

# EMN

European Migration Network



NATIONAL CONTACT POINT - MALTA

# Newsletter

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## Assisted Voluntary Return and Reintegration in Malta and the EU

The Ministry for Home Affairs and National Security has been operating an Assisted Voluntary Return and Reintegration Programme (AVRR) in cooperation with the International Organisation of Migration (IOM) since 2007. The main objective of the programme is to assist in the return and reintegration of persons who are not or are no longer entitled to stay in Malta. The programme provides for reintegration through a programme of assistance establishing a small business. Further to assisting the beneficiary in question, reintegration assistance also assists local authorities by easing the reintegration process and by contributing to development in the region of origin. AVRR

is therefore considered a contributor to development in countries or origin.

The fact that Malta offers AVRR opportunities, that is, voluntary return coupled with a reintegration package, also contributes to maintaining positive relations with key countries of origin. This would in turn create a positive diplomatic environment for the implementation of forced return.

It would also have to be pointed out that many of those benefiting from AVRR, that is, voluntary return coupled with a reintegration package, are often undocumented and the process for their forcible return would not only be difficult,

but also prolonged. AVRR offers a dignified return process that also facilitates the process for the procurement of documents from the country of origin.

For the above reasons AVRR is considered an essential component of the return process, and that therefore EU member states should continue bolstering their AVRR programmes, addressed particularly to vulnerable persons and to persons (e.g. former asylum seekers) who originate from states in need of development aid and that therefore need assistance in reintegrating returnees. This great need for successful AVRR programmes has been voiced by the European Commission many times in the past years, in documents such as the European Agenda on Migration and the European Action Plan on Return both issued in 2015 against the backdrop of an unprecedented high influx of migrants and asylum seekers. After the Malta Summit of 3 February 2017 highlighted the need for a review of EU return policy, on 2 March 2017, the European Commission followed through with a renewed EU Action Plan on Return and a set of recommendations to Member States on how to make return procedures more effective. One of the main recommendations stated that all EU member states should have an operational assisted voluntary return programme by 1 June 2017 and ensure proper dissemination of information on voluntary return and assisted voluntary return and reintegration programmes.



# EMN Seminar on Return Management

December 2017

In light of the top priority of return management on the EU Agenda, the Maltese EMN National Contact Point organised an EMN seminar on 12<sup>th</sup> December 2017 with the aim of informing national entities and local stakeholders on the various return practices and procedures applied in the EU, mainly drawing on the findings of an upcoming European Migration Network study on the effectiveness of return management in the European Union. Particular focus was dedicated on assisted voluntary return and reintegration programmes, that is, the return policy preferred by the Return Directive as the main legal instrument regulating the EU return policy. The Return Directive states that voluntary return should be preferred over forced return, although efficient means to enforce returns in conformity with relevant safeguards are foreseen where necessary.

During this event 3 different presentations were delivered, titled:

- A Hint of the upcoming EMN study on “The Effectiveness of Return in EU Member States - Challenges and Good Practices Linked to EU Rules Standards” (Ms. Margaret Barahmandpour – MT EMN Officer)
- Assisted Voluntary Return and Reintegration in Malta and Globally (Ms. Laura Maciulskaitė - IOM Malta)
- Raising Awareness Campaigns and Outreach (Mr. Matteo Lozzi - IOM Rome)

The first detailed presentation highlighted the various aspects of return, both forced and voluntary, while the second presentation explained the liaison between the various IOM offices worldwide, with precise statistics showing that during the year 2016 the number of assisted migrants to return voluntarily reached a high point of 98,403, with 72% of them hailing from EU/EEA countries, while emphasizing on the importance of bilateral diplomatic relations with the various diplomatic representations. The Italian experience presentation started off with the historical aspect of the work of IOM in Italy, highlighting the fact that, by the start of the 1990s, the number of migrants arriving on Italian shores began

increasing rapidly, which meant that Italy had to start implementing AVRR measures vis-a-vis those migrants who were deemed as irregular. Presently 2 projects are ongoing in Italy, to assist those migrants who want to go back to their countries of origin while implementing AVRR on Italian territory. As a matter of fact, the REVITA PROJECT (Rete Ritorno Volontario Italia) is presently ongoing in all Italian regions.

Participants came from the various government entities such as from the Office of the Prime Minister, Ministry for Home Affairs and National Security, Office of the Refugee Commissioner, Immigration Police, Agency for the Welfare of Asylum Seekers, Ministry of Foreign Affairs and Trade Promotion, Identity Malta, International Organisation for Migration and the United Nations High Commissioner for Refugees. It was deemed as a very interesting and fruitful half-day seminar, which will help enhance the dynamics of full cooperation between all stakeholders present.

## Who can benefit from AVRR in Malta?

As per Article 11 of the Regulation (EU) No 516/2014, those who can benefit from assisted voluntary return measures are third country nationals who:

- have not yet received a final negative decision in relation to their request for international protection in Malta;
- enjoy the right to stay, legal residence and/or international protection within the meaning of Directive 2011/95/EU, or temporary protection within the meaning of Directive 2001/55/EC in Malta;

- are present in Malta and do not or no longer fulfil the conditions for entry and/or stay in Malta, including those TCNs whose removal has been postponed in accordance with Art. 9 and Art. 14(1) of Directive 2008/115/EC

With the cooperation of IOM Malta, three successful stories of return are being presented in this newsletter; return stories from Cyprus, Malta and The Netherlands. All stories have been collected during the process of reintegration monitoring carried out by IOM Missions in countries of origin.



# Ghana

## Vegetable Farming



**M**y name is Yao and I am from Ghana. My life in Ghana was difficult and I decided to seek greener pastures abroad. After a long and dangerous journey I reached Libya, where I spent 3 years, before travelling onwards to Malta. I stayed in Malta for almost 14 years: at first in a detention centre, afterwards, living in the community, studying and working on the island. After 17 years, I finally decided to return to Ghana.

The Assisted Voluntary Return and Reintegration (AVRR) programme in Malta strongly influenced my decision to return to my home country and enabled me to start my dream business - vegetable farming. Moreover, my family facilitated my decision by warmly welcoming me back and offering moral support. IOM assisted me with my return and supported my project in its initial stages by helping with the acquisition of farmland and with

the drilling of a borehole for irrigation purposes.

Currently, my new business is fully operational and my children have also been helping me in the farm. I would like to emphasize that IOM's support was very important since it has given me hope. I am grateful for all the AVRR assistance that I received. In the future, I am planning to expand my business by taking full advantage of the land I possess and cultivating other crops. I also intend to employ staff and to start cultivating vegetables in large quantities for sale. There is always a market for farm products because of food insecurity. Therefore, I encourage more returnees and prospective returnees to take up vegetable farming. With hard work and determination, they are likely to succeed. From my own experience, I have also learned that travelling to seek better opportunities abroad can often be not only a waste of precious time but also a deadly undertaking.



# Niger

## Livestock farming

**M**y name is Moussa. I live in Niger. I spent eleven years in Europe. When my asylum request was finally rejected in the Netherlands I knew it was time to go home. Eleven years is a long time. During those years I was angry and irritable. When I made the decision to return, I found peace of mind. I bought six goats with my reintegration grant. The deal was sealed with a handshake, which is how we do business in my country. A salesman does not give you a receipt if you purchase something; a handshake is enough. We Nigeriens keep our word. However, we did take a photo of the deal to prove it. My business consists of buying goats, fattening them up, and selling them again. It is a decent business, and my bargaining expertise is key to my success. I only buy healthy goats, and my customers know they can trust the quality of my selection. I do not want to migrate again. Now that I earn a stable income I prefer to stay with my family. They are good to me.

# Vietnam

## Life with a motorbike

**G**rowing up in a poor, small rural village in Vietnam with her family, Vi Thi was dreaming of a better future for herself. The continuous financial difficulties Vi Thi's family was encountering led her to pack her suitcases and migrate to another country. So she took a difficult decision, to change continent and move to Cyprus.

With her father's blessings and financial support, Vi Thi arrived in Cyprus in 2010 and worked as a domestic worker and carer for elderly people. Living and working in the island was not an easy task; Vi Thi found herself in a difficult economic situation and there were times where she was asking for financial aid from her father, in order to support herself.

When she ran out of options for work and money, she turned to IOM office in Cyprus, which supported her from the first day of her registration to the Assisted Voluntary Return and Reintegration (AVRR) programme.

Six years after her arrival to Cyprus, Vi Thi managed to return to Vietnam as per her wish. However, there was one thing that Vi Thi did not expect, which meant to change her life: the reintegration financial assistance that she received from the AVRR programme of IOM Cyprus.

Initially, she wanted to open a clothing shop but, upon her return and assessment of the local market, she decided to open a motorbike washing, repair, and maintenance business, along with her husband's assistance. The next day is very prosperous for Vi Thi: She has returned home, started her business and is helping her family.



MS MARGARET BARAHMANDPOUR EMN Officer, EMN National Contact Point, Ministry for Home Affairs and National Security

# The Maltese and Estonian EU Presidencies of the Council of the EU, 2018

Malta's endeavour in the sphere of migration started way before it chaired the Presidency of the Council of the European Union and definitely did not finish when the six-month term came to an end. As a matter of fact, the hosting of the Valletta Migration Summit in 2015 served as a prelude to what was going to take place during the 6 months of the Malta EU Presidency itself.

The main issue being dealt with during the Presidency was the proposed Commission reform of the Common European Asylum System (CEAS) through 7 legislative proposals: the revision of the Dublin Regulation, the revision of the EURODAC Regulation, the establishment of a European Union Agency for Asylum, the replacement of the Qualification Directive with a Regulation, the replacement of the Asylum Procedures Directive with a Regulation, the revision of the Reception Conditions Directive, and last but not least, the Proposal establishing a Union Resettlement Framework.

The proposed review of the Dublin Regulation included the creation of an automatic corrective allocation mechanism in the event of disproportionate pressure on the Member States' asylum systems. Work on this proposed allocation mechanism started under the Slovak Presidency and continued under the Maltese Presidency.

Following several bilaterals with Member States, by means of a letter dated 26 June 2017, Malta presented to Council those elements that had attracted a good measure of agreement and those that needed further work.

2015 did not only mark the year when Malta hosted the Valletta Migration Summit, but also when Europe was faced with a huge influx of migrants, as never witnessed before. This influx, together with the change of logistics in the migratory movements, rendered the update of the CEAS an imperative measure, highlighting vital issues such as the implementation of the EU Border and Coast Guard and the relocation programme from Greece and Italy, to name but a few. On relocation it is pertinent to note that at the end of the Maltese EU Presidency, Malta had already not just pledged, but ensured that its pledges within the context of the relocation programme from Greece and Italy would be adhered to. The resettlement programme was also established as a repercussion of the EU-Turkey statement and even within this programme, Malta respected its responsibilities of burden sharing by resettling a number of Syrian migrants from Turkey.

Malta secured a mandate from the Council to negotiate the Entry/Exit System (EES) with the European Parliament in March

2017. Following an intensive number of meetings, political agreement was reached on the dossier on 29 June 2017. A general approach on the European Travel Information and Authorisation System (ETIAS) was achieved on 9 June 2017. A lot of progress was registered on the Schengen Information Systems proposal (SIS). Moreover, a broad agreement, based on the partial general approach, on the establishment of the EU Agency for Asylum was reached between the three EU institutions pending ties with other dossiers such as the Dublin Regulation.

Most of the work carried out during the Malta EU Presidency was followed up by the incoming EU Estonian Presidency, which now came to an end. Although some of the migration policies fostered by the Estonian Government differed from those in the Central and Southern EU Member States, since the Estonia EU Presidency was vying for highly talented students and highly-skilled migrants, together with the promotion of the Blue Card Directive, this did not mean that there was a discontinuation of what took place in the previous EU Presidencies.

The Maltese and Estonian Presidencies of the Council of the European Union have been two markedly different EU Presidencies, both with a distinct positive aspect of continuity, however never bypassing respect for human rights.