



EUROPESE COMMISSIE

SECRETARIAAT GENERAAL

ONTVANGEN 13 MRT 2009 JVS

Brussel, 13.3.2009

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PERMANENTE
VERTEGENWOORDIGING VAN
NEDERLAND BIJ DE EUROPESE
UNIE

Hermann-Debrouxlaan, 48

1160 BRUSSEL

**Betreft: KENNISGEVING OVEREENKOMSTIG ARTIKEL 254 VAN HET EG-
VERDRAG**

Het Secretariaat-generaal doet U hierbij, voor doorzending aan zijne
Excellentie de Minister van Buitenlandse Zaken, bijgaande Beschikking van de
Commissie toekomen.

Voor de Secretaris-generaal


Karl VON KEMPIS

Bij : C(2009)1596 def.

NL



COMMISSIE VAN DE EUROPESE GEMEENSCHAPPEN

Brussel, 12.3.2009
C(2009) 1596 definitief

BESCHIKKING VAN DE COMMISSIE

van 12.3.2009

**waarbij in het kader van het Europees Terugkeerfonds het
meerjarenprogramma 2008-2013, het jaarprogramma 2008 en de medefinanciering voor
2008 voor Nederland worden goedgekeurd**

(Slechts de tekst in de Nederlandse taal is authentiek)

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DE COMMISSIE VAN DE EUROPESE GEMEENSCHAPPEN,

Gelet op het Verdrag tot oprichting van de Europese Gemeenschap,

Gelet op Beschikking nr. 575/2007/EG van het Europees Parlement en de Raad van 23 mei 2007 tot oprichting van het Europees Terugkeerfonds voor de periode 2008-2013 als onderdeel van het algemeen programma "Solidariteit en beheer van de migratiestromen"¹, en met name op artikel 19, lid 5, en artikel 21, lid 5,

Overwegende hetgeen volgt:

- (1) Op 4 juli 2008 heeft Nederland bij de Commissie een ontwerpmeerjarenprogramma voor de periode 2008-2013 ingediend. Het ontwerpmeerjarenprogramma werd vervolgens herzien en op 23 december 2008 ontving de Commissie een definitieve versie. Het programma bevat de in artikel 19, lid 1, van Beschikking nr. 575/2007/EG voorgeschreven onderdelen. De Commissie heeft het overeenkomstig artikel 19, lid 3, van Beschikking nr. 575/2007/EG gecontroleerd en getoetst op overeenstemming met Beschikking 2007/837/EG van de Commissie van 30 november 2007 tot uitvoering van Beschikking nr. 575/2007/EG van het Europees Parlement en de Raad wat de goedkeuring van strategische richtsnoeren voor de periode 2008-2013 betreft².
- (2) Op 26 september 2008 heeft Nederland bij de Commissie een ontwerpjaarprogramma voor 2008 ingediend. Het ontwerpjaarprogramma werd vervolgens herzien en op 18 december 2008 ontving de Commissie een definitieve versie. Het programma bevat de in artikel 21, lid 3, van Beschikking nr. 575/2007/EG voorgeschreven onderdelen en is opgesteld in overeenstemming met het meerjarenprogramma.
- (3) Op 23 oktober 2007 heeft Nederland overeenkomstig artikel 32, lid 2, van Beschikking nr. 573/2007/EG een beschrijving van de beheers- en controlesystemen ingediend die de in laatstgenoemd artikel voorgeschreven onderdelen bevat. Na een controle van de beheers- en controlesystemen werd op 9 september 2008 een herziene beschrijving ontvangen.

¹ PB L 144 van 6.6.2007, blz. 45.

² PB L 330 van 15.12.2007, blz. 48.

- (4) De bedragen die aan de lidstaten worden toegekend in de vorm van medefinanciering moeten worden vermeld.
- (5) Er moet een einddatum worden vastgesteld voor de subsidiabiliteit van de uitgaven, overeenkomstig de punten I.4 en V.3 van bijlage XI bij Beschikking 2008/458/EG van de Commissie van 5 maart 2008 tot vaststelling van regels voor de uitvoering van Beschikking nr. 575/2007/EG³.
- (6) De in deze beschikking opgenomen maatregelen zijn in overeenstemming met het advies van het bij artikel 56, lid 1, van Beschikking nr. 574/2007/EG ingestelde comité⁴,

HEEFT DE VOLGENDE BESCHIKKING GEGEVEN:

Artikel 1

Het meerjarenprogramma van Nederland voor de periode van 1 januari 2008 tot 31 december 2013, dat als bijlage 1 bij deze beschikking is gevoegd, wordt goedgekeurd.

Artikel 2

Het jaarprogramma van Nederland voor 2008, dat als bijlage 2 bij deze beschikking is gevoegd, wordt goedgekeurd.

Artikel 3

Voor het boekjaar 2008 wordt in totaal 2 703 125,73 euro uit het Europees Terugkeerfonds toegekend in de vorm van medefinanciering.

Artikel 4

Voor het jaarprogramma 2008 is de einddatum voor de subsidiabiliteit van de uitgaven 31 december 2009 voor acties en 30 september 2010 voor technische bijstand.

Artikel 5

Voor het jaarprogramma 2008 voor Nederland vormt deze beschikking een financieringsbesluit in de zin van artikel 75, lid 2, van Verordening (EG, Euratom) nr. 1605/2002 van de Raad van 25 juni 2002 houdende het Financieel Reglement van toepassing op de algemene begroting van de Europese Gemeenschappen⁵, en van artikel 90 van Verordening (EG, Euratom) nr. 2342/2002 van de Commissie van 23 december 2002 tot vaststelling van uitvoeringsvoorschriften van Verordening (EG, Euratom) nr. 1605/2002 van

³ PB L 167 van 27.6.2008, blz. 135.

⁴ PB L 144 van 6.6.2007, blz. 22.

⁵ PB L 248 van 16.9.2002, blz. 1. Verordening laatstelijk gewijzigd bij Verordening (EG, Euratom) nr. 1525/2007 van de Raad (PB L 343 van 27.12.2007, blz. 9).

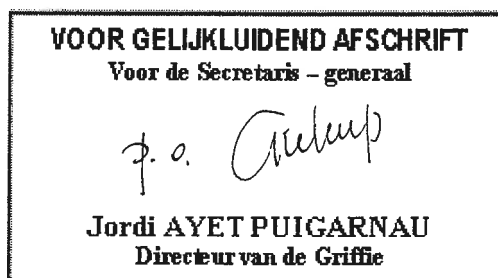
de Raad houdende het Financieel Reglement van toepassing op de algemene begroting van de Europese Gemeenschappen⁶.

Artikel 6

Deze beschikking is gericht tot het Koninkrijk der Nederlanden.

Gedaan te Brussel, op 12.3.2009.

Voor de Commissie
Jacques BARROT
Vicevoorzitter



⁶ PB L 357 van 31.12.2002, blz. 1. Verordening laatstelijk gewijzigd bij Verordening (EG, Euratom) nr. 478/2007 (PB L 111 van 28.4.2007, blz. 13).

Annex 1

MULTIANNUAL PROGRAMME

| | | |
|------------------------------|----------|---|
| MEMBER STATE | : | The Netherlands |
| FUND | : | European Return Fund |
| RESPONSIBLE AUTHORITY | : | The Migration Policy Department at the Ministry of Justice |
| PERIOD COVERED: | | 2008-2013 |

1. SITUATION IN THE MEMBER STATE

1.1. The national situation and the migration flows which affect it

The Dutch return policy applies to different groups of aliens. One such group is rejected asylum seekers. In the past few years there has been an annual asylum influx of between 10,000 and 20,000 people, of whom only a limited number is admitted as refugees or on other grounds. Those who are not admitted must leave the Netherlands.

Moreover, among the rejected asylum seekers are persons who had initially obtained a residence permit, due to the general situation in the country of origin (on the basis of the so-called policy of categorial protection), but from whom that permit has been withdrawn at any time following a change of circumstances in the country of origin.

In addition, there is a group of aliens who have had a normal residence permit, for example for study, work, residence with a partner/spouse or for medical reasons, but from whom that permit has been withdrawn at some point in time.

Lastly, there is a large group of aliens staying irregularly in the Netherlands, some of whom have never applied for residence. According to the most recent estimates¹ between 1 April 2005 and 1 April 2006 between 74,000 and 184,000 people lived in the Netherlands without right of residence. It is likely that the number of European illegal aliens in the Netherlands has fallen in recent years as a result of the enlargement of the European Union in 2004 and 2007.

There is a preference in the Dutch return policy for voluntary return over forced return. That can be seen in the fact that aliens whose application has been definitively rejected or whose residence permit issued previously has been withdrawn are given the opportunity in principle to leave the country voluntarily within a specific period. Only after that period has lapsed will the authorities embark upon forced return and the person concerned is no longer eligible for accommodation and other government support.

Voluntary return can be supported by the International Organisation for Migration (IOM) by means of advice, information and assistance. In addition to reimbursement for the ticket, an alien who leaves by means of the IOM is in certain cases also eligible for a form of financial support on return².

¹ Heijden, P.G.M. van der, G. van Gils, M. Cruijff and D. Hessen, *An estimate of the number of illegal aliens living in the Netherlands in 2005*. Utrecht, IOPS (Interuniversitaire Onderzoekschool voor Psychometrie en Sociometrie (Inter-university Research School for Psychometry and Sociometry)), Utrecht University, 2006.

² For the criteria for IOM support reference is made to the REAN implementing regulations and also to the Return and Reintegration Regulation (Herintegratieregeling Terugkeer (HRT))

1.1.1 The institutional set up regarding return policy

The implementation of the return policy of the Netherlands Government is the responsibility of the Repatriation and Departure Service (Dienst Terugkeer en Vertrek (DT&V)).

Moreover, the Royal Military Constabulary (Koninklijke Marechaussee (KMar)) and the Aliens Police (Vreemdelingenpolitie (VP)) are also involved in the implementation of the return policy.

The KMar, which falls under the Ministry of Defence, carries out a number of tasks regarding the implementation of Dutch aliens policy. The KMar is responsible for the protection of the borders. In this context, it can apprehend aliens who have crossed the border illegally and detain them. It can conduct investigations regarding the identity of aliens. Moreover, the KMar provides escorts for forced returns.

The VP is responsible for the supervision of aliens. In the interest of public order, the police can apprehend and detain aliens who are staying illegally in the country.

The Repatriation and Departure Service is a new enforcement organization of the Ministry of Justice, and resides under the responsibility of the State Secretary of Justice. As of 2007, all repatriation responsibilities of the Immigration and Naturalization Service (IND) are subsumed under the Repatriation and Departure Service. This also applies for practically all repatriation tasks of the Aliens Police. The KMar has handed over a number of repatriation tasks to the Repatriation and Departure Service as well, but they remain responsible for the actual return (including escorting) of aliens. With the transfer of the repatriation responsibilities from the police, the KMar and the Immigration and Naturalization Service, the Repatriation and Departure Service is responsible for the preparation, the progress and the organization of the actual departure from The Netherlands of:

- illegal aliens presented and/or apprehended in the framework of the supervision of aliens and border surveillance and
- aliens whose request to be allowed to stay in The Netherlands has been denied by the Immigration and Naturalization Service.

In the context of realizing the alien's actual departure, the stimulation of the voluntary departure of the alien is the key goal. In this context, the DT&V points out to the alien that he/she can receive assistance from the IOM in case of voluntary return. If voluntary departure is out of the question, the Repatriation and Departure Service enforces the departure of the alien. In carrying out its tasks, the Repatriation and Departure Service ensures a respectful and humane treatment of the alien.

In most cases, aliens whose return is prepared stay either in accommodation centres for asylum seekers or in detention centres. The accommodation centres are run by the Central Agency for the Reception of Asylum Seekers (COA). The detention centres fall under the responsibility of the National Agency of Correctional Institutions (DJI).

1.1.2 The number of persons subject to return policy

The number of people leaving the Netherlands by force or voluntarily can vary enormously from year to year. The figures for the period 2005 - 2007 are as follows:

2005 : 12,658

2006 : 11,337

2007 : 8,642

The figures for 2005 break down further as follows:

| | |
|---------------------|-------|
| Forced departure | 7807 |
| Voluntary departure | 4851 |
| Grand total | 12658 |

Nationalities:

| | |
|--------------------------------|------|
| Turkish | 12% |
| Bulgarian | 9% |
| USA citizen | 7% |
| Moroccan | 5% |
| Nigerian | 4% |
| Romanian | 4% |
| Angolan | 3% |
| Ukrainian | 3% |
| Yugoslavian (Federal Republic) | 3% |
| Surinamese | 3% |
| Other | 47% |
| Total | 100% |

The figures for 2006 break down further as follows:

| | |
|---------------------|-------|
| Forced departure | 7063 |
| Voluntary departure | 4274 |
| Grand total | 11337 |

Nationalities:

| | |
|-------------|------|
| Bulgarian | 11% |
| Turkish | 10% |
| Romanian | 5% |
| Moroccan | 4% |
| Angolan | 4% |
| USA citizen | 4% |
| Nigerian | 4% |
| Chinese | 3% |
| Iraqi | 3% |
| Ukrainian | 3% |
| Other | 49% |
| Total | 100% |

The figures for 2007 break down further as follows:

| | |
|---------------------|-------|
| Forced departure | 6 528 |
| Voluntary departure | 2 114 |
| Grand total | 8 642 |

Nationalities:

| | |
|-------------|------|
| Turkish | 13% |
| Nigerian | 5% |
| Brazilian | 5% |
| Moroccan | 5% |
| USA citizen | 4% |
| Chinese | 4% |
| Ukrainian | 3% |
| Surinamese | 3% |
| Iraqi | 3% |
| Angolan | 2% |
| Other | 53% |
| Total | 100% |

On January 1st 2007, Romania and Bulgaria became part of the European Union. This explains why these two countries only appear in the data for 2005 and 2006.

1.2.3 The challenges related to the return of these persons

Many of those aliens whose asylum applications have been definitively rejected, cannot be shown to have left the Netherlands, their destination being unknown. In such cases, the authorities have not been able to establish that the alien has actually left the country, for example because it has only been ascertained that the alien is no longer at the address at which he/she was previously. The fact that the national authorities cannot enforce return in all cases is an area of concern for a number of local authorities. After all, aliens who, according to central government figures, have gone to an unknown destination may in actual fact be living illegally on the streets of various towns and cities in the Netherlands.

In recent years non-governmental organisations (NGOs) and municipalities have been increasingly arguing in favour of granting residence permits to a large group of aliens who arrived in the Netherlands as asylum seekers under the old Aliens Act (which was in force up to 1 April 2001) and have still not left the country. The fact that, for various reasons, the return of those persons had not been achieved in practice within a reasonable time limit, as a result of which those concerned had been able to settle and integrate in Dutch society, played an important role. Many of them still had legal proceedings ongoing, on the basis of which there was a prospect for legal residence. Others had completely exhausted all legal possibilities and, whilst not having complied with the obligation to leave the Netherlands,

still remained in accommodation centres (provided by central government or by private bodies).

In response to this, the government made an extra effort to bring about the return of the aliens who had arrived in the Netherlands as asylum seekers under the old Aliens Act, and who were still staying in accommodation centres. However, after a new cabinet was formed in 2007 the decision was made to announce a special regulation on admission³ for all aliens who had arrived in the Netherlands as asylum seekers under the old Aliens Act and had stayed in the country since that time.

For further information on how many persons of this group are still part of the target population for the Return Fund see section 2.1.

1.2 The measures undertaken by the Member State so far

The abovementioned problem, that actually effecting the departure of in particular rejected asylum seekers has proven to be especially difficult, has resulted in the development of an effective return policy being placed high on the agenda by previous cabinets. The implementation of the *Policy Document on Return, measures for effective implementation of the return policy* (November 2003⁴) is an attempt to make the return policy more of an integral part of the immigration policy than before. Measures which have contributed to this include the promotion of (voluntary) return after the asylum procedure, the tightening up of border controls and monitoring of aliens, and combating illegal residence. In addition, a start has been made on increasing the coherence of foreign policy with regard to return and stimulating the cooperation with countries of origin. In that context, country-specific strategies have been developed of which the readmission of a country's own nationals constitutes an integral part. It is a matter of bringing about cooperation in the area of return through dialogue, support and in the last instance pressure and, in all relations with the country of origin, of placing the subjects of migration and return on the agenda.

1.2.1 A new organisational set up

In addition to those measures, much attention has been given to increasing centralised management of the return process. In order to combat fragmentation, and in order to target the different parties involved in effecting the departure of aliens adequately, a separate return organisation has been established, the Repatriation and Departure Service (DT&V), which was set up in January 2007. Among other things, an individually targeted approach has been employed through the creation of case managers, whereby at case level intense efforts are

³ Regulation to settle the legacy of the old Aliens Act

⁴ Lower House 2003-2004, 29344, No 1.

made to seek opportunities and conditions under which the departure of aliens can take place and in which there can be cooperation with chain partners and non-governmental organisations.

1.2.2. Improving the processes to facilitate the return of illegally staying aliens

In the Netherlands, steps to facilitate the departure of asylum-seekers begin during the asylum procedure itself. This is based on the principle that it is important to make aliens aware of the potential outcome of the asylum procedure and its implications as soon as possible. The DT&V therefore begins to inform asylum seekers about Dutch return policies and the role the DT&V plays in this while they are still legally resident. As soon as the IND has taken a negative decision on an asylum application, the alien is in principle transferred from an "Investigation and Integration Centre" to a "Return Centre", where the DT&V holds fairly regularly conversations with the alien on the subject of return. At this point the alien will as a rule be in the appeal phase of his/her procedure, during which he/she will still be legally resident. After the IND's negative decision has been approved by the court, the DT&V will step up its management of the case. According to the law, the alien then has still 28 days to leave the country. If after this period the alien has still not left the country, he/she may be placed in a centre where his/her freedom of movement is restricted and where more intensive steps will be taken to prepare him/her for departure. Whereas at the beginning of the procedure of facilitating departure emphasis is placed on voluntary departure, , the emphasis is placed gradually and increasingly on forced return particularly after a transfer to a centre where the aliens' freedom of movement is restricted. Detention may be used as a last resort to prevent the alien from absconding.

Illegal aliens who have no asylum background cannot be placed in an accommodation centre for asylum seekers. If they are apprehended by the VP, they are often placed in detention. Moreover, it is possible to give them a duty to report to the authorities on a regular basis, as an alternative to detention. As is the case with asylum seekers, their return is facilitated by the DT&V.

1.2.3. Promotion of voluntary return

In order to promote the voluntary return of aliens through the IOM, as stated earlier, programmes have been initiated to support (financially) aliens who make the choice to return voluntarily. One such is the IOM programme 'Return and Emigration of Aliens from the Netherlands' (REAN), on the basis of which under specific conditions aliens are eligible for a number of services to achieve their return, such as a plane ticket and assistance in obtaining replacement travel documents. Aliens can also qualify for a financial contribution – a so-called 'support contribution' (ondersteuningsbijdrage – OSB) – for the initial costs in the country of origin.

Since 15 June 2006 (former) asylum seekers – under specific conditions – can also be eligible for a financial contribution under the Return and Reintegration Regulation

(Herintegratieregeling Terugkeer (HRT))⁵. Since July 2004, 3700 migrants have left voluntarily making use of this financial regulation and its predecessor, the Assisted Return and Reintegration Programme (Herintegratieregeling Project Terugkeer (HRPT)). Those schemes have encouraged the timely and voluntary return of (former) asylum seekers by giving them the possibility of making a start with building their life in the country of origin or a third country. Experience with the HRT also appears to indicate that a financial contribution constitutes an incentive for aliens to leave the Netherlands voluntarily.

In the context of the return of illegal immigrants, the IOM has developed a project wherein, through the creation of so-called native counsellors, contact is sought with illegal aliens in order to get them to return. This project was initially started in Rotterdam in collaboration with the Pauluskerk (Church of Saint Paul) there. Given the success of the programme, the project was extended to four large cities (G4) and in a subsequent phase collaboration has been expressly sought with NGOs and self-help organisations. Meanwhile the project has also been extended to other European cities and Member States (Munich in Germany and Vienna in Austria). All of these projects have been established with the help of European cofinancing programmes (European Refugee Fund and Preparatory actions on return).

On the basis of experience with programmes in the Netherlands, and other similar projects, a number of critical success factors has been identified by the IOM and lessons have been learned with regard to the effectiveness of those programmes. Requirements for the success of such programmes are, inter alia, that there must be good cooperation with the country of origin and that there must be a real chance of forced return.

1.2.4. Enhancing the reintegration dimension of the return policy

Experience has been gained with forms of reintegration of returnees. One example is the RANA project (Return, Reception and Reintegration of Afghan Nationals to Afghanistan) which ran from June 2003 to 30 April 2007. That project facilitated the return of about 800 Afghans by means of temporary reception, education and/or training opportunities, mediation in the search for work and support in self-employment projects. Moreover, the Netherlands is co-financing a project of IOM Netherlands and IOM Ireland aimed at the return and reintegration of vulnerable Nigerians who do not have lawful residence, such as minors, victims of human trafficking and aliens with health problems.

The Netherlands sees reintegration measures as a tool to achieve two objectives: 1) to assist the returnee in reintegrating successfully in his/her country of origin, thus making his/her return durable; and 2) to contribute to the development of the country of origin in general, including its capacity to reintegrate returnees back into its society.

⁵ If aliens satisfy the criteria to be eligible under the regulation, it amounts to € 1,750.00 for an adult or unaccompanied minor and € 875.00 for an accompanied child.

The Netherlands aims to focus reintegration measures on those countries that are prepared to cooperate with the Dutch government regarding both the voluntary and forced return of their own citizens.

1.2.5. Experiences on voluntary return with the ERF

In recent years different projects relating to voluntary return were subsidized by the European Refugee Fund (ERF). Under ERF I for voluntary return in particular projects were cofinanced related to the provision for and preparation of individuals concerned for their voluntary return, by teaching them vocational skills or by taking away practical obstacles to their return. The latter refers for instance to arranging the continuation of the necessary medical provisions in the country of origin. Part of the projects concerned specifically unaccompanied minors. Part of the projects was also to bring the target group to take into consideration voluntary return as a real prospect, in particular as a better alternative to illegal stay in the Netherlands.

Under ERF II among others the project of IOM referred to above was subsidized and especially from the moment its extension to the four main cities was realised. There was also an IOM project focused on the return of persons infected with HIV. Moreover, under ERF II similar projects were funded as under ERF I.

1.2.6. Cooperation with third countries

The Repatriation and Departure Service (DT&V) invests in working relations on a (strategic) operational level with diplomatic representations and authorities in the countries of origin that are responsible for immigration. In this context the DT&V makes agreements with embassies and consulates concerning the process for obtaining (replacement) travel documents for returnees. These are informal agreements. In addition, the DT&V concludes Memoranda of Understanding with the authorities of countries of origin concerning operational cooperation in the field of return and readmission. MoU's concerning return and readmission have been concluded with the following countries: Afghanistan, Angola, Armenia, Burundi, China, DR Congo, Dubai, Guinee (Conakry), Jordan, Mongolia and Surinam.

1.2.7. Cooperation with other Member States

Both on a periodical as on ad hoc basis member states consult each other to exchange information, amongst others to jointly define "best practices" in the field of return. Apart from that, member states cooperate intensively in the field of joint expulsions, for instance in making use of joint charter flights (FRONTEX). These forms of cooperation and consultation in principle are executed between all member states, but more specifically together with the UK, Germany and Belgium.

1.3. The total national resources allocated

| | |
|------|----------------|
| 2005 | € 7.6 million |
| 2006 | € 11.6 million |

| | |
|------|----------------|
| 2007 | € 54.9 million |
| 2008 | € 67.7 million |

The amounts for the years 2005-2007 are real. The amounts for 2008 are based on budget estimates.

The amount for 2005 is the amount that was available to the IOM for implementing the REAN programme (equipment and programme financing).

From 2006 the amounts connected with return rose sharply. This was because of the establishment of the DT&V which began on 1 January 2007. Some of the activities of the DT&V were previously carried out by the IND. The resources allocated to them are not included in these figures. The costs for both the DT&V and the IOM are included in the amounts given for 2006 and 2007. As regards the IOM those are the costs of implementing the REAN programme. As far as the DT&V is concerned, they are the costs associated with carrying out the task of the DT&V (equipment and programme). It therefore concerns financing intended for the return, forced and voluntary (IOM), of aliens who are willing to or are under the obligation to leave the Netherlands.

Further breakdown of amounts

2005

In all, €7.6 million was allocated to the IOM. This amount consisted of €3.6 million for programme costs and €4.0 million for operating costs.

2006

In all, €8.3 million was allocated to the IOM. This amount consisted of €3.1 million for programme costs and €5.2 million for operating costs. €3.3 million was earmarked for the setting up of the DT & V, all of which was allocated to operating costs.

2007

In all, €6.2 million was allocated to the IOM. This amount consisted of €1.5 million for programme costs and €4.7 million for operating costs. In 2007 the total budget of the DT & V was €48.7 million, of which €18.6 million was for programme costs.

2008

The 2008 budget contains an amount totalling €6.2 million for the IOM of which €2.7 million is for programme costs and €3.5 million for operating costs. In 2008 the total budget of the DT & V was €60.2 million, of which €22.2 million was for programme costs. €1.3 million has been allocated to other projects in the field of voluntary and forced return.

2. ANALYSIS OF REQUIREMENTS IN THE MEMBER STATE

2.1. The requirements in the Member State in relation to the baseline situation

On the basis of the available figures from the past no clear trends for the future can be deduced as regards countries / regions of origin for returnees. It can be stated that as a result of the accession of Romania and Bulgaria these nationalities no longer play a role after 2007 in return figures. Extrapolating the trends is further complicated by the fact that in the Netherlands a temporary policy of categorial protection or a return moratorium can be introduced for asylum seekers coming from countries in which there is for instance a civil war. Such a policy can be revoked if the situation in the country concerned changes. Given these circumstances, the extent to which return is or should be taking place to a particular country can differ for each period.

Nevertheless, a number of countries have been identified as priority countries in 2008 because many aliens who had to leave the country in 2008 were from these countries and/or because there were difficulties in obtaining travel documents for people from the countries concerned. They are China, Surinam, Afghanistan, Russia, Iran, Morocco, Armenia, Azerbeidzjan, Algeria, Sierra Leone, Iraq and India.

As indicated above, a specific admission scheme was developed for persons who requested asylum before 1 April 2001. Some conditions must be met to be granted a residence permit under this scheme. The asylum seekers concerned must not have left the Netherlands in the intervening period and must not have any criminal antecedents. As a result, there is a category of persons who did request asylum before 1 April 2001, but were not eligible for a residence permit on the basis of this scheme. It concerns about 5000 persons. Realising their return will be of additional priority in the years to come. The most important countries of origin of these aliens are Afghanistan, Iraq, the Federal Republic of Yugoslavia, Angola and Iran.

Further, mid 2008 the policy of categorial protection for asylum seekers from Iraq was terminated, which means that Iraqi asylum seekers will only be eligible for asylum on individual grounds and not on the ground of the general situation in the country of origin. Consequently, a large number of Iraqi asylum residence holders will be subject to the revocation of the permit and will be obliged to leave the country. This means that in the years to come much attention shall be given to the implementation of returns to Iraq.

As shown in the previous section, important progress has been made in return policy at a number of points over recent years. At the same time, a few significant problems remain which are seriously hindering effecting the actual departure of rejected asylum seekers and other aliens who may not (any longer) remain in the Netherlands.

One of the most significant problems in that context is cooperation with countries of origin. A large number of aliens who must return do not have travel documents. Good cooperation with representations of the countries of origin is then essential in order to achieve the departure of those aliens. Only when the relevant diplomatic representation is prepared to issue travel documents can departure actually be achieved. Some authorities of countries of origin have

adopted the position that travel documents are issued only for the purpose of voluntary return. It also often occurs that authorities demand that both the identity and the nationality of the person concerned be ascertained before travel documents can be issued, which is often problematic in the case of undocumented aliens who are not willing to cooperate in their return.

That also touches on a second important problem, the lack of willingness of many aliens to cooperate in their departure. Often individually experienced obstacles stand in the way of aliens cooperating in effecting their return. That concerns, for example, shame when faced with their own community in the country of origin, which has often invested a great deal in the journey to Europe, and anxiety about the future due to a lack of (economic) prospects.

This combination of circumstances (too) often leads in practice to it being impossible to effect departure quickly. That is problematic because, in the absence of actual return, the alien usually ends up on the street and/or involved in unlawful activities. In recent years, this has reduced the support of local authorities and other affected parties for the return policy pursued.

The Netherlands Government thus faces the challenge of increasing both the effectiveness of and the support for its return policy, both in society in general and among local government authorities. Ultimately, the aim of the government is to increase the number of aliens that actually return. To that end it is necessary that:

1. considerable effort is made to remove obstacles which cause aliens not to cooperate in their (voluntary) return;
2. more is invested in cooperation with countries of origin, regarding both voluntary and forced return;
3. there is sufficient support from local authorities, social organisations and other affected parties so that as far as possible an unambiguous message can be communicated to the aliens concerned.

These three points have also been identified in the communication from the government to the Dutch Parliament of 24 June 2008 containing proposals for a more effective asylum procedure and a more effective return policy. The proposals for a more effective return policy in that letter are aimed primarily at addressing these three core issues.

2.2. The operational objectives of the Member State designed to meet its requirements

The objectives in the light of the requirements mentioned above are as follows:

In order effectively to encourage aliens who have to leave the country to work towards departure, it is of primary importance that they are approached intensively and assisted in their return, and that in that connection attention is paid to factors which hinder their return.

Objective 1: To further develop individual case return management by the authorities

Since 1 January 2007 control of the return process has been with the Return and Departure Service (Dienst Terugkeer en Vertrek (DT&V)). Central to the DT&V's procedures is so-called case management. This is characterised by a tailor-made approach: an approach targeted at the alien whereby the DT&V, together with the (chain) partners that are involved, works towards the actual departure of aliens who do not have right of residence in the Netherlands. The emphasis here lies in encouraging the individual alien to return voluntarily (facilitated by the IOM). This personal approach of the DT&V is aimed at achieving actual departure from the Netherlands in as many cases as possible.

Objective 2: To improve the possibilities of arranging forced return

Achieving actual departure from the Netherlands in as many cases as possible also involves having real possibilities of returning illegal aliens and rejected asylum seekers by force if they refuse to return voluntarily. The experiences with voluntary return programmes show that a requirement for the success of such programmes is that there must be a real chance of forced return in case the person does not choose voluntary return. Moreover, if it is impossible to arrange forced return, it will lead to many illegal aliens and rejected asylum seekers ending up on the street after attempts to bring about their return have failed. This, as mentioned before, has eroded support for Dutch return policies among local authorities.

Objective 3: To develop tailor-made schemes for the purpose of reintegration of returnees

If in the context of facilitating the departure of aliens it comes to the fore that there are problems which hinder the aliens' decision to return, it is important that there are possibilities of tackling those problems effectively.

In many cases the important problems for aliens are the anticipation of suffering loss of face with regard to family and uncertainty about their ability to manage financially after return. The Netherlands Government considers it important that the possibilities of offering returnees support in the area of reintegration in the country of origin be expanded. In that connection it is important that there is greater diversity in the types of support that can be offered, so that a support package can be tailored more to the individual alien and his/her needs.

Objective 4: To address the needs of Special target groups within the return population, such as unaccompanied minors, victims of human trafficking and irregular migrants who never requested asylum

It is true that in the case of specific vulnerable target groups achieving return can be especially complicated, for example because special criteria must be met before departure can be achieved. In that connection the individuals may be (unaccompanied) minors, victims of human trafficking and aliens with health problems. In order to be able effectively to

encourage the return of those groups as well, it is also important that in the offer of support for reintegration special attention is given to the specific needs of these groups.

As far as (unaccompanied) minors are concerned, the approach in Angola and the Democratic Republic of Congo, whereby it is possible to offer reception in orphanages to unaccompanied minors coming from the Netherlands, has appeared to be successful. Not only is on-the-spot, appropriate reception organised, but experience has also shown that unaccompanied minors are collected by relatives on their return. Moreover, the orphanages provide reception and education of 'local' minors in the country of origin. The Dutch Government considers it important that such projects are continued and are expanded to other countries from where many unaccompanied minors come, as far as possible in collaboration with other (European) countries.

Particular attention should also be given to reception and reintegration possibilities for victims of human trafficking. If they are not eligible for residence in the Netherlands, it is important that on their return they can be received in a safe environment where there is effective protection against human traffickers. It is important that facilities are created to that end.

Lastly, there is cause to consider also providing forms of support for reintegration to illegal aliens who do not have an asylum background. In terms of numbers, they constitute a very important target group for the Dutch return policy. However, the possibilities of encouraging those aliens also to decide to return voluntarily are very limited. Offering forms of support for reintegration could improve this situation.

Objective 5: To identify Priority countries and develop a strategic approach to these countries

Under international law countries are obliged to readmit their own nationals who do not have or no longer have legal residence in the territory of another country. However, countries of origin do not always comply with this obligation or are not in a position or willing to cooperate sufficiently energetically in the return process. The DT&V pays particular attention at implementation level to intensification of managing relations with the authorities of the relevant countries for implementing the return policy. That includes, inter alia, initiating the creation of working agreements with those countries concerning the process of obtaining (replacement) travel documents and the written commitment to this. In addition, intensification of cooperative relations is sought with the diplomatic representations of those countries, as well as with the (immigration) authorities in the countries themselves, for example through bringing working visits (missions) to and receiving foreign delegations in the Netherlands. In this connection, the DT&V works closely with the IND and the Ministry of Foreign Affairs. In the case of a number of countries the possibilities for achieving real improvements in cooperation just at an operational level are limited. For that reason, alongside operational cooperation, a more strategic approach of (priority) countries of origin for the purpose of effecting return is important. Support of the countries of origin, on the basis of an analysis of reciprocal needs and wishes and the specific problems in the country concerned, can play a role in that. In that regard, (a range of) projects and measures can be considered in the field of return and reintegration, capacity building for the purposes of

migration management, capacity building to combat illegal immigrant smuggling and human trafficking, support for forming agreements on return and readmission with adjacent countries, the creation of diaspora in development and (re)building, and visa facilitation. In the context of capacity building consideration can be given to the training of immigration services staff with regard to aspects of implementation, but also, for example, in the field of legislation, administration and the like.

Capacity building promotes regional cooperation in the field of movement of persons and the development of local expertise. In addition, capacity building stimulates local ownership in the fight against negative aspects of migration and in the reception of returnees.

In that regard the priority obviously lies with the countries which are of high importance for the implementation of the return policy, on the basis of factors such as the influx from those countries, the number of aliens from those countries residing unlawfully and the degree of cooperation in the provision of (travel) documents. See also the list of current priority countries on page 12.

Some of the measures referred to in this section cannot be pursued under the Return Fund, but are more appropriate for the Thematic programme Asylum and Migration.

Objective 6: To participate in and enhance European cooperation in return management

Consideration should also be given to the pursuit of more practical European Union cooperation and learning from each others' experiences inter alia in the field of cooperation with third countries. At the moment cooperation between Member States in the field of return consists mainly of the organisation of joint return flights and the exchange of best practices in cooperation with the Frontex agency. Many joint flights have already been organised, particularly to African destinations, where EU countries take the lead in turn and other countries "follow along". This formula works extremely well. Governmental flights are organised in cooperation with other EU partners. In the near future, the repatriation of Afghans and Iraqis and a number of other nationalities will be given high priority in the Netherlands. Initially, joint efforts are expected to result in more individual forced returns to the countries concerned. In the longer term, joint governmental flights may also enhance the effectiveness of forced return in the case of countries such as Afghanistan and Iraq, to which forced returns are logistically problematic.

Objective 7: To involve local government, civil society and business in return and reintegration projects

On the basis of the understanding that actual return can only take place effectively if all the parties concerned, as far as possible, send out the same message to aliens, the government has a strong focus on cooperation and dialogue with local government and civil society organisations. Local government and civil society organisations can make a valuable contribution to the permanent return of aliens. In light of that, consideration will be given to how local initiatives can support the efforts of central government and these will, where possible and desirable, be encouraged. Moreover, consideration can be given to projects

which concern the reintegration of returnees in the context of corporate social responsibility. In relation to assistance to work in the country of origin, possible collaboration with Dutch business will be urgently looked into.

3. STRATEGY TO ACHIEVE THE OBJECTIVES

The European Return Fund is focusing its attention on the following target groups:

- a) all third-country nationals who have not yet received a final negative decision in relation to their request for international protection in a Member State and who may choose to make use of voluntary return, provided they have not acquired a new nationality and have not left the territory of that Member State;
- b) all third-country nationals enjoying a form of international protection within the meaning of Directive 2004/83/EC, or temporary protection within the meaning of Directive 2001/55/EC in a Member State, and who choose to make use of voluntary return, provided they have not acquired a new nationality and have not left the territory of that Member State;
- c) all third-country nationals who do not or no longer fulfil the conditions for entry and/or stay in a Member State and who, in accordance with the obligation to leave the territory of the Member State, make use of voluntary return;
- d) all other third-country nationals who do not or no longer fulfil the conditions for entry and/or stay in a Member State.

Third-country national means any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty.

While the strategy for the use of the Fund of the Netherlands will address all target groups identified in the Decision establishing the Return Fund, it is generally considered that the highest priority should be assigned to target groups a, c and d. Persons enjoying international protection are after all under no obligation to leave the country. However, this obligation does apply to persons in categories c and d and can be expected to apply to a large part of target group a in future.

The Netherlands has decided to include in the Multiannual Programme all priorities which are included in the Strategic Guidelines for the period 2008-2013, given that they all contain elements which fall within the priorities of the Dutch return policy. Those priorities are set out in greater detail below. For each priority, a few examples are given of actions which are likely to fall under that priority and are associated with specific Dutch needs and the objectives of the Dutch return policy.

In addition, the Netherlands has decided to adopt the specific priorities from the Strategic Guidelines for the period 2008-2013. This means that projects which focus on the specific

priorities can qualify for a contribution of a maximum of 75% from the European Return Fund.

Depending on the actual situation, the priorities of the individual annual programmes may be restricted with regard to the target group(s) to which these programmes apply.

3.1. Priority 1

Support for the development of a strategic approach to return management by Member States

NGOs, international organisations and local authorities are expressly invited to submit projects under this priority. Particular contenders here might be measures such as those described under b, d, e, g, h and i. In some cases, consideration might also be given to cooperation with the commercial sector (see for example the measures under b). As regards projects focusing on forced return or cooperation between the Dutch Government and authorities of the countries of origin, the right to submit proposed projects is of course reserved for (departments of) the Dutch Government.

In respect of this priority the Netherlands Government prefers primarily

1. actions targeting cooperation of aliens in order to increase the number of aliens leaving the Netherlands voluntarily;
2. actions targeting cooperation on the part of the authorities of the countries of origin in order to increase the willingness of priority countries to readmit aliens.
3. actions aimed at improving the national return procedures and increasing the cooperation between different actors in the area of return in the Netherlands

Within that general framework, the following types of action are envisaged to be pursued:

- a) **The development and implementation of integrated return plans supporting the return of third-country nationals or stateless persons not covered under Community readmission agreements or national bilateral readmission agreements to countries of origin, former residence or transit, with which cooperation in the field of return is particularly difficult.**

Projects should be aimed specifically at giving new impetus to the cooperation with countries of origin in cases in which cooperation in the area of (forced) return has stalled. This should preferably include the development of a strategic approach to the countries concerned and their authorities, based on an analysis of the reciprocal needs and wishes and the specific problems in the country concerned. In addition, it could include actions such as an examination of case files, consultation with stakeholders, the design of an information

campaign targetted at the nationality concerned, and the provision of extra assistance (financial assistance, reintegration in kind, etc.) to returnees from the target group.

As far as the implementation of such plans are concerned, it could involve actions such as creating working agreements with authorities in the country of origin, a series of interviews with potential individual returnees of the nationality concerned, the distribution of information leaflets, the implementation of an assisted voluntary return programme, the execution of a return flight, etc.

This action is connected to operational objective 5 (to identify Priority countries and develop a strategic approach to these countries).

On the basis of specific priority 3, set by the Community, the Community contribution may be increased to 75% for such integrated return plans.

Relevant targets:

Improvement in cooperation in the area of return with countries of origin, where that cooperation is difficult at the moment;

Increased voluntary and forced return to the countries concerned;

Reduction in the time that failed asylum seekers or illegal immigrants placed in custody have to wait to be returned.

Relevant indicators:

Number of persons returning to difficult countries;

Duration of the stay of persons from "difficult countries" at a location (where they are deprived of their liberty or it is restricted) where work is done towards their departure.

- b) The offer, within the context of an integrated return plan, of forms of support after arrival in the country of origin with a financial or material component for the purpose of sustainable return (for example accommodation, money, training, work, arrival assistance, etc.). In this context cooperation could be sought between government authorities, international organisations, NGO's and/or parties in the commercial sector.**

This action is connected to operational objective 3 (to develop tailor-made schemes for the purpose of reintegration of returnees).

Relevant targets:

To effect return with dignity and prospects;

Increased willingness of failed asylum seekers and illegal immigrants to return voluntarily;

Prevention of persons migrating again after return;

Specific consideration for vulnerable groups.

Relevant indicators:

Number of persons helped to get accommodation in the country of return;

Number of persons helped to get work in the country of return;

Number of persons returning with financial support;

Number of persons receiving training prior to return or after arrival;

Number of persons choosing to return voluntarily;

Number of persons found in the Netherlands again after return.

- c) To develop mechanisms, within the context of an integrated return plan, to improve cooperation with the authorities of countries to which return is effected or must be effected.**

This could involve meetings with representatives of the authorities of third countries, developing an MoU and possible assistance to the countries concerned to improve the return process.

It could also involve the development of projects for improving cooperation with the immigration services of relevant third countries on an operational level in order to speed up return to specific countries.

This action is connected to operational objective 5 (to identify priority countries and develop a strategic approach to these countries).

Only (agencies of) the Dutch government are in a position to file proposals relating to this action.

Relevant targets:

Improvement in cooperation with authorities of the countries to which return is effected or must be effected;

Accelerated procedures for establishing identity and nationality and for issuing replacement travel documents for aliens who must leave the Netherlands;

Improvement in the possibilities for making aliens return to the countries concerned.

Relevant indicators:

Number of problems in cooperation with countries of origin which are resolved;

Duration of the procedures for establishing identity and nationality and for issuing replacement travel documents for return to the countries concerned;

Number of aliens returning to the countries concerned voluntarily;

Number of aliens forcibly returned to the countries concerned.

d) The implementation of assisted voluntary return programmes within the context of an integrated return plan.

Bearing in mind specific priority 1, which refers to such programmes, for such projects the Community contribution may be increased to 75%.

This action is connected to objective 1 (to further develop individual case return management by the authorities) and objective 3 (to develop tailor-made schemes for the purpose of reintegration of returnees).

Currently, in the Netherlands assisted voluntary return is provided through the IOM programme 'Return and Emigration of Aliens from the Netherlands' (REAN), on the basis of which under specific conditions aliens are eligible for services such as a plane ticket, assistance in obtaining replacement travel documents and a small financial contribution aimed at covering the first costs after arrival in the country of origin. Furthermore, since 15 June 2006 (former) asylum seekers – under specific conditions – can also be eligible for a larger financial contribution under the Return and Reintegration Regulation (Herintegratieregeling Terugkeer (HRT)). Under the currently existing programmes, financial assistance is in most cases restricted to those who are or have been in procedure in order to obtain a residence permit. Aliens from EU countries and some other western countries are excluded from the programmes.

The aim of projects proposed under this action should be to offer forms of assisted voluntary return to specific groups of aliens who are now not eligible for this (for example, because of the status of their procedure or because of the absence of an asylum background), provided this is not in contravention with the basic principles of the return policies of the Dutch government.

Relevant targets:

Increased willingness of illegal aliens and failed asylum seekers to return voluntarily;

Improved facilitation and assistance of voluntary return;

Improvement in the opportunities for reintegration of returned aliens;

Increased sustainability of voluntary return

Relevant indicators:

Number of aliens returning voluntarily with assistance;

Number of programmes for assisted voluntary return.

- e) **The implementation, within the context of an integrated return plan, of special programmes for the voluntary return of vulnerable groups (minors, unaccompanied minors, victims of human trafficking, persons with medical and/or psychological complaints, etc.).**

This action is connected to objective 4 (to address the needs of special target groups within the return population, such as unaccompanied minors, victims of human trafficking and irregular migrants who never requested asylum). Proposals should specifically target vulnerable groups and should be aimed at providing them with forms of assistance that go beyond the assistance provided to returnees in general. One could, for example, think of specific kinds of medical or psychological assistance or of a specific type of reception facility in the country of origin that has special facilities for the reception of this particular vulnerable group.

Bearing in mind specific priority 2, which refers to cash incentives and measures to address the specific situation of vulnerable returnees, for such projects the Community contribution may be increased to 75%.

Relevant targets:

Improvement in the possibilities for making vulnerable groups return permanently;

Improvement and increase in the availability of facilities for the reintegration of vulnerable aliens after return to the country of origin;

Increased number of vulnerable aliens returning voluntarily;

Increased willingness of vulnerable aliens considering return as a realistic option.

Relevant indicators:

Number of vulnerable aliens returning voluntarily to the country of origin;

Number of countries where facilities for the reintegration of vulnerable aliens are set up or further extended.

- f) **The simplification and implementation, within the context of an integrated return plan, of forced return of nationals of third countries who do not or no longer**

satisfy the conditions of entry and residence, for the purpose of increasing the credibility and integrity of the immigration policy and reducing the period of detention of persons awaiting forced return.

This action is connected to objective 1 (to further develop individual case return management by the authorities) and objective 2 (to improve the possibilities of arranging forced return). While the Dutch government prefers voluntary return to forced return, in cases in which the alien is unwilling to return, the focus of the individual case management by the DT&V necessarily moves towards forced return. This is also usually the case in detention centres. Proposals could be aimed at further improving this type of case management and at shortening the time it takes to arrange forced removal. Furthermore, proposals could involve (pilot) projects aimed at increasing the success rate of forced returns, for example by returning people by means of charter flights or by introducing new ways of protecting escorts from aggressive forms of resistance by returnees.

Given the scope of this category, only public authorities which are involved in forced return will be able to submit project proposals.

Relevant targets:

Increase in the number of illegal aliens and failed asylum seekers returning by force;

Reduction in the percentage of failed asylum seekers returning to an unknown destination after the procedure has ended;

Increase in the credibility and integrity of the immigration policy;

Reduction in the period of detention of aliens awaiting forced return.

Relevant indicators:

Number of forced returns effected ;

Percentage of aliens returning to an unknown destination after an asylum procedure has ended;

Average duration of detention of aliens awaiting forced return.

g) Provision of (individual) information concerning return to asylum-seekers during or after the asylum procedure or to illegal aliens

This action is connected to objective 1 (to further develop individual case return management by the authorities) and objective 3 (to develop tailor-made schemes for the purpose of reintegration of returnees).

Obviously combinations could be made with some of the other actions mentioned above (for example e or f)

Relevant targets:

- Increase in the number of failed asylum-seekers and illegal aliens leaving the Netherlands (on time),
- Reduction in the percentage of aliens who, after their application for residence has been rejected, leave for an unknown destination,
- Reduction in the duration of the return process.

Relevant indicators:

- Number of aliens leaving the Netherlands (on time) once they no longer have any right of residence,
- Percentage of aliens who, once the asylum procedure has expired, leave for an unknown destination.

h) Provision of training for staff of organisations involved in the return of aliens, for instance on the policy framework, counselling to returnees, information exchange

This action is connected to objective 1 (to further develop individual case return management by the authorities) and objective 7 (to involve local government, civil society and business in return and reintegration projects).

Relevant targets:

- Increase in the effectiveness of the efforts in facilitating the return of aliens;
- Improving the organisation of return processes and the cooperation between parties involved
- Increase in the involvement of civil society in return policy

Relevant indicators:

- Number of trainings given to staff of the organisations concerned

i) Organising meetings to exchange experiences regarding the facilitation of return of aliens

This action is connected to objective 1 (to further develop individual case return management by the authorities) and objective 7 (to involve local government, civil society and business in return and reintegration projects).

Relevant targets:

- Increase in the effectiveness of the efforts in facilitating the return of aliens;
- Improving the organisation of return processes and the cooperation between parties involved
- Increase in the involvement of civil society in return policy

Relevant indicators:

- Number of meetings organised

3.2. Priority 2

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| Support for the cooperation between Member States in return management |
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Since the prime aim of this priority is cooperation between Member States, departments of central government in particular are invited to submit proposals for projects. Proposals for projects of the type referred to in b) can be submitted exclusively by the central government.

Within the framework of this priority, the following types of action are envisaged to be pursued:

- a) **The development and/or implementation of integrated return plans in cooperation with other Member States and, where appropriate, the Frontex Agency, non-governmental organisations and/or international organisations, with the aim of pooling the different skills, experiences and resources of the authorities of the Member States and, where appropriate, the other organisations involved.**

This action is connected to objective 6 (to participate in and enhance European cooperation in return management).

Bearing in mind specific priority 1, which refers to integrated return plans designed and also implemented with other Member States for such projects, the Community contribution may be increased to 75%.

Relevant targets:

Pooling of the skills, experiences and resources of the authorities of the Member States and, where appropriate, the other organisations involved;

Increase in the level of integration of the return policy by the various European Member States;

Greater effectiveness of the Netherlands return policy as a result of cooperation with other Member States and/or organisations involved.

Relevant indicators:

Number of integrated return plans developed and/or implemented in cooperation with other Member States and/or the Frontex Agency, non-governmental organisations and/or international organisations.

b) The organisation of joint flights for removal to certain countries within the context of an integrated return plan and in cooperation with Frontex and other Member States.

This action is connected to objective 6 (to participate in and enhance European cooperation in return management).

Provided that such flights are part of integrated return plans designed and also implemented with other Member States as defined in the specific priority 1, also for these projects, the Community contribution may be increased to 75%.

Relevant targets:

Increase in return and cooperation at EU level;

Increase in the number of aliens who are forced to return.

Relevant indicators:

Number of return flights organised jointly by Frontex and other Member States;

Number of aliens forced to return;

Degree to which the costs of returning aliens by force are reduced.

c) The development of and running of joint reception facilities in countries of origin, countries of previous residence and transit countries with a view to facilitating sustainable return and reintegration of returnees.

This action is connected to objective 2 (to develop tailor-made schemes for the purpose of reintegration of returnees).

The Dutch government has some experience in organising joint facilities, as a project has been developed in cooperation with the Irish authorities and the International Organisation for Migration (IOM) to provide reintegration assistance to vulnerable irregular Nigerian nationals (VARRP VINN). The Dutch government is interested in exploring further opportunities to develop reintegration programmes in third countries in cooperation with other EU countries.

The purpose of such reception facilities needs to be exclusively to accommodate returnees and aid their reintegration process.

Relevant targets:

Increase in the humanity and the durability of the return policy;

Increase in the number of persons returned;

Increase in support for the return policy;

Improvement in enabling the reintegration process in the country of origin.

Relevant indicators:

Number of returnees who are assisted in reception facilities in the country of origin;

Number of persons who return voluntarily to their country of origin.

3.3. Priority 3

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| Support for specific innovative (inter)national tools for return management |
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NGOs, international organisations and local authorities are expressly invited to submit projects under this priority. Consideration might also be given to cooperation with the commercial sector (see for example the measures under a).

Within the framework of this priority, the following types of action are envisaged to be pursued:

- a) Setting up of innovative, development-oriented post return/reintegration assistance programmes (e.g. training, career advice, financial/material component for sustainable returns).**

This action is connected to objective 2 (to develop tailor-made schemes for the purpose of reintegration of returnees).

Actions could be innovative because they are targeted at groups who are not eligible for reintegration assistance under current reintegration programmes in the Netherlands or because the type of reintegration assistance that is offered is significantly different from the type of

reintegration assistance that is offered under existing schemes. Another innovative element could be that it involves countries of origin in which the Dutch government offers no reintegration assistance at the moment.

Currently, in the Netherlands reintegration assistance is offered mainly to failed asylum seekers who decide to return voluntarily during their departure period or just after their departure period has expired. Over the past years, reintegration assistance has mainly been offered in the form of a financial grant. However, as part of the new return policies that were presented to the Dutch parliament in the summer of 2008, the Dutch government stated its ambition to offer forms of reintegration assistance in kind as well. This could involve assistance in starting one's own business, including access to micro-credits, or assistance in finding a job, education or accommodation. To date, under this policy, reintegration in kind will be carried out in a number of countries, namely those with which the Dutch government has a development partnership and three countries of origin that are of particular importance from a migration perspective (currently Morocco, Sierra Leone, and Angola).

For these projects the Community contribution may be increased to 75% where it concerns innovative incentives for increasing the number of voluntary returnees, in accordance with specific priority 1 of the strategic guidelines.

Relevant targets:

Increase in the number of persons who return permanently;

Increase in the credibility and integrity of the migration and return policy.

Relevant indicators:

Number of reintegration programmes developed;

Number of returnees benefiting from innovative reintegration programmes;

Amount of material assistance which is provided.

- b) **The development of programmes that offer particularly innovative methods for providing information and advice to potential returnees about the situation in the country they are intending to return to and/or other innovative incentive measures to increase the number of voluntary returnees, which are based on the respect for the dignity of the persons concerned**

This action is connected to objective 1 (to further develop individual case return management by the authorities).

It involves assistance to potential returnees before they return. It should be innovative in the sense that it uses new ways of reaching potential returnees and/or communication tools that have not yet been used before.

Bearing in mind specific priority 1 of the strategic guidelines, the Community contribution may be increased to 75%.

Relevant targets:

Improvement of the availability of information regarding return possibilities;

Relevant indicators:

Number of persons from the target group availing themselves of the information and/or advice

3.4. Priority 4.

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| Support for Community standards and best practices on return management |
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Central Government departments are expressly invited to submit proposals for projects under this priority.

Within the framework of that priority, the following types of action are envisaged to be pursued:

- a) The organisation of workshops and seminars on successful European experiences in the field of forced and/or voluntary return for authorities involved in the implementation of the return policy in order to further common standards.**

This action is connected to objective 6 (to participate in and enhance European cooperation in return management).

For these projects, the Community contribution may be increased to 75%.

Relevant targets:

Increased capacity of the competent authorities in the area of forced and/or voluntary return;

Improvement in national legislation and implementation as a result of knowledge gained in training;

Effective and uniform application of Community rules regarding return in Europe.

Relevant indicators:

Number and type of workshops organised;

Number and type of authorities trained;

Number and type of subjects tackled in training;

Number of best practices shared by the responsible authorities.

- b) The organisation of seminars for agents from various Member States with emphasis on specific third countries/regions or the return of specific vulnerable groups with the aim of exchanging best practice.**

This action is connected to objective 6 (to participate in and enhance European cooperation in return management).

Relevant targets:

Increase in the knowledge of best practice with regard to specific third countries/regions or particularly vulnerable groups;

Improvement in the responsible authorities' ability to execute the dignified and humane return of vulnerable groups;

Cooperation in the return of vulnerable groups;

Improved cooperation between Member States in terms of both policy and implementation.

Relevant indicators:

Number of seminars organised;

Number and type of agents who have participated in the seminars;

Number of Member States which have participated in the seminars;

Number of subjects dealt with at seminars.

- c) Conducting research on the effectiveness of forms of facilitation of the return of aliens**

This action is connected to objective 1 (to further develop individual case return management by the authorities).

Bearing in mind specific priority 1, which refers to evaluations and missions to measure progress in return programmes, tools and processes, for such projects the Community contribution may be increased to 75%.

Relevant targets:

- Increase the knowledge of the government and organisations involved on the most effective measures of returning aliens
- Increase in the effectiveness of the efforts in facilitating the return of aliens;

Relevant indicators:

- Number of investigations conducted

d) The organisation of seminars and exchange of information mechanisms with a view to supporting staff of responsible authorities in the field of voluntary and forced returns in the application of common standards on return procedures, human rights instruments and best practices as regards the treatment of returnees

This action is connected to objective 1 (to further develop individual case return management by the authorities).

Relevant targets:

Increase in the knowledge of EC law, human rights law and/or best practices as regards the treatment of returnees

Improvement in the responsible authorities' ability to execute dignified and humane return in an efficient manner

Improved cooperation and information exchange between practitioners at national level in terms of both policy and implementation.

Relevant indicators:

Number of seminars organised;

Number and type of practitioners and organisations who have participated in the seminars;

Number of subjects dealt with at seminars.

4. COMPATIBILITY WITH OTHER INSTRUMENTS

An indication of how this strategy is compatible with other regional, national and Community instruments.

The strategy, as set out in the four abovementioned priorities, corresponds to and supplements relevant policies, legislation and regulations at national and Community level. The responsible authority and strategic partners (Chapter 5) continuously guarantee that compatibility and complementarity and together have the necessary knowledge to perform this function.

The target group of the Fund is described accurately in that strategy and separated from the target group of the other European Migration Funds (ERF, EBF and EIF). The body responsible for the European Return Fund and other departments with responsibility for other Community funds at national, Community and regional level, meet in the annual steering group (Chapter 5), which ensures separation and complementarity between the European Return Fund and other Community funds.

The responsible authority is also primarily responsible for the development and implementation of the policy with regard to return to the Netherlands and ensures that the strategy is reviewed. Structural dialogue and consultation with strategic partners in the field further ensure agreement with policy and rules at executive level.

The priorities as set out in this document apply to improvements in the return policy proposed by the Netherlands Government, and the available resources will be devoted in particular to activities which supplement the measures already taken in the framework and well-established structural programmes (such as the REAN Programme by the IOM, which offers financial support for voluntary return).

Available funds will also be devoted to innovative and/or additional activities by the competent authorities and organisations in the field. In all cases, the activities for which the resources from the European Return Fund are to be used must comply with the multiannual programme and the annual programme. It goes without saying that the activities and measures regarded as eligible may not be contrary to governmental policies.

The delegated authority, the European Funds Programmes secretariat (PEF), which has an important advisory role as regards, among others, the selection of projects, has implemented the ERF I and is still implementing ERF II, which also cofinanced voluntary return projects. It will use the experiences gained when advising on (voluntary) return projects for the European Return Fund. Moreover, for the evaluation of ERF II there will be a specific part on voluntary return besides the general part. The purpose is to use the results for the implementation of the European Return Fund.

Furthermore, a number of return related projects have been financed under the Preparatory actions on return. The IOM received finance for the Return Initiative for Irregular Migrants, as part of which native counsellors were used in various European cities to target irregular migrants and inform them about the possibilities of voluntary return. Thus, experience has been gained regarding new ways of targeting irregular migrants and informing them about voluntary return options. The project has shown that it can be very effective to employ counsellors who have the same cultural background as the irregular migrant. Another IOM project funded under the Preparatory actions was Information on Return and Reintegration in

Countries of Origin (IRRICO). This involved setting up a database containing information on return and reintegration projects in different European member states. The project pilots a multilateral approach on return information among IOM missions in countries of origin and their European counterparts in support of Assisted Voluntary Return and Reintegration programmes. IRRICO aims to gather and consolidate information on countries of origin, which will help social workers and return counsellors in providing migrants considering returning with reliable and up-to-date information on Return and Reintegration possibilities and socio-economic conditions, including housing, health, transport, social security etc.

5. FRAMEWORK FOR IMPLEMENTATION OF THE STRATEGY

The decision has been taken to programme all four priorities each year as much as possible. The Netherlands has opted for this because the field is so comprehensive. There are many organisations which, in all sorts of ways, want to do something to help aliens, including returnees. Moreover, the policy on return is developing fast, for which reason it is important always to be able to influence the current situation. By not opting in advance for particular priorities per annual programme, flexibility is created as regards the distribution of the funds among priorities in such a way that new initiatives emerging at field level can be properly supported. Useful innovations that emerge with the support of the Return Fund can ultimately be incorporated into national policy. However, given the short remaining time span for the 2008 programme, for that annual programme the choice was limited to two priorities.

Projects will be selected primarily using the method of an open call for proposals. In the case of a de jure monopoly by a public authority, a decision can be made as to whether to allow the responsible authority to act as an executive agency. In practice, this should be considered only in the tasks of the DT&V and the KMar in the area of forcible return.

Projects which fall under the specific substantive priorities as described in Chapter 3 may be eligible for a contribution of a maximum of 75% from the European Return Fund. The responsible authority is competent to determine on a case-by-case basis whether such projects are eligible for a higher contribution from the European Return Fund. When assessing whether a project is eligible for a higher contribution, the responsible authority takes account of the following factors:

- * Innovative content and added value of the project in relation to existing national policy
- * Suitability of the project, or its outcome, as a best practice model in other States, especially within the EU.

A general determining factor in the responsible authority's assessment as to whether to make an award of more than 50% from the Fund, which is partially unrelated to the individual characteristics of a grant, is the relationship between the number and the quality of the total annual grants. Indeed, each increase in contributions from the EU means that the funds available for that year cannot be distributed as widely.

If the applicant [of a project] which falls under one of the abovementioned priorities is eligible for a higher percentage contribution from the European Return Fund, this must be expressly mentioned in the application and further reasons must be given as to whether the project satisfies one or more of those factors. In addition, the project organisation must state the consequences for the implementation and outcome of the project in relation to the cofinancing, if the responsible authority decided not to grant a subsidy of over 50% from the European Return Fund. Further guidelines for project organisations can be found on the Netherlands website for the European Migration Funds (www.justitie.nl/europesemigratiefondsen).

5.1. The publication of the programme

The multiannual programme is published on the website. The website also contains general information regarding the European Return Fund and all relevant documents, such as the annual programme, application forms, the strategic guidelines, etc, can be downloaded.

If a call for proposals is made, it will be published in the Staatscourant [Netherlands national gazette].

Reference will be made to the European Return Fund website in the notice of the call for proposals.

As soon as the start date of the call for proposals is known, a letter will be sent to interested parties, referring them to the website.

5.2. The approach chosen to implement the principle of partnership

In order to see how the effectiveness of the return policy can be increased, intensive consultation has taken place with key partners who are committed to implementing the return policy. These include the government institutions involved, as well as the Ministry of Foreign Affairs, the Immigration and Naturalisation Service, the DT&V, the Aliens Police and the KMar, in addition to representatives from local and regional authorities and non-governmental organisations, such as the Association of Netherlands Municipalities (Vereniging voor Nederlandse Gemeenten:VNG), the International Organisation for Migration and the Dutch Refugee Council. Those organisations were invited to a consultation on the return policy which took place in early 2007. At that consultation, which consisted of both joint meetings and bilateral talks, and on the basis of the experience and proposals of those partners, the Ministry of Justice developed measures which may contribute to improving the effectiveness of the return policy.

Those measures concern increasing the possibilities for reintegration in countries of origin, a form of extended monitoring of failed asylum seekers after the departure period during which the alien is supposed to leave the Netherlands has passed, as well as extending the strategic approach of countries of origin, as part of which cooperation in the field of return must be promoted by means of assistance and diplomatic pressure. On the one hand, the aim of those measures is to enable a personalised approach and therefore to be in a better position to

remove the constraints experienced by individual returnees. On the other hand, returnees may be observed for longer by the authorities, which may increase the efforts to realise the alien's return and the possibility of obtaining laissez-passers. It is possible that such measures also contribute to reducing the chance that, at the end of the period for departure, aliens end up on the streets.

In the past months, those measures have developed into concrete policy proposals. In that regard, interim solutions are discussed periodically with representatives from the abovementioned organisations in order to see whether implementing them would be successful. In summer 2008 information concerning the policy proposals was also presented to Parliament. Together with new proposals regarding the asylum procedure, the measures must contribute to the establishment of a more rigorous and more efficient asylum and return procedure. These measures will serve to implement the commitments made by the State Secretary for Justice with the VNG with regard to bringing the legacy of the Old Aliens Law to a close. In the administrative agreement concluded on that subject, both parties agreed that the VNG will be involved in "the drafting of supplementary measures to increase the effectiveness of the return policy, under which the possibilities of aliens ending up on the streets when the period for departure expires are limited."

The conclusions and policy recommendations arising from that policy consultation have also formed the basis of the priorities and their detailed definition in the multiannual programme for the return fund.

The Netherlands has a European Return Fund steering group, which is comprised of representatives from The Migration Policy Department [Directie Migratiebeleid], and the Department of European and International Affairs at the Ministry of Justice [Directie Internationale en Europese Aangelegenheden van het Ministerie van Justitie] and the Department for the Movement of Persons at the Ministry of Foreign Affairs [Directie Personenverkeer van het Ministerie van Buitenlandse Zaken].

The most important task of the European Return Fund steering group is to advise the responsible authority in its selection of subsidy applications. With regard to calls for proposals, in principle the steering group meets once a year in order to formulate advice on selection. If projects are to be implemented in a specific annual programme, the steering group will be asked to give written advice in that regard. Projects will be monitored by the Programme Secretariat and not by the Steering Group. However, the Steering Group will be informed in cases where the content deviates greatly from the original project plan.

The strategic partnership in the Netherlands is formed by the European Return Fund steering group, the DT&V and the KMar. These two organisations are important potential cofinancing parties to the Fund and, moreover, play a significant role in return policy.

In the field of strategic partnership, the following documents, *inter alia*, must be coordinated:

The (draft) multiannual programme

The (draft) annual programmes

The (draft) evaluations, etc.

In the introduction to this chapter it has already been stated that certain tasks of the DT&V and the KMar involve a *de jure* monopoly by a public authority. In particular, with regard to implementing annual programmes in the area of the call for interest, the DT&V and the KM will be asked to set out possible actions. The responsible authority will, on the advice of the European Return Fund steering group, decide whether such actions are to be incorporated in the annual programme.

As set out above, if desired, the steering group leaders may also consult organisations with which they have contact in specific policy areas.

All leaders of the strategic partnership agree on the present multiannual programme.

The strategic partnership is led by the responsible authority.

6. INDICATIVE FINANCING PLAN

6.1. Community contribution

6.1.1. Table

| Multiannual Programme – Draft Financial Plan | | | | | | | | | |
|--|----------------|----------------|----------------|----------------|----------------|----------------|-----------------|--|--|
| Table 1: Community Contribution | | | | | | | | | |
| Member State: Netherlands | | | | | | | | | |
| Fund: European Return Fund | | | | | | | | | |
| | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | TOTAL | | |
| Priority 1: | € 2.000.000,00 | € 1.450.000,00 | € 1.235.839,50 | € 1.790.124,00 | € 2.602.236,00 | € 3.099.516,00 | € 12.177.715,50 | | |
| Priority 2: | € 0,00 | € 0,00 | € 529.645,50 | € 767.196,00 | € 1.115.244,00 | € 1.328.364,00 | € 3.740.449,50 | | |
| Priority 3: | € 483.907,00 | € 1.167.200,00 | € 1.588.936,50 | € 2.301.588,00 | € 3.345.732,00 | € 3.985.092,00 | € 12.872.455,50 | | |
| Priority 4: | € 0,00 | € 180.000,00 | € 176.548,50 | € 255.732,00 | € 371.748,00 | € 442.788,00 | € 1.426.816,50 | | |
| Technical Assistance: | € 219.218,73 | € 242.800,00 | € 298.030,00 | € 244.360,00 | € 341.040,00 | € 400.240,00 | € 1.745.688,73 | | |
| TOTAL | € 2.703.125,73 | € 3.040.000,00 | € 3.829.000,00 | € 5.359.000,00 | € 7.776.000,00 | € 9.256.000,00 | € 31.963.125,73 | | |

Comments on the figures/trends

As stated in Chapter 3, the Dutch Government attaches a great deal of importance to Priorities 1 and 3. Furthermore, it is expected that the projects submitted under these priorities will be relatively expensive. For this reason a relatively large portion of the total amount is earmarked for these two priorities and a somewhat smaller portion for priorities 2 and 4.

6.2. Overall financing plan

6.2.1. Table

| Multiannual Programme – Draft Financial Plan | | | | | | | | | |
|--|----------------|----------------|----------------|----------------|-----------------|-----------------|-----------------|--|--|
| Table 2: Overall Financing Plan | | | | | | | | | |
| Member State: Netherlands | | | | | | | | | |
| Fund: European Return Fund | | | | | | | | | |
| | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | TOTAL | | |
| Community contribution | € 2.703.125,73 | € 3.040.000,00 | € 3.829.000,00 | € 5.359.000,00 | € 7.776.000,00 | € 9.256.000,00 | € 31.963.125,73 | | |
| Public cofinancing | € 800.000,00 | € 1.443.414,00 | € 1.500.000,00 | € 2.000.000,00 | € 2.500.000,00 | € 3.500.000,00 | € 11.743.414,00 | | |
| Private cofinancing | € 900.000,00 | € 843.414,00 | € 1.000.000,00 | € 1.200.000,00 | € 1.800.000,00 | € 1.900.000,00 | € 7.643.414,00 | | |
| TOTAL | € 4.403.125,73 | € 5.326.828,00 | € 6.329.000,00 | € 8.559.000,00 | € 12.076.000,00 | € 14.656.000,00 | € 51.349.953,73 | | |
| % Community Contribution | 61,39% | 57,07% | 60,50% | 62,61% | 64,39% | 63,16% | 62,25% | | |

6.2.2. Comments on the figures/trends

The Community contribution is more than 50%, since it is anticipated that projects will be financed which fall under the specific priorities.

7. SIGNATURE

The Director of the Migration Policy Department at the Ministry of Justice

