information and with whom information might be shared in future.

- Due to the rise in the number (and share) of irregular migrants in the voluntary return target group, most of whom were living in the large urban agglomerations, it was gradually realised that the **municipal authorities** would have to become more actively involved in voluntary return if they were to incorporate this in policies aimed at this group.

A first pilot project is due to start with funding from the European Return Fund (in association with the IOM and the municipality of Ghent).

- Fedasil created a network of **return counsellors**. As an agency charged with the reception of asylum seekers, the aim is to create access to a network of experts covering the whole of the reception network.

This network is made up of return counsellors in the reception centres and two return counsellors (four in 2010) to concentrate on Local Reception Initiatives.

Local Reception Initiatives

About 50% of asylum seekers are held in Local Reception Initiatives (LRIs). These are small-scale reception facilities organised by Social Services Departments and funded by Fedasil. There are about 500 Local Reception Initiatives across the territory in total, which together offer places for more than 7000 asylum seekers. The size of an LRI varies from a few reception places to 100 or more.

It is impossible to achieve the same level of assisted return at all points across this network. However, Fedasil does have the task of guaranteeing that those eligible for reception, through the centres and LRIs, have access to the programme in the best possible circumstances.

This is achieved by guaranteeing second line support, provided by 2 regional return counsellors (4 in 2010). Their job breaks down into two areas: firstly, to provide each individual LRI with information about the program, and secondly to guarantee second line service, through which an LRI can direct any queries it may have about assisted return to the regional counsellor.

These different information networks can only operate effectively if given sufficient direction from the centre.

Specific capacity has been provided for this purpose, both at the IOM (2 FTE 'communication officers') and at Fedasil, and the IOM has an annual budget to develop and disseminate posters, flyers (in 26 languages) and brochures.

D Assisted return

Voluntary return rests on the REAB programme which, implemented by the IOM, makes provision for assisted return and the reintegration programme which, implemented by the IOM and Caritas, makes provision for a small amount of material support following return.

An adequate level of assisted return (= the sum of all action in conjunction with the migrant to prepare for return) is an absolute necessity if the opportunities offered under these programmes are to be exploited to the full. The network of REAB partners takes charge of this assisted return. This extremely diverse network is made up of organisations across the territory, which provide migrants with information on the voluntary return option, assist in processing the files and submit the actual application to the IOM. They serve as a gateway, as it were, to the programme.

The overall network breaks down into six categories:

1. Open reception centres (= assisted return processed on site by reception staff who actively incorporate return in the assistance provided);
2. Regional return counsellors (= assisted return resting on second line support);
3. Closed reception centres (= residents made aware of the voluntary option, pending forced return).
4. NGOs/ organisations with a nationwide reach (including Caritas, which has a number of local branches in addition to its headquarters in Brussels)
5. NGOs/ organisations with limited geographic reach / local base (such as vzw BIK, based in Kuurne)
6. NGOs/ organisations with a narrow target group (such as vzw AER, which is for the Russian community only).

This network structure is one of the strengths of voluntary return in Belgium. The incorporation of voluntary return in the services offered by so many different organisations makes the programme highly recognisable and guarantees a broad and active base of support. The threshold of access to the programme also remains low (migrants who wish to return are not directed to an unfamiliar organisation but to a social service which is already known to them).

However, managing a network of this type is not a simple matter:

- The more the programme evolves (and grows in complexity) the harder it becomes to guarantee the same level of assisted return across this diverse network.
- The more complex the programme, the more time-consuming voluntary return becomes. The funding received by the REAB partners (50 EUR per returnee) barely covers the actual cost in many cases;
- The caseloads of some REAB partners are so small that they are hardly able to build up useful experience.

E Cost of return

The national budget sets aside funds of about EUR 5,200,000 for voluntary return. These funds are earmarked to finance the structural components of the programme.

This can be taken as the basis for determining the average cost of a voluntary return. To some extent an exercise such as this is relative, given that results can vary depending on the method used. The amounts below are therefore merely indicative.

Method:

The average amounts below are based on the total number of returnees in 2008 against actual expenditure over the same period.

- Operational cost of a return (= only the returnee-related cost, including REAB subsidy, without booking and handling): **720 Euro**
- Cost including operational overhead (= booking and handling, transit assistance, REAB partner fee): **1,120 Euro**
- Cost including full overhead (= communication and information, publications): **1,250 Euro**
- Added cost of reintegration assistance (= returnee-related support, local integration partner fee, overhead): **+ 1,100 Euro**

E Outcome of the programmes – perceptions of voluntary return

Studies have been made of migrants' perceptions of voluntary return. These studies differ in terms of goals, design and methodology, but the findings bear comparison:

- A return to the country of origin is a latent option in the mind of every migrant.
- The ultimate decision to return or stay is the result of individual consideration based on a good deal of factors (including homesickness, prospects in the host country, situation in the country of origin, other people's experiences, etc.).
- The host country can only influence a small number of these factors, among them the way in which voluntary return is presented and the support offered with it.

In other words: the support offered (where confined to reasonable limits) has only a minor effect on the decision to return. The effect of support is most telling in that it makes it easier to reach a decision, through which it can be assumed that decisions will be reached sooner with support, than without.

Thus, the impact of voluntary return cannot be expressed simply as a quantity (absolute number of returnees). Account must be taken of more qualitative aspects (the decision to return is taken sooner and is more sustainable), although these are very difficult to measure.

4.2 Motives for and obstacles to voluntary return

Voluntary return has a number of obvious advantages:

- As an alternative, supported migration project, voluntary return is part of a sound system of reception and assistance for asylum seekers;
- Voluntary return is a form of return migration which raises few objections (as can be seen from its unprompted support among civil society);
- Voluntary return indirectly furthers acceptance of forced return in that it provides a credible and workable alternative.
- Voluntary return facilitates cooperation with embassies and consulates on the issue of identification.
- Voluntary return is more cost-effective than forced return and relatively simple to implement.

There are, however, several problematic aspects to voluntary return:

- Though embassies and consulates generally have few complaints if someone wishes to return voluntarily, rapid identification is often still a problem.
- It is difficult to quantify the precise effect of a programme on return migration. A voluntary return programme is designed, theoretically, for people who wish to leave a territory but do not have the means to pay for this. However, it is difficult to establish with precision how frequently the programme is used by people who are actually able to return without support.

5. REINTEGRATION AND SUSTAINABILITY OF RETURN

The REAB programme has had a fairly stable existence in the period between 1984 and 2006. Close to 40,000 migrants have made use of it in that time.

Everyone who has worked on return, however, particularly in the area of reception for asylum seekers, has noted the same gap in the programme.

The small measure of support that was extended under the REAB programme proved insufficient to surmount the many obstacles and problems that stood in the way of an individual return. The programme did not offer the problem-solving potential needed to help migrants find solutions to these problems. What this meant in reality was that the REAB programme presented a solution only to those who had managed to surmount the obstacles themselves and only required assistance for the travel.

In response to this, using funds from the European Refugee Fund, a number of pilot projects were set up in the period 2002-2005 in an attempt to link the REAB programme to broader support designed to clear away the obstacles to a return.

Several models were tested: from continuing support (before and after departure) for micro-business start-ups (IOM, CIRE to VWV) through increased subsidies (VWV – Rusland), to the provision of a small but extremely flexible amount of support on reintegration through permanent local partners (Caritas).

In mid 2006 these pilot projects were grouped together in a single structural programme to complement the REAB programme.

The current reintegration support measures can be summarised as follows:

- Material support to the value of EUR 700 per person to a maximum of EUR 1,750 per household. Vulnerable groups are entitled to extra support of EUR 700 per person.
- There are no specific acceptance criteria. Anyone who qualifies for voluntary return through the REAB programme has automatic entitlement to extra support through the reintegration programme.
- The support is not paid to the migrant directly, but through a reintegration partner (an organisation contracted by the Belgian government to implement the programme) to an organisation in the country of origin (known as a local integration partner). The local integration partner helps the migrant decide the best way to make use of the support. The rule is that these funds are to be used within a period of 6 months.
- Local reintegration partners monitor people who have returned with the help of reintegration support for 12 months after their return.
- Local reintegration partners are paid fixed expenses (a 'service fee') of EUR 200 – 250 per case file, unless they have a structural funding agreement with the reintegration partner in Belgium. This is the case with organisations such as the Caritas branches in Kosovo, Armenia, Ukraine and Mongolia.

In the initial phase (2006-2008) the Belgian government contracted 4 reintegration partners. There was a clear difference between the IOM and Caritas, who were in a position to implement the programme worldwide through their international network, and VWV and CIRE, who reached agreements with a number of NGOs in a few countries of origin. The latter model was abandoned in late 2008.

In the period 2006-2008 almost 2000 people have made use of the extra support.

In the interim the initial phase of the programme (2006-2008) has been evaluated. This evaluation was based on individual reports (per case file, up to 12 months after return), activity reports produced by the reintegration partners, several monitoring and evaluation missions in the countries of origin, and extensive dialogue with all actors involved.

The evaluation findings can be summarised as follows:

- Current arrangements are insufficiently differentiated to address different, individual situations.
- Access to support is inadequately regulated. This has given rise to a dynamic in which the REAB programme is being superseded by the reintegration programme, leading to an increased average cost without generating proportionate added value. If the funds available are to be employed as effectively as possible it will be necessary to increase support and be more selective in its allocation.
- The introduction of support for reintegration runs the risk of making voluntary support a factor of inflow migration, particularly for migration within the EU. To control this risk the target group must be strictly defined.
- It is important that assisted return be of an adequate level if the support available is to be used to a maximum.
- To gain a clear picture of the effect and impact of these combined efforts the current methodological apparatus (which is still based on the first EVF project phase) must be developed into an instrument, shared by all parties involved, which can be used to monitor, analyse and evaluate all the activities.

The findings of this evaluation have been translated into priorities for the national multi-annual plan of the European Return Fund.

6. CONCLUSIONS

1. A voluntary return programme is an essential component in the provision of social support for third country nationals. It is a method which gives every migrant an opportunity to reverse the migration project at any time, with no suggestion of coercion.
2. If a programme is to have credibility and support among the target group, and their formal and informal representatives, it must provide a certain level of support on reintegration.
3. It is difficult to judge how a voluntary return programme impacts on the overall extent of return migration. Each return is the result of an individual decision-making process. Factors such as individual background and situation in the country of origin have a much greater impact on this process than the actual support offered. At most this support can attempt to clear away the obstacles preventing a return, so that the decision to return is made easier and can be taken sooner.
4. The structural impact of a reintegration support programme is largely indirect and qualitative:
 - i. Better reintegration will make the return more sustainable and reduce the chances of remigration.
 - ii. Voluntary return becomes more credible for first line operatives, who have at their disposal a programme with which they can effectively resolve problems.
 - iii. A programme which makes a return workable may indirectly lead to greater social acceptance of forced return.

The individual impact of a reintegration programme (how support affects the quality of an individual return) is, on the other hand, direct.

5. A voluntary return programme involves much more than simply providing support. This support must be underpinned by parallel measures designed to provide information for the target groups and guarantee an adequate level of assisted return.
6. There is no universally accepted method on hand for monitoring and evaluating the impact and effects of voluntary return programmes. Given the increasing importance of such an instrument to voluntary return in both social and migration policy, it is recommended that such a method be developed.

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