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Return, readmission and reintegration in the Eastern Partnership countries: An overview

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CARIM-East Research Report 2013/17



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CARIM-East
Creating an Observatory of Migration East of Europe

Research Report
CARIM-East RR 2013/17

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CARIM-East – Creating an Observatory East of Europe

This project which is co-financed by the European Union is the first migration observatory focused on the Eastern Neighbourhood of the European Union and covers all countries of the Eastern Partnership initiative (Belarus, Ukraine, the Republic of Moldova, Georgia, Armenia and Azerbaijan) and Russian Federation.

The project's two main themes are:

- (1) migration from the region to the European Union (EU) focusing in particular on countries of emigration and transit on the EU's eastern border; and
- (2) intraregional migration in the post-Soviet space.

The project started on 1 April 2011 as a joint initiative of the European University Institute (EUI), Florence, Italy (the lead institution), and the Centre of Migration Research (CMR) at the University of Warsaw, Poland (the partner institution).

CARIM researchers undertake comprehensive and policy-oriented analyses of very diverse aspects of human mobility and related labour market developments east of the EU and discuss their likely impacts on the fast evolving socio-economic fabric of the six Eastern Partners and Russia, as well as that of the European Union.

In particular, CARIM-East:

- builds a broad network of national experts from the region representing all principal disciplines focused on human migration, labour mobility and national development issues (e.g. demography, law, economics, sociology, political science).
- develops a comprehensive database to monitor migration stocks and flows in the region, relevant legislative developments and national policy initiatives;
- undertakes, jointly with researchers from the region, systematic and *ad hoc* studies of emerging migration issues at regional and national levels.
- provides opportunities for scholars from the region to participate in workshops organized by the EUI and CMR, including academic exchange opportunities for PhD candidates;
- provides forums for national and international experts to interact with policymakers and other stakeholders in the countries concerned.

Results of the above activities are made available for public consultation through the website of the project: <http://www.carim-east.eu/>

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Key points

- The assessment of the scale of return and a comparative analysis of this phenomenon in Eastern Partnership (EaP) countries is hardly possible due to the lack of reliable data. This is especially true of voluntary return because of their voluntary character and the fact that they are not properly registered as such.
- Most EaP countries still lack readmission agreements with key countries of origin whose migrants come to or transit through EaP territories. However, many such agreements have been signed or are under negotiation. Belarus and Azerbaijan are unusual in that they have not signed any readmission agreements.
- The fears accompanying the signing of RAs with the EU, forecasting mass inflows of returnees, including third-country nationals, turned out to be exaggerated.
- Existing return and reintegration initiatives in EaP countries are mostly funded from external sources – by international organizations and individual, for the most part EU, host countries. Some available programs have, however, proved to not be very efficient. Moreover, they include limited migrant categories. Belarus and Azerbaijan do not have any reintegration policy for return migrants.
- The reintegration of EaP nationals concerns, above all, the domestic labour market.

Key recommendations

- Additional research and more thorough data collection regarding return, readmission and reintegration in EaP countries is needed to provide a more carefully matched approach to this issue. An example would be the ongoing research project *Cross-Regional Information System (CRIS) on the Reintegration of Migrants in their Countries of Origin* run by the European University Institute and focusing on Armenia and Morocco. The project is funded by the Swiss Agency for Development and Cooperation.
- Readmission agreements and appropriate readmission protocols with the main partners facilitate the process of dignified return to and from the EaP states, with respect to human rights as far as migration exchange is concerned.
- Return migration should become a separate branch of migration policy among migrant-sending states, within which a special institutional and legal framework should be created to implement return and reintegration programs.
- There is the need to initiate a proper information campaign for return migrants including information on job opportunities, medical services, taxes, business start-ups, domestic legislation etc. Support for return migrants in the labour market should be a priority in facilitating voluntary returns and successful reintegration.

Introduction

This paper is based on the information included in the twenty-one explanatory notes from CARIM East network members, covering the statistical, legal and socio-political aspects of return, readmission and reintegration issues in individual countries of the CARIM East region. Moreover, research papers on integration and reintegration of migrants prepared in the CARIM East framework served as a subsidiary source of information. This paper gives an overview of the basic facts concerning return, readmission and reintegration issues in Eastern Partnership countries concentrating on the existing gaps and problems.

1. Definitions

Return may take different forms depending on the extent to which the decision to return is left to a migrant. This in turn depends on his/her legal status. On that basis we can distinguish a few types of return:

- **Voluntary return** - which is based on the free will of the returnee and can be **independent** or **assisted** (by provision of logistical or financial assistance)
- **Forced return** - which depends on an administrative or judicial act and can take the form of **voluntary departure** (the returnee is given a time limit to leave the territory of the country) or **removal** (physical transportation out of the country). A person can be forcibly returned directly to his/her country of origin, but also to a transit country.
- **Readmission** is acceptance of a person from abroad who does not, or who no longer, fulfills the conditions for entry to, presence in, or residence on the territory of a foreign country. It can refer both to the citizens of the readmitting country but also to third-country nationals (or stateless persons) in cases where they have entered¹ the foreign country via the readmitting country's border.
- A **readmission agreement** is a bilateral agreement between two states establishing procedures for the forced return of persons who do not, or who no longer, fulfill the conditions for entry to, presence in, or residence on the territory of one of the parties. The agreement is, then, to facilitate the transit of such persons. Readmission agreements are accompanied by readmission protocols, which define all technical details such as authorized bodies, time frames, means of transport, costs, protection of personal data etc.
- Long-term absence from the home country may mean that a returnee needs **reintegration**, which is understood re-integration into society. Reintegration policy can be treated as a part of the migration policy of migrant-sending states. A sending country may dispose of certain instruments facilitating the reintegration of return migrants in its migration policy.

2. Forced return

There are certain differences between the EaP states in terms of legislation (e.g. definitions, consequences etc.) for forced return. The table below (Table 1) contains basic information on the legal framework concerning forced return in Eastern Partnership countries.

¹ EU readmission agreements apply to those third-country nationals who entered the territory of a Member State either illegally or directly from a relevant EaP country or who – even when they entered legally – hold a visa or a residence permit issued by a relevant EaP country, whose period of validity is longer than their authorisation to stay in the Member State.

Table 1. Forced return in legislation of Eastern Partnership countries

	Forms of return	Legal consequences
AM	Forced return from the border - in case of the absence of travel documents or legal grounds to stay in AM, aliens (except asylum seekers) are returned by the same carrier.	– In case immediate return is impossible, aliens may be detained in a transit area or in a special facility provided for that purpose.
	Independent departure – aliens with no legal grounds to stay are obliged to leave the country (no time limit except for rejected asylum seekers, 6 months).	– Failure to depart independently can lead to expulsion.
	Expulsion – ordered by a court at the request of the Police in case of the absence of legal grounds to stay or residence and if a foreigner fails to depart independently.	– RA Police implements the expulsion decision. – Suspensory effect of the appeal. – Arrest and detention possible when there is a risk of absconding (max. 90 days) – If expulsion impossible within 90 days, the police issues a temporary residence permit valid for up to one year. – 3-year entry ban.
AZ	Forced return from the border - in case of absence of travel documents or legal grounds to stay in AZ (except for asylum seekers).	– No appeal.
	Expulsion of immigrants – ordered by a court in relation to those whose immigrant status has been annulled because they have fraudulently acquired this status; committed certain administrative infringements; for the purpose of national security; or resided outside AZ longer than 6 months in a year.	– Seven days are granted for independent departure , and the failure to comply leads to forced expulsion. – Absolute entry ban.
	Expulsion of non-immigrant aliens - ordered by the MIA, State Migration Service or a court in relation to aliens who have seriously infringed the legislation on the legal status of aliens.	– 48h are granted for independent departure , which can be prolonged in justified cases. – Failure to depart within the fixed time-limit leads to detention and forced expulsion. ordered by a court – Absolute entry ban.
BY	Deportation (депортация) – administrative sanction in case of the violation of rules concerning border crossing and legal stay, and ordered by a court, MIA, the State Border Committee or the State Security Committee.	– Prior detention up to 72h possible. Further detention up to 3 months, approved by the prosecutor, to ensure the implementation of the deportation decision (still no special facility despite a relevant 1999 decision). – Right to judicial appeal within 5 days (suspensory effect) – Two forms of deportation possible: independent departure within 30 days, and forced deportation (under escort). Failure to depart within the fixed time-limit leads to detention and forced deportation. – 1 to 5 year entry ban possible.

	<p>Expulsion - concerns persons who are not subject to deportation but pose a threat to public order or national security.</p>	<ul style="list-style-type: none"> - May be ordered in the form of independent departure (if no risk of absconding) within 30 days, or forced expulsion. - In case of forced expulsion, an alien is detained (no appeal). No administrative detention but the assignment to residence is applied before the relevant decision is taken. - Suspensory effect of the application for international protection. - 1-10 year entry ban possible. - One year (renewable) temporary residence permit is issued in case the expulsion is impossible for practical reasons.
GE	<p>Independent departure after the loss of the right to stay – an alien, although de jure in irregular situation, decides before being apprehended to leave the territory by himself/herself.</p>	<ul style="list-style-type: none"> - No administrative fine is imposed if departed within 10 days after the loss of the right to stay (no entry ban). - After 10 days, the border guard fines the alien. The fine can be paid either before or after leaving the territory. No entry ban as long as the fine is paid.
	<p>Expulsion – concerns an alien who entered or stays illegally or who poses a risk to public policy, public security or national security. The decision-making body in case of illegal entry/stay is the Ministry of Justice while in other cases it is a court.</p>	<ul style="list-style-type: none"> - If the decision is taken by the Ministry of Justice, 3 days are fixed for independent departure (non-compliance leads to forced expulsion). A court's decision on expulsion has to be implemented immediately (i.e. forced expulsion carried out by the National Bureau of Enforcement). - Administrative detention possible for the purposes of identification or carrying out the expulsion decision. After 48h, a court's decision is needed. No time limit for such a detention is set. - 1 year entry ban
MD	<p>Return (forced) – decision taken by the Bureau of Migration and Asylum in relation to the alien who entered illegally or lost the right to stay (including rejected asylum seekers).</p>	<ul style="list-style-type: none"> - Obligation of the independent departure (from 5 days to 3 months depending on the category of persons), non-compliance leads to removal. - The right to appeal within 5 days (no suspensory effect). - Suspensory effect of the application for international protection. - 1-5 year entry ban.

	<p>Removal under escort – the personnel of the BMA accompanies an alien to the State Border. It applies to those aliens who have not departed voluntarily; crossed illegally the state border; who have been declared persona non grata (i.e. pose a risk to national security and public order); who have mental or physical disabilities; who pose a risk for the public health.</p>	<ul style="list-style-type: none"> – Implemented within 24h if no further formalities needed. Otherwise, the placement under public custody (detention at the Centre for Temporary Placement of Foreigners, ordered by a court) for 30 days (can be extended by a court up to 6 months). The decision can be appealed but with no suspensory effect. – 1,5 to 5,5 year entry ban – If the removal impossible, a tolerated status valid for 6 months (renewable) is granted.
	<p>Expulsion – removal as an additional measure ordered by a court in relation to aliens who have committed criminal or administrative offences.</p>	<ul style="list-style-type: none"> – Possible public custody by a court decision (the same rules as mentioned above). – Entry ban of 5 years and 10 years if aliens pose a serious danger to the public order or national security. – Tolerated status if the expulsion impossible.
<p>UA</p>	<p>Voluntary return – rejected asylum seekers, as well as aliens who have no legal grounds to stay or who cannot depart due to lack of funds or loss of passport, can apply for VR at the State Migration Service.</p>	<ul style="list-style-type: none"> – A certificate of the voluntarily returning person is issued, serving as a temporary residence permit. – VR within 60 days after application. – No detention but the obligation to report the place of stay at the SMS once a week.
	<p>Forced return – ordered by the SMS, the State Security Service or the border agency (subsequent notification of a prosecutor within 24 h) in relation to the aliens who case violate the legislation on the legal status of aliens; are detained in controlled border areas because of the unlawful border crossing; pose risk for national security/public order/public health.</p>	<ul style="list-style-type: none"> – Voluntary departure within a prescribed period which must not exceed 30 days. Non-compliance leads to forced expulsion (see below). – 3 year entry ban possible. – Aliens are not detained but can be accompanied by representatives of the competent authorities.
	<p>Forced expulsion (принудительное выдворение) – ordered by an administrative court at the request of the competent authorities in case of the non-compliance with the decision on voluntary departure or if there are reasonable grounds to believe that foreigners or stateless persons will avoid fulfillment of this decision</p>	<ul style="list-style-type: none"> – The court defines the period of entry ban. – Court’s decision can be appealed. – Aliens are placed by SMS or border agency (with subsequent notification of a prosecutor within 24 h) in Centres of Temporary Stay up to 12 months.

The above table shows that not only across the EaP states but also within one particular country different terms are used to denominate forced return, and the terms “expulsion”, “forced return” or “deportation” do not automatically mean that the relevant decisions are enforced by the competent authorities by means of physical transportation of aliens out of the country. The use of the mentioned terms may often imply that aliens are granted certain time-limit (which also differs across the

countries) for independent departure and only the non-compliance leads to the enforcement of the return decisions. The appeal against the return decision suspends its enforcement in Armenia, Belarus but not in Moldova (in AZ, aliens do not have the right to appeal against the decisions on forced return from the border).

As a rule, in the process of enforcement of return decisions, aliens are placed under administrative detention and here again the relevant rules are quite divergent: while the detention cannot last more than three months in Armenia and Belarus, in Moldova the three-month period can be extended up to six months, and in Ukraine, the 12-month time limit is set for the placement in the Centres for Temporary Stay of Foreign Nationals while in Georgia, there is no such time-limit for pre-removal detention of aliens. In this regard, it should also be mentioned that Armenia, Belarus and Moldova grant temporary residence permits (in Moldova it is called “tolerated stay”) to aliens whose expulsion has failed due to certain objective circumstances such as the lack of cooperation of the country of origin, the absence of documents, etc.

As regards the entry bans accompanying the forced return decisions, they too vary across the EaP countries, ranging from the absolute entry ban in Azerbaijan to one-year maximum entry ban in Georgia. The liberal approach of the latter is further conveyed in the possibility given to aliens in irregular situation to depart independently before being apprehended with hardly any negative legal consequences for them.

In any event, a comparative analysis of return in EaP states is hardly possible due to the lack of data and the fact that the available data are so difficult to compare. Surprisingly, gathering statistical data on forced returns proved to be a quite difficult task. The responsible bodies in the EaP states provide data for different (sometimes untypical) time periods and for different categories of migrants (their own citizens, third-country citizens, or citizens of particular third countries). This effectively makes comparison impossible. Furthermore, often only data on the number of issued decisions (concerning deportations, expulsions but also “voluntary return”) is available, while there is no data on how many people have left (namely the proportion of those decisions that have been in fact executed). The table below is an attempt to gather recent data on readmissions, expulsions and deportations in EaP countries from CARIM East explanatory notes. The table below reflects the complexity of this issue.

Table 2. Number of readmissions, expulsions and deportations in the EaP states²

Country	Readmissions to ...	Forced returns to ...	Readmissions from ...	Forced returns from ...
Armenia	75 readmission requests from Sweden, Norway, Switzerland and Russia received in 2011-2012 (holders of Armenian citizenship approved in 53 cases).			
Belarus	x		x	1028 people deported from Belarus and 1034 dispatched in 2011; 1036 people deported and 1150 dispatched in 2012.

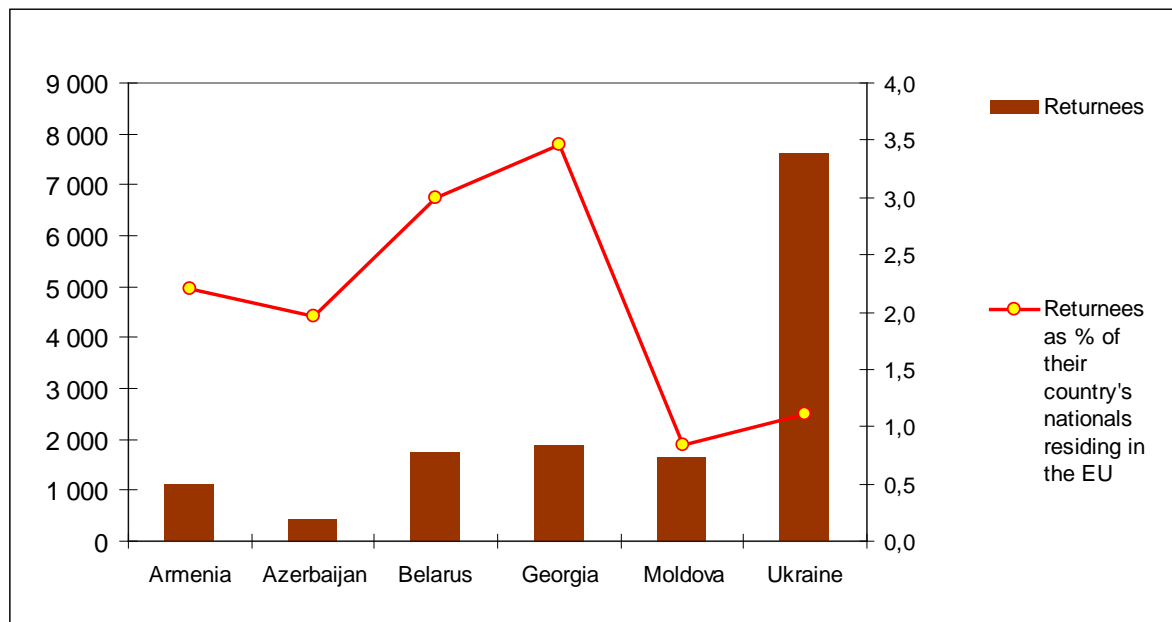
² Data on Azerbaijan is not available.

Country	Readmissions to ...	Forced returns to ...	Readmissions from ...	Forced returns from ...
Georgia	<p>1596 requests from EU countries 03.2011-12.2012 (of these 1477 approved), 838 applications submitted 03.2012-12.2012 (of these 785 approved);</p> <p>In fact, 112 people readmitted to Georgia in 2011, 142 in 2012;</p> <p>As of Jan 2013 Georgia has not received any application for the readmission of third-country nationals.</p>	<p>2009 Georgian citizens deported in 2010 (among them 321 from Poland, 307 from Greece), 2209 in 2011 (among them 716 from Turkey, 325 from Russia), 4851 in 2012 (3086 from Turkey, 329 from Russia);</p> <p>1271 deportations from the EU to Georgia in 2010, 768 in 2011.</p>	<p>As of Jan 2013 no applications submitted from Georgia to EU MS in the framework of the RA since it began to function.</p>	
Moldova	<p>From the EU: 110 Moldovan citizens in 2010, 126 in 2011, 41 in 2012.</p>	<p>From the EU: 1860 in 2011, 60 Moldovans removed from the US in 2011.</p>		<p>119 people expelled from Moldova in 2011 (70 court decisions, 49 administrative decisions), 270 in 2012 (85 court, 185 administrative decisions).</p>
Ukraine	<p>From the EU: 867 in 2010 (among them: 469 Ukrainian citizens, 267 other CIS, 131 non-CIS countries); 631 in 2011 (among them: 391 Ukrainian citizens, 164 other CIS, 76 non-CIS).</p>			<p>2147 forced return decisions in 2010, 1454 in 2011 (majority concerned CIS citizens), 1660 people left following forced return decision in 2010, 1043 left in 2011;</p> <p>decisions on voluntary returns: 1794 in 2010, 1199 in 2011 (of them: 1446 left in 2010, 909 in 2011, 608 of those who have not left voluntarily were subject to expulsion in 2010-2011, 348 of them left).</p>

Source: CARIM East Explanatory Notes on Return, Readmission and Reintegration

Figure 1 shows the number of EaP nationals returned from EU to their home countries following an order to leave in 2011. According to Eurostat these statistics concern those who have, in fact, left the territory of a Member State and they cover forced returns, assisted voluntary returns and unassisted voluntary returns if reliably recorded³.

Figure 1. EaP countries nationals returned from the EU following an order to leave, 2011



Source: based on Eurostat and CARIM East databases

Unsurprisingly, the highest absolute numbers relate to Ukraine, which has the biggest population among the EaP states. More interesting is the second indicator taking into account the size of the migrant population residing in the EU. Here Georgia and Belarus clearly stand out from the rest. This means that, from the statistical point of view, returns to Georgia and Belarus are more frequent than they are to other EaP countries.⁴

3. The use of readmission mechanisms

EaP countries still lack readmission agreements with many countries that are key to national interests – namely countries of origin of the majority of migrants coming to or transiting through their territories. Though, in many cases such agreements are under discussion. Moreover, not all existing agreements work effectively. For example, as far as Armenia is concerned, the existing RA has hardly been used (Yeganyan 2013).

In Belarus, acceptance of a person from abroad who does not, or who no longer, fulfills the conditions for entry to, presence in, or residence on the territory of a foreign country applies only to Belarusian citizens. Belarus does not readmit third-country nationals or stateless persons who enter a foreign country via the Belarusian border. Belarus has signed no readmission agreements with any other country. Also Azerbaijan has signed any readmission agreements. This issue does not seem,

³ Although Eurostat speaks here of a “voluntary return”, as it is based on an order to leave, it should rather be called “voluntary departure”.

⁴ It has to be noted that it would be better, methodologically speaking, to consider returns in relation to the size of the total (both legal and irregular) migrant population from these countries in the EU. Reliable estimates of irregular migrants’ population size do not exist.

right now, to be of great importance either to the Azerbaijani authorities or to public opinion in Azerbaijan. However, in 2012 negotiations concerning visa facilitation and readmission issues between Azerbaijan and the EU was initiated and, according to the Azerbaijani minister of foreign affairs, there were relatively few unresolved questions concerning third-country nationals at the end of 2012 (Rumyantsev 2013).

Table 3. Readmission agreements signed by the EaP countries

	Armenia	Azerbaijan	Belarus	Georgia	Moldova	Ukraine
EU				x	x	x
Benelux*	x					
Bosnia and Herzegovina					x	
Bulgaria	x			x		x
Czech Republic	x					
Danemark	x				x	x
Georgia						x
Germany	x			x		
Hungary						x
Italy				x	x	
Latvia	x			x		x
Lithuania	x					x
Macedonia					x	
Moldova						x
Montenegro					x	
Norway	x			x	x	x
Poland						x
Russia	x					x
Serbia					x	
Slovakia						x
Sweden	x					
Switzerland	x			x	x	x
Turkey					x	x
Turkmenistan						x
Ukraine					x	
Uzbekistan						x
Vietnam						x
total	13	0	0	7	11	16
total EU MS	10	0	0	4	2	7
total non-EU	3	0	0	2	8	8

x - Binding readmission agreements

x - Signed but not in force

* Belgium, Luxembourg, Netherlands

The table above shows that, among the EaP states, Ukraine has signed the most readmission agreements (16). Taking into account the RAs signed with different categories of countries, Ukraine and Moldova share first place as far as RAs with non-EU countries are concerned. Armenia has got the most RAs signed with EU member states. This is, however, connected to the fact that there is still no RA with the EU. It should be noted that when a country has signed both an RA with the EU and with

individual EU member states, an RA with the EU does not supersede the previously signed agreements. However, its provisions take precedence over the provisions of bilateral agreements, if they are incompatible.

A number of readmission agreements are under discussion. They are either in their initial phase (e.g. a number of agreements initiated by Moldova and Ukraine), in negotiation (e.g. EU-Azerbaijan, Moldova-Russia, Azerbaijan-Russia), almost ready to be finalized (e.g. Belarus-Russia; Belarus-Turkey; Armenia-EU) or waiting to come into force (e.g. Ukraine-Russia – not yet ratified by the Russian Duma).

Among the EaP countries Belarus is a special case due to the existence of the Union State of Russia and Belarus (Eurasian Economic Community) and the absence of border controls on the Belarus-Russia border. This means that readmission has a political dimension, making Belarus dependent on the position of Russia. Therefore, a first step would be to sign readmission agreements between Belarus and Russia (which may be signed in 2013).

There are various, often contradictory, arguments behind the fact that many EaP states do not rush (or have not rushed) to sign readmission agreements. In the eyes of the countries that act mainly as sending and/or transit countries (this is true of all EaP countries) readmission is not a priority and it is perceived as being of, above all, interest to receiving countries. From the perspective of a transit country, readmission means (due to the third country nationals clause) having to accept third-country nationals. This naturally generates additional costs: temporary centers for migrants awaiting readmission, legal support etc. EaP states, it seems, would be first to sign appropriate readmission agreements with the countries of origin of migrants transiting through their territory. This objection concerns various cases: e.g. EU-Belarus, but also Ukraine-Russia.⁵ The most problematic group for the EaP countries comprises irregular migrants from third countries such as China, Vietnam, Pakistan, India, Iran, Afghanistan, Nigeria, Egypt, Somalia and other Asian and African countries. Therefore, signing readmission agreements with these states seems to be the most urgent issue from the point of view of EaP countries.

Moreover, most EaP states sending important numbers of migrants to other countries are not interested in (or have been reluctant to) sign readmission agreements, fearing that they will not be ready to accept returning citizens who will then become unemployed. This is the case with Azerbaijan where it was pointed out that signing RAs will mean having to provide jobs for “illegal” Azerbaijani compatriots returning home (Rumyancev 2013). Similarly, according to some social partners and some political groups in Armenia and Georgia doubts were raised whether RAs would not cause mass returns. N. Chelidze (2013) argues that large-scale readmission from the EU is unlikely because people tend to get rid of their documents and verification of identity would be difficult unless biometric passports become common.

Furthermore, there are certain challenges connected with the implementation of existing readmission agreements. In some instances they are caused by lack of implementation protocols: this allows various interpretations of the corresponding agreements. Additional problem constitutes a lack of centralized databases containing information on citizenship and residence status. Furthermore, verification of migrant identity, when passports and I.D. cards have been disposed of, will be difficult unless modern identification technologies such as biometrics become common⁶. In Armenia consular

⁵ The readmission agreement between Russia and Ukraine was signed in 2008. However the Russian Duma has still not ratified it. Moreover, there is no readmission protocol that would define the procedures, responsible bodies etc. Russia objects to ratifying the readmission agreement signed⁵ with Ukraine so as not to be obliged to accept additional irregular migrants from the EU via Ukraine

⁶ Almost all EaP countries (except for Azerbaijan) have already started to introduce biometric passports. However, those documents are not common as most countries have been issuing them only for a few years or months: e.g. in Ukraine the law introducing biometric passports entered into force only in December 2012.

services do not have enough staff to conduct punctual personal interviews for citizenship identification. Moreover, different bodies in Armenia are responsible for the implementation of individual readmission agreements. This means a non-uniform approach (Chobanyan 2013).⁷

RAs with the EU

The EU combines readmission issues with visa facilitation⁸, something of high importance to EaP countries. But certain objections accompany (and used also to accompany in the past) the signing of readmission agreements with the EU.

For Georgia and Armenia, the main objections concern the increased inflow of returnees. The Moldovan authorities were reluctant to sign readmission agreements with the EU fearing the costs of implementation, given the massive scale of emigration from that country.

The agreement between Ukraine and the EU concerning the readmission of third-country nationals aroused much controversy. People, especially residents of border regions, protested against it (in particular against building temporary detention facilities for third-country nationals) fearing the huge inflow of illegal migrants coming from Asia and Africa (Ivaschenko Stadnik 2013). Expert and media forecasts saying that Ukraine would be flooded by illegal migrants from Asian and African countries turned out to be untrue. Only 14% of persons accepted by Ukraine in through the Readmission Agreement with EU, 2010-2011, were citizens of developing Asian and African countries. 57%, meanwhile, were Ukrainian citizens and 29% were citizens of other CIS countries and of Georgia (Pozniak 2013). _Remembering that most of these migrants cross the EU-Ukraine border overland (through the territories of Poland, Slovakia, Hungary or Romania) and that Ukraine used to have readmission agreements with these three, the signing of the EU-Ukraine RA could not have brought spectacular changes.

As mentioned before, for the Azerbaijani authorities return to and readmission by Azerbaijan is not a high priority. More important has been a national debate on immigrants (often irregular) coming to Azerbaijan.⁹ Although in Art. 75(1) of the EC-Azerbaijan Partnership and Cooperation Agreement (entered into force in 1999) Azerbaijan agreed to readmit any of its nationals illegally present on the territory of a Member State, upon request by the latter and without further formalities (Aliyev 2013).

As far as the EU-Belarus readmission agreement is concerned, the political situation is not conducive to success. It is unlikely that Belarus will be keen to sign the readmission agreement in the light of recent difficulties concerning cooperation on the Belarussian-EU border (Titarenko 2013).

⁷ However, Armenia recently adopted (in December 2012) an Action Plan, which defines a number of activities oriented towards implementation of the Armenia-EU RA training of the staff responsible for the implementation of the RA and the establishment of an interdepartmental working group (Aghababyan 2013).

⁸ The so-called “package deals” have not been only an EU practice. Russia too uses incentives to make its main migrant countries sign readmission agreements. For example, the agreement on visa free travel between Russia and Turkey signed in 2010 was conditional upon the signing of a corresponding readmission agreement. Such positive conditionality has also been used by Russia in negotiating readmission agreements with Central Asian states, e.g. Uzbekistan and Kyrgyzstan (Korneev 2012).

⁹ Therefore, it may be expected that return and readmission from Azerbaijan may become an important topic for Azerbaijani policy makers.

4. Voluntary return and reintegration

Voluntary returns

It is not easy to assess the number of voluntary returns to individual countries as this category of migrants is not separated from other types of migrants in statistical systems. The existing methodology for estimating return migration is far from satisfactory and the numbers do not reflect the real scale of this phenomenon. The main reason behind the lack of statistics on voluntary returns is the individual character of this movement – return migrants do not usually count on state support. Rather they depend on their own networks (family, friends etc.).

Assisted voluntary returns

Assistance in terms of voluntary returns has been offered to EaP countries by various entities: above all, international organizations and host countries. This support is, however, fragmented and many projects are realized on a very small scale. Among large-scale initiatives Programmes on Assisted Voluntary Return and Reintegration (AVRR) run in EaP countries by IOM should be mentioned. Figure 2 and 3 show the number of AVRR beneficiaries in the EaP countries in 2011.

Figure 2. EaP countries nationals returning home through AVRR in 2011

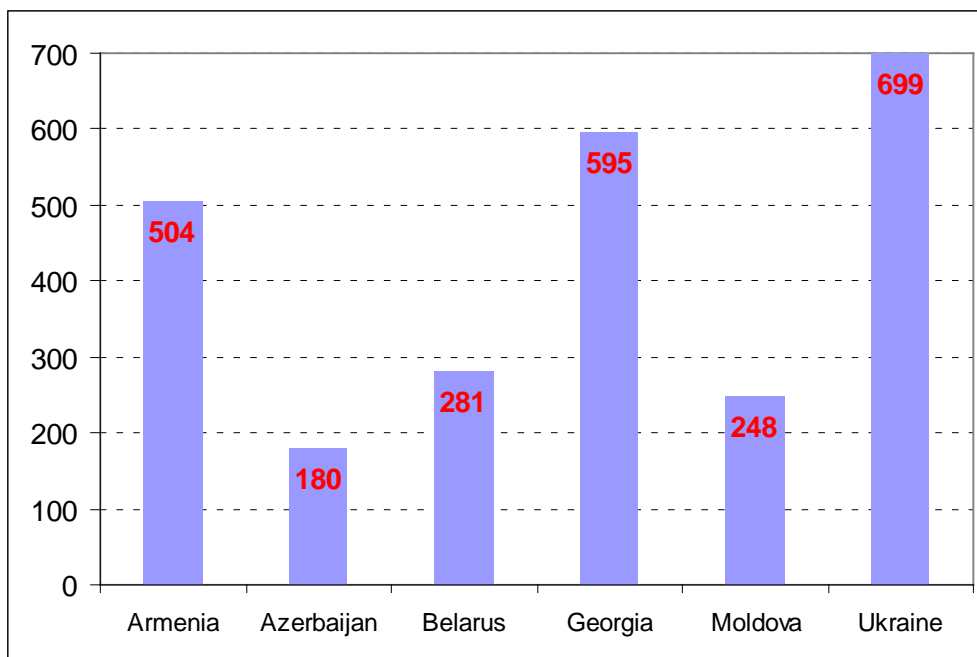
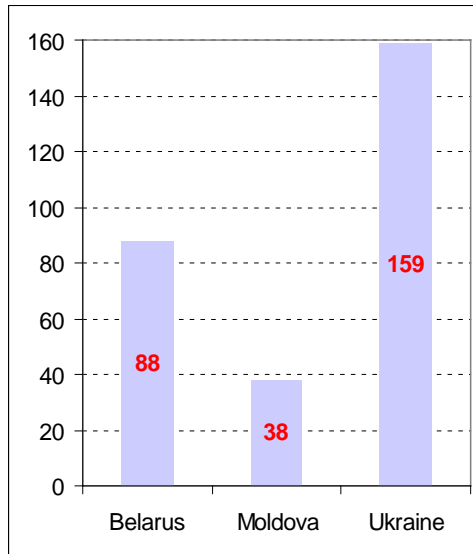


Figure 3. Third-country nationals who returned home from EaP countries in frames of the AVRR in 2011



Source: Assisted Voluntary Return and Reintegration. Annual Report of Activities 2011, 2012, IOM

Reintegration

In general, reintegration policies in the EaP states lack proper coordination. Table 4 presents a review¹⁰ of return and reintegration initiatives introduced recently in EaP countries. Those initiatives can be divided into two groups: 1) funded by countries of origin themselves (towards their own nationals); 2) funded by destination countries (or international organizations). The table below shows that return and reintegration initiatives in the EaP states have been externally funded for the most part.

¹⁰ This review does not pretend to be exhaustive.

Table 4. Return and reintegration initiatives in the EaP countries

Country	Internal Support	External Support
Armenia	<ul style="list-style-type: none"> ◦ Migrants' Support Centre established under the State Migration Service; 2006-. ◦ Migration Resource Centers established within the system of State Employment Service Agency, since 2010. 	<ul style="list-style-type: none"> ◦ <i>Strengthening Armenia's migration management capacities, with special focus on reintegration activities</i>; through the EU-Armenia Mobility Partnership, 2012-2014. ◦ <i>Reinforcement of Management of Migratory Flows in Armenia</i>; AUNA and Czech NGO "People in Need" supported by the European Commission and Czech Government, 2009-2012. ◦ <i>Sustainable Reintegration after voluntary return</i>; Armenian Caritas in partnership with Belgian Ministry of Social Integration through FEDASIL and Caritas International in Belgium; financed by EU and Government of Belgium, 2006-2010. ◦ <i>Migration and development</i>; Caritas Armenia, funded by the government of Liechtenstein and Caritas Austria, 2010-2013. ◦ <i>ERSO (European Reintegration Support Organizations)</i>; Caritas Armenia in partnership with Caritas Austria, 2008-2009. ◦ <i>Returnees from Europe</i>; Caritas Armenia with Caritas Germany and Caritas Netherlands, funded by European Returnee Fund, 2008-2013. ◦ <i>Institutional Capacity Building in the Field of Migration Information and Co-operation Regarding Reintegration of Armenian Migrants</i>; OFII, Armenian State Migration Service, AAAS, FFAD; 2009-2011. ◦ <i>RACOB-Return Assistance in Armenia-Cooperation OFII-BAMF</i>; co-funded by the European Return Fund, AAAS in partnership with FFAD, 2012-. ◦ <i>Enhanced and Integrated Approach regarding Information on Return and Reintegration in Countries of Origin (IRRICO II)</i>; IOM, 2008-2010. ◦ AVR, IOM, 1994-. ◦ <i>The Return Assistance Programme for Armenian Nationals from Switzerland</i>; Swiss Agency for Development and Cooperation, Federal Office for Migration of Switzerland, State Migration Agency of Armenia, 2004-2009. ◦ <i>Returning to Sources Project</i>; FADF, National Agency for Receiving of Foreigners and Migration under the Government of France, Armenian Association of Social Aid in France, State Migration Service of Armenia, 2005- ◦ <i>Post Arrival Assistance to Armenian Returnees from the Netherlands</i>; Repatriation and Departure Service of the Ministry of Justice of the Netherlands, International Center for Human Development, State Migration Service of Armenia, 2010-2012. ◦ <i>Support to Migration Policy Development and Relevant Capacity Building</i>; British Council, in partnership with the International Centre for Human Development and the Migration Agency under the Republic of Armenia's Ministry of Territorial Administration, funded by the EU, 2007-2009. ◦ <i>Preventing Irregular Migration from Armenia to Belgium</i>; ICHD.
Azerbaijan		<ul style="list-style-type: none"> ◦ AVR, IOM.
Belarus		<ul style="list-style-type: none"> ◦ AVR, IOM, 2007.

Country	Internal Support	External Support
<i>Georgia</i>		<ul style="list-style-type: none"> ◦ <i>Targeted Initiative Georgia (TIG)</i>. Support Reintegration of Georgian Returning Migrants and the Implementation of EU-Georgia Readmission Agreement; through the EU-Georgia Mobility Partnership; implementation: consortium of 9 EU MS and IOM, 2010. ◦ <i>Program for the professional personnel returned to the homeland</i>; International Center for Migration CIM/GIZ. ◦ <i>Integration of Georgian Migrants into Labour Market</i>; EC and UN. ◦ <i>Migrant voluntary return and reintegration project (AVRR)</i>, IOM, 2003 ◦ <i>Returning Migrants Reintegration in Georgia</i>; DRC Danish Refugee Council. ◦ <i>Enhanced and Integrated Approach regarding Information on Return and Reintegration in Countries of Origin (IRRICO II)</i>; IOM, 2008-2010.
<i>Moldova</i>	<ul style="list-style-type: none"> ◦ Program on Attracting Remittances into the Economy ‘PARE 1+1’ oriented towards migrants and their first-degree relatives who want to start or develop their business in Moldova; coordinated by The Moldovan Economic Ministry’s Organization for Small and Medium Enterprises Sector Development, 2010-2012. 	<ul style="list-style-type: none"> ◦ <i>Support to Implementation of EC Readmission Agreements with the Republic of Moldova, the Russian Federation and Ukraine: Facilitation of Assisted Voluntary Return and Reintegration (SIREADA)</i>; launched by IOM, funded by the European Union and co-funded by the Austrian Development Agency. ◦ <i>Technical cooperation and capacity building of Ukrainian and Moldovan governments for implementation of readmission agreements with the European Union (GUMIRA)</i>. ◦ <i>Strengthening Republic of Moldova capacity to manage labour and return migration within the framework of the mobility partnership with the EU</i>; The Swedish Public Employment Service, 2009-2011. ◦ <i>Supporting the implementation of the migration and development component of the EU-Moldova Mobility Partnership</i>, IOM. ◦ <i>Effective governance of labour migration and its skills dimensions</i>; ILO; funded by the EU, 2011-2013. ◦ <i>Enhanced and Integrated Approach regarding Information on Return and Reintegration in Countries of Origin (IRRICO II)</i>; IOM, 2008-2010.
<i>Ukraine</i>		<ul style="list-style-type: none"> ◦ Assisted Voluntary Return (AVR) programmes; IOM, funded by EU: <ul style="list-style-type: none"> • <i>Capacity Building in Migration Management: Ukraine (Phase I and II)</i>, 2005-2008 • <i>Technical cooperation and capacity building of Ukrainian and Moldovan governments for implementation of readmission agreements with the European Union (GUMIRA)</i>, 2009-2011 • <i>Support to Implementation of EC Readmission Agreements with the Republic of Moldova, the Russian Federation and Ukraine: Facilitation of Assisted Voluntary Return and Reintegration (SIREADA)</i>; launched by IOM, funded by the European Union, 2011-2012. ◦ <i>Effective governance of labour migration and its skills dimensions</i>; ILO; funded by the EU, 2011-2013 ◦ <i>Enhanced and Integrated Approach regarding Information on Return and Reintegration in Countries of Origin (IRRICO I and II)</i>, IOM; 2006-2010.

Although numerous initiatives have been implemented by national, international and nongovernmental organizations, they actually include limited return migrant categories. Some of the programs have proved not to be very efficient e.g. the ERSO program implemented by Caritas in Armenia in 2008-2009 only supported four families (Yeganyan 2013). Another problem is that return and reintegration programs funded by host countries are implemented mainly by EU states, while a considerable number of migrants originating from the EaP countries migrate to other post-Soviet states (mainly Russia, but also Ukraine, Belarus) and those host countries do not provide immigrants with any return and reintegration assistance. For example, in Ukraine the question of reintegration is present in its legislation, but there are actually no state programs aimed at the reintegration of return Ukrainians. This approach is, however, partially justified when remembered that most migrants fall into the category of short-term circular migrants, who do not usually need reintegration support.

The EaP countries differ as far as their engagement in return and reintegration actions towards their own nationals is concerned. Taking into consideration the initiatives presented above and also the presence of return and reintegration issues in their national policies, the Eastern Partnership states can be divided into two groups:

1. countries where these issues are present in legislation and/or taking actions to facilitate return migration of their own nationals – Moldova, Ukraine, Armenia;
2. countries not having any clear return and reintegration policies towards own nationals – Azerbaijan, Belarus and Georgia.

The latter group can be further differentiated as more attention is paid to return and reintegration issues in Georgia than in Belarus and Azerbaijan.

For most EaP states (apart from Belarus) return migration constitutes a more significant challenge (from the point of view of the national interest of those countries) than the integration of foreign nationals coming to these countries. However, even countries trying to facilitate the returns of their citizens are, in reality, not ready to provide appropriate support for them. In most cases reintegration of returning nationals is not supported by any special programs. The government does not facilitate starting a new returnee business nor does it provide returnees with any tax allowance to encourage them to invest money at home. There are also no special institutions that provide return migrants with information, organizational and legal support. For example most return migrants in Georgia decide to migrate again not because they have intentionally chosen a circular pattern of migration, but rather as a result of unacceptable integration conditions in Georgia (Tukhashvili 2013). Furthermore, the returns are often a result of push factors in host countries rather than pull factors in countries of origin: this was the case, for example, with Armenian migrants (H. Chobanyan 2013). This is particularly important given the economic crisis in Europe. The key aspect of reintegration problems in EaP countries is the difficulty of finding a job or of starting a business. Therefore, support in this field should be treated as the most effective way of encouraging voluntary returns and of facilitating reintegration. As long as the countries of origin are affected by high unemployment, low wages, tough conditions for starting up and running a business and the lack of a free market, the reintegration of return migrants will be hampered. At the same time, the above mentioned impediments mean that EaP countries are reluctant to stimulate the return of their citizens. Therefore, the first step should involve the enhancement of labor market conditions and should encourage emigrants to invest in businesses back home, even while abroad.

Considering the possible changes, that might have taken place in their absence, there is a need for a proper information campaign addressing return migrants. The reintegration of migrants in EaP states is hindered, first by the lack of information concerning various aspects of life back in the home country – e.g. opportunities on the labour market, domestic legislation, medical services, pension security etc. – and, second, a lack of reintegration programs.

For Belarus reintegration is actually nonexistent. Only victims of trafficking are provided with reintegration programs; the same is true of Azerbaijan. Return migration is not an important phenomenon in Belarus and so reintegration is not a priority.

Actually, the question of reintegration has become an important research topic in Moldova, Ukraine and Georgia only in the last years. New research projects devoted to this theme may contribute to a growth of state interest in dealing with this issue.

Conclusions

The lack of appropriate data on return migration impedes the presentation of a proper comparative picture in the EaP states. Genuine voluntary returns are beyond the scope of statistical analysis as migrants usually migrate on their own without any external support that would allow their registration. But even for forced return, it is not an easy task to compare the scale between EaP countries due to certain legislative differences .

The problem of return and reintegration has been almost totally ignored in Belarus and Azerbaijan, which, at least for now, do not rate this as an important social problem. For the time being they have no readmission agreements signed (though there have been some talks concerning this issue) and almost no return and reintegration initiatives have been introduced in regard to citizens.

Armenia, Georgia, Moldova and Ukraine seem to have understood the importance of return and reintegration policies and are slowly changing their legislation and migration policies. However, even for them, readmission agreements are still not standard, something which can be partially justified by their sending and/or transit migration status.

Reintegration of return migrants constitutes a real challenge in most EaP states. However, it has become a crucial issue for those countries only recently. High unemployment, low wages, tough conditions for starting up and running a business and a lack of free market conditions do not help return migrants to reintegrate. The key aspect of reintegration in the EaP countries concerns problems with employment: both finding a job and starting a business. Therefore, support in those domains should be treated as the most effective way of encouraging voluntary returns and facilitating reintegration.

Among problems hindering policy development on return, readmission and reintegration issues experts list, among others, lack of clear division of competence between different institutions dealing with these issues, insufficient state and external funding and the lack of an appropriate agenda.

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