

## Assisted return in Germany: programs and strategies relating to the fostering of assisted return and reintegration in third countries; Study I/2009 within the framework of the European Migration Network (EMN)

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Federal Office  
for Migration  
and Refugees



# Return Assistance in Germany

Programmes and Strategies fostering Assisted  
Return to and Reintegration in Third Countries

Research Study I/2009 in the framework of the  
European Migration Network (EMN)

## Working Paper 31

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the Federal Office

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## List of Abbreviations

AENEAS	Financial and technical assistance to third countries in the field of migration and asylum
AGEF	Consortium for Development and Skilled Workers in Migration and development cooperation (Arbeitsgruppe Entwicklung und Fachkräfte im Bereich der Migration und der Entwicklungszusammenarbeit)
Art.	Article
AsylbLG	Asylum Seekers' Benefits Act (Asylbewerberleistungsgesetz)
AsylVfG	Asylum Procedure Act (Asylverfahrensgesetz)
AufenthG	Residence Act (Aufenthaltsgesetz)
AVR	Assisted Voluntary Return
AvWv	General Administrative Provision (Allgemeine Verwaltungsvorschrift)
AWO	Workers' Welfare Association (Arbeiterwohlfahrt)
AWR	Association for the Study of the World Refugee Problem
AZR	Central Register of Foreigners (Ausländerzentralregister)
AZRG	Act on the Central Register of Foreigners (Gesetz über das Ausländerzentralregister)
BAGFW	Federal Association of Non-Statutory Welfare Services (Bundesarbeitsgemeinschaft der Freien Wohlfahrtspflege)
BAMF	Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge)
BMI	Federal Ministry of the Interior (Bundesministerium des Innern)
BMZ	Federal Ministry for Economic Cooperation and Development (Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung)
BPOL	Federal Police (Bundespolizei)
CCM	Case Chain Management Return Training
cf.	confer
CIM	Center for International Migration and Development (Centrum für internationale Migration und Entwicklung)
CIS	Community of Independent States
COM	European Commission (Document)
DED	German Development Service (Deutscher Entwicklungsdienst)
DM	German Mark (Deutsche Mark)
DRK	The German Red Cross (Deutsches Rotes Kreuz)
EC	European Community
ECRE	European Council on Refugees and Exiles
ECRI	European Commission against Racism and Intolerance
Ed.	Editor
e.g.	exempli gratia
EMN	European Migration Network
et al.	et aliae

EU	European Union
e.V.	registered association (eingetragener Verein)
f.	following page
FACE	Project to Facilitate the Creation of Enterprises in Morocco by the Mobilisation of the Moroccan Diaspora in Europe (Faciliter la Création d'Entreprises au Maroc grâce à la mobilisation de la diaspora marocaine installée en Europe)
ff.	following pages
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
FRY	Federal Republic of Yugoslavia
GARP	Government Assisted Repatriation Programme
gGmbH	non-profit limited liability company (gemeinnützige Gesellschaft mit beschränkter Haftung)
GTZ	German Association for Technical Co-operation (Gesellschaft für technische Zusammenarbeit)
GUE/NGL	Confederal Group of the European United Left/Nordic Green Left
IAB	Institute for Employment Research (Institut für Arbeitsmarkt- und Berufsforschung)
ICMPD	International Centre for Migration Policy Development
i.e.	id est
IMK	Standing Conference of the Federal States' Ministers and Senators of the Interior (Ständige Konferenz der Innenminister und -senatoren der Länder)
IOM	International Organisation for Migration
LARAP	Latin American Reintegration Assistance Programme
NGO	Non Governmental Organisation
NIS	Newly Independent States
No.	Number
Nr.	Number (Nummer)
OECD	Organisation for Economic Co-operation and Development (Organisation für wirtschaftliche Zusammenarbeit und Entwicklung)
p.	page
para.	paragraph
pp.	pages
PTSD	Post-traumatic Stress Disorder
REA	Return to Employment in Afghanistan
REAG	Reintegration and Emigration Programme for Asylum-Seekers in Germany
RETURN	Return Preparatory Actions Programme
S&D Group	Socialists and Democrats (Group of the Progressive Alliance of Socialists & Democrats in the European Parliament)



SGB	Social Security Code (Sozialgesetzbuch)
SMAP	Special Migrants Assistance Programme
Solwodi	Solidarity with Women in Distress
UK ZU	Independent Commission on Migration to Germany (Unabhängige Kommission "Zuwanderung")
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
USA	United States of America
USRP	United States Resettlement Programme
Verts/ALE	The Greens – European Free Alliance in the European Parliament (Les Verts – Alliance Libre Européenne au Parlement européen)
ZAV	Central Placement Office for Work Abroad and Specialist Workers (Zentrale Auslands- und Fachvermittlung)
ZIRF	Information Centre for Voluntary Return (Zentralstelle für Informa- tionsvermittlung zur Rückkehrförderung)
ZRB	Central Office for Return Counselling (Zentrale Rückkehrberatungs- stelle)

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# Executive Summary

The present study deals with questions pertaining to return assistance for third country nationals and their reintegration in the respective countries of origin. It was prepared within the framework of the 2009 Work Programme of the European Migration Network (EMN). Taken in conjunction with the national reports that are being carried out within the other EU Member States, its intention is to mark a step towards improving European co-operation, utilising synergy between EU Member States and developing a congruent sense of “best practices” with regard to assisted return and return counselling in the EU.

## Two categories of return migrants

Among both political decision-makers and public experts in Germany, voluntary return is considered the more humane, more affordable – and thus preferred – variant of returning foreign nationals, that are under a legal obligation to leave the Federal territory. The second category of return migrants consists of foreign nationals with a legal authorisation to stay in Germany, e.g. a residence permit, but who nevertheless want to depart.

## Limited data

There is no reliable set of data on the overall scope of voluntary return from Germany. Foreign nationals who comply with an existing obligation to depart or (despite being in possession of a valid residence title) who decide of their own volition to start a return migration or a secondary movement are not recorded in official statistics. The permanent departure of a person with an unrestricted right of residence is only registered when the new address is given to the registry office and/or is recorded into the German Central Register of Foreigners by the appropriate Foreigners’ Authority. However, statistical data on assisted return programmes jointly financed by the Federation and the Federal States (Länder) are available. 102,359 foreign nationals took advantage of the return assistance in 1998. In 1999 and in 2000 the number stood at 47,699 and 67,953, respectively. Since then, the numbers have clearly fallen. The analysis of the annual statistics between 2004 and 2008, when a total of 29,402 foreign nationals departed voluntarily, reveals:

- The annual number of departures with return assistance has fallen from 9,961 in 2004 to 2,799 in 2008. This decrease may be attributed to the reduced number of foreign nationals required to leave the Federal Republic. Whereas in 2004, 371,074 foreigners were under legal obligation to depart, this number stood at no more than 136,432 in 2008. Presumably, this reduction cannot be attributed to mono-causal explanations. Among other factors, the statutory grandfather clause for migrants granted temporary exceptional leave to remain (“Duldung”), introduced in August 2007, the fallen number of first-time asylum applicants (under 20,000 in 2007, down from 50,000 in 2003), and an increase in the total protection quota from 6.5 % in 2005 and 2006 up to 27.5 % in 2007 and 37.7 % in 2008 have had significant impact.
- The five most important citizenship groups among returnees between 2004 and 2008 consisted of citizens of former Serbia and Montenegro (incl. Kosovo) with 24.2 % of returnees, as well as Turkish (9.7 %), Iraqi (8.7 %), Russian (6.8 %) and Iranian

nationals (4.8%). Besides, citizens of Vietnam, Azerbaijan, Armenia and Bosnia belonged to the most important returnee citizenship groups in quantitative terms. Chinese nationals have recently emerged as another important group.

- The majority of departees are males (62.5% between 2004 and 2008). Yet there are noticeably clear differences between the various nationalities. The percentage of Iraqi males departing was clearly higher and stood at 85% in 2008. The number of male Afghan, Iranian and Vietnamese returnees was also higher-than-average. For Russian citizens, however, the gender ratio was almost equal.
- The biggest age groups among returnees were those of children and middle-aged persons. Among the 29,402 returnees between 2004 and 2008 about 21% were aged under 13 years, while 8% were aged between 13 and 18 years. 28% were between 19 and 30 years old at the time of departure, about 30% were between 31 and 45 years old. About 10% fell into the age group of 46 to 60 years; slightly more than 3% were over 60 years of age.
- While in 2004, just under one third of returnees (32,7%) had been residing in Germany for more than five years at the time of departure, almost 46% of returnees had been staying for such a duration prior to their departure in 2008.
- The number of forced returns clearly fell parallel to the reduction in the number of voluntary departures since 2004. While the number of voluntary departures continued to decrease moderately between 2007 and 2008, forced returns rose slightly; this can be clearly gleaned from the numerical proportion between voluntary and forced returns: there were 2.8 forced returns for every voluntary departure in 2004, the quota standing at 4.1 in 2008.

### **Heterogenous system of return assistance**

In Germany, there is no general regulation for public return assistance. Thus, willing or obligated returnees do not have an individual legal right to voluntary return assistance, financial or otherwise. The REAG/GARP programme, jointly financed by the Federal Government and the German Federal States, supports asylum seekers, rejected asylum seekers, recognised refugees, civil war refugees, illegally residing third-country nationals, victims of forced prostitution or human trafficking and other foreign nationals eligible for benefits pursuant to section 1 of the Asylum Seekers' Benefit Act who willingly decide to voluntarily return to their country of origin or travel to an admitting third country. The REAG component (Reintegration and Emigration Programme for Asylum-Seekers in Germany) provides transportation costs and lump-sum travel assistance; with the GARP component (Government Assisted Repatriation Programme) persons from countries of origin that are of particular interest to Germany in terms of migration policy, receive start-up aid for reintegration. The amount of the start-up aid depends on the country of origin. A considerable number of programme measures exist on the level of the Federal States, municipalities and independent providers. This sub-national return assistance is extremely multifunctional and has been constantly developed in recent years – if nothing else against the background of available project financing from the Return Fund. There has been a trend toward measures

that address the promotion of sustainable integration in the target country in addition to return assistance. Apparently, there is a need for those programmes that not only consist of monetary support, but for programmes of differentiated and sustainable reception and reintegration structures in the target regions.

### Conclusions

- Evaluation of the effectiveness of return and reintegration assistance by reviewing programmes and measures is an eminent sphere of activity, which gains particular significance with regard to increased European and international co-operation in the area of reintegration. A more uniform view should be pursued with regard to the basic semantic question towards the actual essence of sustainability in return assistance.
- Furthermore, an improvement of the available data sets on return would be beneficial in order to gain statistical information on third-country nationals, who comply with their obligation to depart immediately and without assistance, who return individually or as part of a family or who are assisted by other programmes than REAG/GARP.
- Considering the primacy of voluntary return over forced return, with regard to foreign nationals under legal obligation to depart, it would be desirable to raise the share of voluntary departures in the future. The requirements for this to all intents and purposes prevail not least in ten of the 16 German Federal States that have already created their own structures or legal foundations for return assistance, as well as through the variety of services offered by municipalities and independent providers, where the important dimensions of vocational, social and health reintegration in return countries are put in focus.
- It would be useful for the participating players involved to build up a network or informal co-ordinating body in order to identify good practices and jointly further develop them. In addition to that, another goal could be an improved comprehensive counselling structure facilitated by the establishment of public services in those Federal States that currently do not have their own return assistance programme.
- Furthermore, experts have advocated on occasion to regularise project-related services, which have been funded by applying for public financing from EU Funds with short periods of development and effectiveness, into standard services in state and municipal budgets. Avenues could be pursued to appropriate follow-up financing for longer time periods for successful projects and/or these best practices could be assimilated by Federal Government and/or State Authorities into standard repertoire of public assistance services.

# 1 Introduction

The topic of “return” manages to find its way onto the agenda of German migration policy at irregular intervals. As early as the start of the 1980s, the Return Assistance Act – designed to motivate unemployed foreign workers to return to their countries of origin – sparked a heated debate. In the mid- to late 1990s, the Federal Republic faced the difficult task of facilitating the return of tens of thousands of war refugees from what was then Yugoslavia. In connection with unsuccessful asylum seekers, the question of voluntary return is one that continues to be posed.

In addition to general return counselling services for foreign workers and their family members, the German Federal Government introduced an assisted return programme in 1979 primarily directed toward rejected asylum seekers, which, with various adjustments, continues on to this day. As of the end of 2008, this programme has financially and logistically facilitated the departure of over half a million third-country nationals – most of them obligated to depart – from the Federal Republic of Germany. However, the spectrum of services and actors in the field of assisted return has expanded and become more diversified in the past few years; additional counselling services have been established primarily in Federal States and municipalities that – in partial co-operation with independent supporting organisations in Germany and on site in the return states – focus more on aspects of sustainability and reintegration (housing, social aspects, job market). Most recently, politics and the media in Germany have once again focused on the topic of return – whether it is in the context of supposedly impending mass deportations following the expiration of interim arrangements regarding the right of residence, or in view of the effects of the global economic crisis on the financial situation and employment chances of migrants.

Yet return migration is increasingly considered not only within the context of controlling migration flows on a national level, but also with regard to the development of a comprehensive and coherent migration policy within the European Union. This produces at least two different approaches to returns that still clearly overlap: one is the perspective of a development co-operation with third countries, the other is combating irregular migration and the illegal residence of third-country nationals in the EU.

- The argument for developmental co-operation between the EU and Third Countries primarily emphasises the opportunity for knowledge and financial transfer during voluntary returns and reintegration/through forms of circular migration or mobility partnerships. For this purpose the EU established, among other measures, a Thematic Programme for co-operating with third countries in the areas of migration and asylum.
- In regard to combating irregular migration/illegal residency, a readmission and return policy has been one of the fundamental components of this policy area since the European Council summit in Laeken at the end of 2001. After the Council adopted a return action programme in November 2002,<sup>1</sup> Directive 2008/115/EC

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1 Presidency Note for the Council No. 14673/02 “Proposal for a Return Action Programme” of 25 November 2002.

first established a legal frame that focused on a coherent return policy for the European Union. The Directive determined in particular joint provisions addressing return, removal, the application of compulsory measures, detention and refusal of entry, however it also emphasised the significance of the option for third-country nationals residing illegally to voluntarily return.<sup>2</sup>

The Return Directive – which must be implemented by the Member States by the end of December, 2010 – does not give preference to any particular concrete legal regulations or set standards relating to the implementation of programmes for voluntary return and return counselling. The EU Member States have relatively free reign to continue offering or further develop existing services, or to establish new programmes. Yet with the creation of the 2008-2013 European Return Fund as part of the above-mentioned “Solidarity and Management of Migration Flows” framework programme, the governments of the EU Member States have enacted a financial instrument to, among other things, support the organisation of return assistance and counselling. This Return Fund is designed to utilise integrated return management to promote the harmonisation of European return policy.<sup>3</sup> Return management requires the development and implementation of integrated return plans comprised of both programmes and measures for voluntary return, and actions for involuntary return, whereby it must be determined that – from a political perspective – voluntary and forced return are linked.

### **Subject and goals of the study**

At this time it would be reasonable to conduct an inventory of existing approaches, strategies and tangible programme measures in the Member States of the EU that can serve as a reference point from here on out in evaluating the development of European return policy. Given this, the study “Programmes and Strategies in the European Union Fostering Assisted Return and Reintegration in Third Countries” by the European Migration Network (EMN) has the goal of comparing the various approaches and assisted return programmes of the Member States. It is also designed to identify a step toward improving European co-operation, utilising synergy between EU Member States and developing a congruent sense of “best practices” with regard to assisted return in the EU.

The following study is Germany’s contribution to the broader EMN study. It is meant to provide an informed and current overview of the variegated practices in the field of assisted return in Germany, drawing on an earlier study from 2006 also conducted for the EMN (cf. Kreienbrink 2007). Whereas the former study considered both voluntary and forced return, the current study only describes and analyses assisted returns not of an immediate obligatory nature/conducted without the application of compulsory measures, so as to facilitate a voluntary return.

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2 Cf. Recital (10), Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

3 Decision No. 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme ‘Solidarity and Management of Migration Flows’.



### **Organisation and structure**

In order to achieve the most direct comparability with studies by other Member States, the contents of the following study have been structured according to uniform specifications jointly developed with the EMN. Following this introduction, the basic terminology of the study will be explained, and available data on voluntary return presented (Chapter 2). Chapter 3 focuses on the political and legal framework of assisted return in the Federal Republic and describes how legal acts, existing policies and financial instruments affect the design of policies and law. Chapter 4 represents the core of the study, first providing an overview of the reasons for establishing and utilising assisted return services, followed by a discussion of various obstacles and issues hindering the implementation of such programmes. Section 4.3 focuses on tangible assisted return measures – consultation, logistics and organisation, financial incentives. Due to the continuously growing importance of reintegration and sustainability following return, these aspects are addressed in a separate section that provides information on related measures and programmes (Chapter 5). Chapters 4 and 5 overlap in some areas due to the fact that a return assistance when departing from Germany cannot always be strictly separated from an assistance when reintegrating in the country of origin/target country. Approaches and models for voluntary return, which in this sense are somewhat holistic and vary amongst the German Federal States, will be exemplified in individual digressions. The study ends with some conclusions on the analysed assisted return programmes and strategies, identifies “best practices” and elaborates on aspects of current discussions on the further development of return and reintegration assistance in Germany.

### **Methodology and resources**

This study is supported by various resources. Germany’s contribution to the 2006 EMN return study and the expertise gained from it serve as a frequent source with regard to the definitions and categories of returnees, as well as for the description of the general political and legal conditions for assisted return (cf. BAMF 2007); the appropriate sections have been modified and updated accordingly to meet the requirements of the current EMN study. Current research literature has also been referenced in addition to pertinent German and European legal resources. Numbers of returnees have been primarily derived from statistics on the participation of foreign nationals in return assistance programmes. These statistics are continuously furnished by the IOM (the operative agency) in the course of statements of expenditure. Data from the Federal Statistical Office has been used to represent general migration figures. Other data was retrieved from the Central Register of Foreigners (AZR) regarding the departures of third-country nationals and their last legal status in Germany, as well as from the Federal Police regarding successful removals. A majority of the knowledge of practices and strategies regarding return and reintegration assistance comes from programme descriptions, project reports and event documentation largely available online and so referenced in the study. A standardised questionnaire was sent to the units competent for return in the 16 Ministries of the Federal States (Länder) and their answers were used to ascertain the activities of the German Federal States. The results from the questionnaires were combined with the findings of a similar survey done for the city of Munich (see Fn. 38) and included in Chapters 3 and 4. Additionally, the author paid an informational visit in October 2009, to Munich’s Return Project as part of a nationwide symposium on the topic “Return and Reintegration”, which provided valuable background

information along with the papers and expert discussions. Information from interviews with counselling centres is sporadically referenced, which had been collected for another research project conducted by the Federal Office from 2007 to 2009 on the topic of returns. A not inconsiderable share of the information was also provided by experts from other organisational units within the BAMF, responsible for return assistance, international cooperation, statistics and funds management, by associates from the IOM in Nuremberg as well as from the Central Placement Office for Work Abroad and Specialist Workers (ZAV) in the Federal Employment Office.<sup>4</sup>

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4 The authors wish to thank the participants for the information provided.

## 2 Definitions, Categories of Returnees and Available Data on Assisted Return

### 2.1 Definitions

#### Return

In a general sense, return typically refers to the migration of a person back to his or her country of origin following a longer stay in another country. Here, country of origin can refer either to the country of citizenship/country of birth or to the country in which the returnee to date normally resides; return can be either voluntary or forced. Even if the definition of return as a generic term is not generally binding, various definitions and legal acts have determined its meaning in connection with migration management. According to a rather operative definition from the European Commission, the term “return” comprises “the process of going back to one’s country of origin, transit or another third country, including preparation and implementation”, in which it “may be voluntary or enforced.”<sup>5</sup> This is joined by the Return Directive enacted in 2008, which defines several terms related to returns (cf. Baldaccini 2009).

“Return’ means the process of a third-country national going back – whether in voluntary compliance with an obligation to return, or enforced – to:

– his or her country of origin, or

– a country of transit in accordance with Community or bilateral readmission agreements or other arrangements, or

– another third country, to which the third-country national concerned voluntarily decides to return and in which he or she will be accepted”.<sup>6</sup>

#### Forced return

In particular, terms that describe the area of forced return are relatively easy to define, since they generally have already been determined by law or legal regulation (cf. in detail Kreienbrink 2007: 14ff.). In this, appropriate provisions stem partially from European legal acts.<sup>7</sup> Hence forced return in general is a collective term for various forms of return based on a court or administrative ruling to the country of origin, a transit country or another third country. This includes measures such as refusal of entry (rejections), return after illegal entry and removals (deportations) as covered in sections 15, 57 and 58 of the Residence Act (cf. Kreienbrink 2007: 15; Schneider 2009: 63, 66).

5 Communication from the Commission to the Council and the European Parliament on a community return policy on illegal residents, COM(2002) 564 final, p. 26.

6 Article 3 No. 3, Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

7 Pertinent to this is Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals and Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air.

Related to this, there is the notification of deportation and the deportation order. The notification of deportation is an administrative act that is usually combined with the request to leave the country. In case the foreigner does not leave the country within the stated deadline voluntarily, he or she is threatened to be removed (“deportation warning”, section 59 Residence Act; section 34 Asylum Procedure Act). The threat of deportation has to be distinguished from the deportation order. The latter is issued in those cases in which the asylum seeker is supposed to be removed to a safe third country or to a country that is responsible for carrying out the asylum procedure (section 34a Asylum Procedure Act). In addition, a deportation order can be issued against a foreigner by the highest authority in the Federal State, on account of a prognosis based on facts to defend the Federal Republic of Germany against a particular danger or a terrorist risk. This kind of deportation order can be issued without prior expulsion (section 58a Residence Act). European law recognises the term “return decision”, referring to “the administrative or judicial decision or act, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return.”<sup>8</sup>

#### **Right to return, authorisation to return**

A right to return is already anchored in the Universal Declaration of Human Rights, in which Article 13, para. 2 states:<sup>9</sup> “Everyone has the right to leave any country, including their own, and to return to their country.” Customary international law mandates that a state re-admits its own and former citizens (cf. Lehnguth 1997). This results in an individual right that must be recognised by this country; therefore elementary to questions of voluntary or forced returns is the term authorisation to return:<sup>10</sup> Before admitting a returnee, the target country almost without exception requires proof either of said returnee’s citizenship of that state or of at least a legal right to residence in that country prior to entering the Federal Republic. A valid passport is generally seen as written proof of authorisation to return (cf. Storr et al. 2008: 29, section 5 para. 8). Also to consider are readmission agreements between the Federal Republic and individual third countries that foremost simplify returns and generally also contain agreements on issuing/providing return travel documents (cf. Ch. 3.1). Currently there are 30 such bilateral agreements in place.

#### **Voluntary departure, assisted return**

Whereas there are legally well-defined prerequisites, facts and measures for forced return, the concept of voluntary return cannot be as clearly defined, even when it is given priority over forced return (cf. Ch. 3.1). Accordingly, voluntary return is not explicitly regulated under German law. The Residence Act references voluntary departure/return twice, both with regard to third-country nationals who do not (or no longer) meet the requirements for legal residence.

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8 Art. 3 No. 4, Directive 2008/115/EC.

9 Resolution 217 A (III) of the General Assembly of the United Nations, 10 December 1948.

10 Refugee-related legal discourse has seen the introduction in recent years of normative philosophical approaches that consider the right to return, in relation to elementary basic rights and civil liberties – and complementary to an expulsion ban – to be a “right of residence” worth protecting or a “right to one’s homeland” that must be guaranteed (cf. Roßkopf 2005), particularly in the sense of “redress” via “just returns” (cf. Bradley 2008).

- As part of the residence obligation for bound departees (foreign nationals legally required to leave the Federal territory), section 61 para. 2 of the Residence Act forms the legal foundation for the German Federal States establishing accommodations in which foreign nationals who are under a legal obligation to leave the Federal territory are to reside (so-called departure facilities). Clause 2 states:

“At such departure facilities, the willingness to leave the Federal territory voluntarily should be promoted through support and counselling and accessibility for authorities and courts and implementation of the departure procedure should be ensured.”

- Pursuant to section 75 No. 7 of the Residence Act, the duties of the Federal Office for Migration and Refugees includes

“Granting payment of the funds approved under the schemes to promote voluntary return.”<sup>11</sup>

This is analogous to the “Return and Secondary Movement Programmes” from the German Asylum Seekers’ Benefit Act (AsylbLG); in appropriate instances, the authorities are to encourage those eligible for benefits to claim them (section 11 para. 1, German Asylum Seekers’ Benefit Act (AsylbLG). In both cases the basis of the measure is built around the expected departure from the territory of the Federal Republic of Germany once such departure becomes mandatory (section 50 Residence Act) – without the need for compulsory measures. Thus the prime element is not the return of the foreign national in question to his/her country of origin, country of citizenship or country of previous residence – priority is given to the departure from the Federal Republic of Germany.<sup>12</sup> However, this is not necessarily confined to the sheer act of leaving the Federal territory; possibly it has to be safeguarded that the foreign national may enter, or reside, in a third country. Thus, a foreigner can meet his or her obligation to leave the Federal territory by entering another member state of the European Communities only if his or her entry into and residence in such state is permitted.<sup>13</sup>

However, there is some contention with the concept of voluntariness in this regard. The range of arguments stretches from the position that one can only talk about voluntariness, if there is a real option to stay, the position that the foreigner can actually leave voluntarily and will be supported when faced with the alternative of forced repatriation, up to the idea that voluntariness only means the lack of physical violence in the process of deportation/removal (Black/Gent 2006: 19).

UNHCR defines voluntary return as a result of the “execution of the own free and unrestricted will in a sensible choice between returning or not returning to the country of origin against the background of the existing conditions” [own translation] in the country

<sup>11</sup> For more, cf. Ch. 3.1 and 4.3.1.

<sup>12</sup> This is in accordance with the definition laid out in the European Return Directive; here voluntary departure is defined as “compliance with the obligation to return within the time-limit fixed for that purpose in the return decision” (Art. 3. No. 8, Dir. 2008/115/EC, see fn. 2).

<sup>13</sup> Cf. section 50 para. 4 Residence Act; see also numeral 25.3.5.2 General Administrative Regulation of the Residence Act (AVwVAufenthG).

of origin and in the country of asylum (UNHCR 1993: 52). No measures, such as physical, psychological or material pressure, that force the refugee to return to his home should be exerted. This includes that refugees are legally accepted and are entitled to a right of residence. In the evaluation of return, “as a general rule, UNHCR should be convinced that the positive pull factors in the country of origin are an overriding element in the refugees’ decision to return rather than possible push factors in the host country” (UNHCR 1996: 2.3). The apparent assumption on UNHCR’s side that push factors in the country of asylum are an inevitable element of repatriation operations has occasionally raised criticism among human rights organisations, claiming that the principle of voluntariness is not properly taken into account, given also the so-called cessation clause (cf. Takahashi 1997: 600ff.).<sup>14</sup>

The definition of voluntary return presented by IOM follows the rather broad definition by UNHCR to a large extent and contains the element of the free and informed decision. In addition, there is the assisted voluntary return in which the returnee is granted organisational and financial assistance. Furthermore, IOM differentiates between voluntarily without compulsion and voluntarily under compulsion, whereby the first alternative would correspond with the voluntariness concept of UNHCR and the second wouldn’t. In this case, the voluntary decision to return is rather linked to the impossibility of continued residence in the destination country (IOM 2004: 10). Similarly, the European Council on Refugees and Exiles (ECRE) suggests that a distinction be made between voluntary return/repatriation, mandatory return and forced return. Accordingly, the term voluntary return should be used to refer exclusively to those who forfeit their right of residence to return to their country of origin or usual residence of their own volition – i.e. without any underlying governmental obligation. Conversely, obligated/mandatory return should be applied to foreign nationals required to leave, who no longer have legal status to reside for protection, i.e. unsuccessful asylum seekers or refugees revoked of their status.<sup>15</sup>

The term mandatory (or prescribed, ordered) return is also preferred by various German non-governmental organisations that actively deal with questions of return assistance. However, some representatives of private providers of social services and welfare organisations, who work in refugee counselling, as well as representatives of support organisations for refugees reject the term voluntariness with regard to assisted return. They argue in the sense of the broad UNHCR definition that one can only talk about voluntariness if a foreigner actively renounces his or her secure residence status for family, job or other reasons and if he or she decides to leave Germany after the purpose of residence has expired (e.g. university studies, vocational training) or during a pending asylum decision. Individuals who are under an enforceable legal obligation to leave the country are in a situation in which they are faced with deadlines for departure, re-entry bans, reduction of social benefits, cancellation of the work permit, pending deportation, institutionalisation in departure centres etc. These factors, combined with simultaneous return counselling, exert considerable pressure

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14 On the cessation clause cf. Art. 1 C Nos. 5 and 6 Convention relating to the Status of Refugees of 28. July 1951; UNHCR, „Note on Cessation Clauses“ of 30 May 1997 (EC/47/SC/CRP.30); UNHCR, „The Cessation Clauses: Guidelines on their Application“, April 1999 as well as Bonoan (2003).

15 For a discussion on terminology, particularly on relativising the concept/nuances of voluntariness, cf. Paul/Sebastian 2005: 85ff.

and do not make the return a voluntary process (Düvell 2005: 63). This type of return is then perceived as a deportation with other means (cf. Berthold 2005: 57) and the term “voluntary” is applied in quotation marks only.<sup>16</sup>

Although several refugee support organisations view the concept of voluntary return with scepticism and only as a last resort in integrated procedural and right of residence-based counselling, a few charitable associations in particular have opened themselves up and no longer categorically refuse special return counselling services; yet the increasing number of locations offering return counselling and funding is sometimes due less to a need-based concept and more to funding conditions (e.g. Return Fund; cf. Ch. 3.2.2) in the context of national or European guidelines (cf. Dünwald 2008: 25). Furthermore, there is a tendency as part of this specialisation to expand target groups for assisted return – beyond bound departees/third-country nationals in the asylum process – especially with projects driven by states, municipalities and independent providers (cf. also Ch. 2.2). Voluntary return can be applied to these people in the fullest sense of the term.

For this reason, the dispute over “voluntariness” has been relegated to the background of German national debate; rather the diversification of offers has placed the focus on the contents of support and counselling services. Moreover, there are different descriptions of the same phenomenon, and differentiated term usage would be desirable. As part of the specifications, the term usage suggested for this study is oriented toward IOM definitions as well as toward the terminology from the Return Directive, which strives to differentiate between voluntary return, which refers to the completely independent return or secondary movement of own free will, and voluntary departure – a term thus far used synonymously in practice – which refers to a return or secondary movement compelled by an existing (or imminent) obligation to depart.<sup>17</sup>

## 2.2 Categorisation of Returning Migrants

There are two principle categories of third-country return migrants: third-country nationals residing in the Federal Republic by virtue of at least temporary authorisation (residence permit, settlement permit, residence authorisation for the duration of the asylum procedure), and third-country nationals not or no longer in possession of appropriate authorisation who are thus obligated to depart. A special exception here is the sub-category of foreign nationals with temporary exceptional leave to remain – i.e. foreign nationals whose removal has been temporarily suspended due to actual or legal obstacles, or who fall under a certain group whose removal has been postponed by a Supreme State Authority for humanitarian or international reasons, or to protect the political interests of the Federal Republic of Germany (section 60a Residence Act). However, the federal and state REAG/GARP programme does not focus exclusively on these two main categories. The main target group is indeed third country nationals under legal obligation to leave the Federal territory, yet individual groups of people with residence permits are also entitled to assistance (cf. Ch.

<sup>16</sup> Heinhold (2003) discusses the appropriateness of voluntary departure.

<sup>17</sup> Cf. the definition of “Voluntary Return” in the EMN glossary (Asylum and Migration Glossary – A tool for better comparability, produced by the European Migration Network, July 2009).

4.3.1). Counselling and assistance services offered by the Länder, municipalities, associations and other independent providers are available for different target groups of third-country nationals (cf. in detail Ch. 4).

#### **Third-country Nationals with a Permanent Residence Status**

There are no regulations or administrative procedures for the return of migrants who are living legally with a residence or settlement permit or a long-term resident's EC residence permit in the Federal Republic. In the early 1980s the Federal Government initiated a law which was supposed to encourage foreign employees to return to their native country or country of origin with their families, introducing so-called return bonuses; however, the programme was not successful and was discontinued after a short period (cf. Chapter 3.1). The return of third-country nationals with a temporary or permanent residence status in Germany is largely spontaneous and unregulated, thus statistically its extent cannot be precisely gauged (cf. Ch. 2.3).

- Resident third-country nationals includes all persons in possession of a (permanent) settlement permit.
- Third-country nationals in possession of a (temporary) residence permit form a second group.
- Also authorised for residence are third-country nationals coming to Germany to lodge an asylum application, at least for the duration of the asylum procedure (residence authorisation). Separate from most third-country nationals with a residence or settlement permit, those possessing a residence authorisation can take advantage of the return assistance offered by the REAG/GARP programme under the same conditions as rejected asylum seekers (cf. Ch. 3.1).

#### **Third-country nationals under obligation to leave the Federal territory**

A foreigner is generally required to leave the country if he/she is not, or no longer, in possession of a requisite residence title (general principle of a requirement for residence title according to section 4 Residence Act; the requirement to leave the Federal territory is grounded in section 50 para. 1 Residence Act). A foreigner wishing to enter the Federal territory unlawfully, as prerequisites for entry are not met, is denied entry at the border (refusal of entry; sections 14, 15 Residence Act). In case an unlawful entry has been successful, the foreigner shall be removed within six months of crossing the border (removal; section 57 Residence Act).

There are multiple reasons for which the right of stay could terminate, as stipulated in section 51 of the Residence Act (see Schneider 2009: 57f.). The subsequent obligation to leave the Federal territory comes by act of law and solely on the fact that the third-country national in question is not in possession of the requisite residence permit or said permit has ceased to apply after the fact. No further special administrative or legal act is necessary, though generally a written departure order is issued. This is not to be confused with expulsion, which represents a special administrative act (see below). If the foreign national does not leave the Federal Republic immediately or after a certain stated period time frame



(voluntary compliance with obligation to depart) he/she may be threatened with removal (deportation). A deportation warning (section 59 Residence Act) is generally prerequisite to forced removal.

One reason for the termination of the right to reside and the requirement to leave the Federal territory is the foreigner's expulsion. Basically, three ways of expulsion can be differentiated: mandatory expulsion, regular expulsion and discretionary expulsion (sections 53-55 Residence Act; cf. Groß 2006: 45, Schneider 2009: 58f).

Foreigners whose asylum procedure initially has resulted in a positive decision can become obliged to leave, too. Thus, the Foreigners Authority has to establish the cessation of granted asylum of refugee status in case it can be assumed on the basis of specific legal prerequisites, that the respective foreigner no longer requires this protection (section 72 Asylum Procedure Act). Repeal court proceedings are to be initiated by the Federal Office for Migration and Refugees if the reasons for recognition of asylum are no longer existent or if the legal basis has changed. A repeal of the original decision is possible if it was brought about by false or concealed information provided by the asylum applicant or if it was incorrect (section 73 Asylum Procedure Act).<sup>18</sup> A decision on the presence of a deportation ban pursuant to section 60 paras. 2, 3, 5 or 7 of the Residence Act may be revoked or withdrawn by the BAMF, too (section 73 paragraph 3 Asylum Procedure Act). The revocation or withdrawal, however, do not always result in the revocation of the residence title by the Aliens' Authority, as the latter, in an independent decision, has to take into consideration the length of stay, the consequences for family members and other matters of concern to be protected (cf. Heinhold 2005: 153). According to the jurisdiction by the Federal Administrative Court the right to residence cannot be revoked if the foreigner in question is entitled to the right to residence on a different legal basis, e.g. marriage to a German national (cf. Beauftragte 2005: 469).

Another category of individuals under a legal obligation to leave the country are asylum seekers whose asylum application has been conclusively legally rejected by the BAMF.

Refugees who are (or have been) admitted for humanitarian reasons due to specific hardships (prospectively, e.g., in the framework of the Directive on temporary protection<sup>19</sup> on the basis of section 24 Residence Act), such as refugees from Kosovo, also belong to the group of potential returnees. To date, entitlement to the right of permanent residence for temporarily admitted foreigners such as those from Kosovo has been ruled out by the German Standing Conference of the Federal States' Ministers and Senators of the Interior (IMK), although a number of Federal States have called for the right of permanent residence since 2005, under the impression of the security situation in some countries of origin, if the persons in question are economically and socially integrated; a grandfather clause was intro-

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18 Cf. also section 73 para. 2a AsylVfG and section 26 para. 3 AufenthG.

19 Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

duced for foreigners who had been residing in Germany for several years on the basis of an exceptional leave to remain (toleration).<sup>20</sup>

Illegally resident foreigners in Germany are – by definition – in principle under the legal obligation to leave the country, i.e., foreign nationals who have neither been granted a residence title nor a temporary leave to remain (toleration certificate), and who have not been registered by the authorities or in the Central Register of Foreign Nationals (cf. Sinn et al. 2006: 23-27). Legally, too, the requirement to leave the Federal territory results from section 50 para. 1 of the Residence Act.

An additional category of (forced) returnees results from the Dublin procedure (cf. Lang 2008; Schneider 2009: 40f., 67). However, “Dublin-returnees” are not covered in further detail in this study.

### **Exceptional leave to remain**

Foreign nationals with exceptional leave to remain represent to a certain extent a subgroup of third-country nationals required to leave, since those with exceptional leave to remain receive no right of residence. Pursuant to legislative intent, residence remains unlawful and obligation for immediate departure remains in subsistence. Residence based on exceptional leave to remain is not tantamount to due residence in terms of international law, nor to a residence title in terms of the “Dublin II Regulation”. However, exceptional leave to remain does protect foreign nationals from culpability for their illegal residence despite their obligation to depart (section 95 para. 1, No. 2, Residence Act; cf. numeral 60a3 German General Administrative Provision (AVwV) on the Residence Act. The obligation to leave the country, its reason or the status of the toleration do not already predetermine as to whether the person in question will finally leave voluntarily or will be deported. There is the option, on the contrary, to leave the country voluntarily while the legal proceedings on the removal are ongoing.

## **2.3 Data on Assisted Return**

### **2.3.1 General Data**

Improving available data on transnational migration is one of the most urgent concerns of migration research. Despite certain advancements in the statistics of individual states, the European Union, or international actors such as the OECD, or the United Nations Statistics Division, still an enormous need for further development can be discerned. This refers both to problems with underlying definitions and to questions of collection density and data validity (cf. Borchers 2008: 23ff.). Data on return migration in particular is generally difficult, because in the past neither target countries nor countries of origin considered

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<sup>20</sup> See for example the IMK decision No. 7 of 6 June 2002, p. 11f.; Margin note on the IMK decision No. 11 of 8 July 2004, p. 14, on those temporarily admitted from Kosovo. A limited regulation of the right to permanent residence for actually and economically integrated foreigners – regardless of their origin – was decided by the German Conference of Interior Ministers in November 2006 (IMK decision No. 8 of 17 November 2006) and included in a slightly extended form into the Residence Act in 2007 (sections 104 a and b). Prior to the expiration of this regulation governing old cases on 31 December 2009, the Conference of Interior Ministers agreed upon a follow-up regulation, which basically extends the grandfather clause by another two years (cf. IMK decision No. 13 of 4 December 2009).

it a priority to monitor this phenomenon (Koser 2000: 59). This especially applies to the relation between return migration and reintegration/development. Following the perspective of an independent commission appointed by the US-based Center for Global Development,

“The data on international migration that countries now collect and publish are so limited, however, that we know much less about how much and what kind of migration is happening in today’s world than we know about international trade and investment flows. This leaves us unable to answer some of the most basic questions about how the movement of people interacts with the development process.” (Center for Global Development 2009: 1)

Even in Germany, those who comply with an existing obligation to depart or (despite being in possession of a valid residence title) who decide of their own volition on a return migration or a secondary movement are not recorded in official statistics. Thus information on the whereabouts of rejected asylum seekers cannot be reliably ascertained; the permanent departure of a person with an unrestricted right of residence is only registered when the new address is given to the registry office and/or a note is made by the appropriate German Aliens’ Office in the German Central Register of Foreigners (AZR) (cf. BAMF 2008: 13ff.).

By nature the available data on forced returns is more reliable, since there are national offices in charge of the organisation and execution of these measures (e.g., Federal Police, Police authorities in the Federal States), and also gathering appropriate statistics. Thus, extensive data is available from various offices in Germany, as well (cf. in detail Kreienbrink 2007: 19ff.).

#### **Data on emigration of third-country nationals on the Federal level**

Various data sources can indicate the scope of return migration out of Germany. However, most available statistics do not take into account whether these migrants had access to return assistance services, or whether they took advantage of them.

- The basis of general migration figures is the official migration entry/exit statistics from the German Federal Statistical Office. They are based on the obligation to give notice of arrival/departure to the appropriate registry office upon cross-border changes of residence. Neither a residence title nor the duration of residence is needed for entry into the registry statistics, simply a reference to an address. Proper registration will therefore see persons who immigrate or migrate and who take up a proper residence several times per year also several times in the statistics. On the other hand, registry statistics are also unreliable with regard to foreign nationals, as not all migrants fulfil their duty to give notice of departure – i.e. figures on the migration/return migration of foreign nationals from Germany are constantly underestimated (cf. BAMF 2008: 12f.). With regard to the topic of this study, pure migration entry/exit statistics are of little significance, particularly because purposes of stay, legal residency status, duration of stay and the reasons for immigration/migration are not considered. Rejected and departing asylum seekers, as well as forcefully returned persons, are included by the registry office, however these are not statistically differentiated from other migrants. It is just as poorly evident whether a return occurred voluntarily and spontaneously (as an independent, non-programme-related migration) or was facilitated through return assistance measures.

The figures in Tables 1 and 7.2.1. clearly indicate a higher number of entries by third-country nationals than exits between 2004 and 2008. In total, around 3.51 million people immigrated to Germany in this time period, whereas more than 3.34 million migrated out of Germany. Together, this results in a migratory excess of 172,456 people during these five years; the balance of third-country nationals was 164,497.

- More precise migration-related data could be obtained from the German Central Register of Foreigners (AZR), which contains data on foreign nationals who resided in Germany for a period exceeding three months.<sup>21</sup> The German Central Register of Foreigners (AZR) primarily aides the administrative authorities in fulfilling foreigner- and asylum-related duties, plays a supporting role as an instrument of homeland security and is used for foreigner-related political planning as well as to determine quantities relevant to management. Various informational statistics can be called up from the AZR database. Since early 2006, new collection capabilities have allowed the AZR to provide a more differentiated representation of migratory events than migration entry/exit statistics. This applies in particular to forming the legal basis for entry and residence, as well as to differentiating between purposes of stay and duration of stay.<sup>22</sup> In addition to pure stock figures on a given day, information can be displayed on entries and exits according to various criteria such as citizenship, age, gender or purpose of stay. Executed removals are recorded, too. However, no data is collected for the AZR that provides insight into whether the return of a foreign national was facilitated by a return assistance measure or programme. Likewise, no information on the country of origin and target country is available. For this reason, Section 2.3.5 analyses AZR data on foreign nationals required to leave (each by particular reference dates) and compares these with statistics on participation in assisted return programmes.
- Section 2.3.5 also utilises data from the German Federal Police on forced returns differentiated by citizenship as a further basis for comparison. This data can provide clues as to the development of the relationship between voluntary and forced departure.

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21 Additionally, collecting and storing information on foreign nationals for general data purposes is permitted, given criteria pursuant to section 2 para. 2 No. 1-14 of the Central Register of Foreigners Act are fulfilled. This includes, among others, foreign nationals who have applied for asylum, for whom an arrest warrant or order to determine whereabouts was issued, and who have been transported into the Federal territory without the necessary documentation and were not refused entry due to political persecution or to circumstances warranting subsidiary protection as outlined in section 60 paras. 2, 3 or 5 of the Residence Act. A separate data file contains information on persons who have applied for a visa at German consulates or embassies.

22 For methodology and data sources, cf. BAMF (2008): 12-15.

**Table 1: Migrations across German borders by citizenship, 2004-2008**

Citizenship	2004-2008		
	Entries	Exits	Balance
European Union*	2,145,179	2,133,958	11,221
of which Germany	623,777	786,636	-162,859
Third countries	1,357,204	1,192,707	164,497
of which Europe	627,296	580,311	46,985
of which extra-European Countries	729,908	612,396	117,512
Other**	9,911	13,173	-3,262
<b>Total</b>	<b>3,512,294</b>	<b>3,339,838</b>	<b>172,456</b>

Source: Federal Statistical Office

\* until 2006: EU-25; from 2007: EU-27

\*\* stateless, undeclared, not specified

### Data on assisted return on the Federal level

Since 1979, data on assisted return have been collected and evaluated in Germany as part of the REAG and GARP grant programmes carried out both by Federal and Länder governments (cf. Ch. 3.1). These data were the result of IOM cross-referencing/statements of expenditure and shared with the Federal Office for Migration and Refugees (BAMF) as the balancing office for REAG/GARP funds. By the end of 2008, a total of 531,285 foreign nationals departed from the Federal Republic of Germany with the assistance from REAG/GARP (cf. Table 2). The numbers initially rose continuously and relatively steadily in the early years (from 2,316 returnees in 1980 to 11,501 in 1995), only to drastically skyrocket within two years as a result of return migration to former Yugoslavia: 102,359 foreign nationals took advantage of the return assistance in 1998, a 500% increase compared to 1996 (18,082). Even in 1999 (47,699) and 2000 (67,953), the number of return assistance recipients remained high. Since then, the figures have clearly fallen back to levels seen in the late 1980s and early 1990s – to 2,799 in 2008. This reduction is primarily the result of the resolution of the conflicts in Kosovo and other regions of former Yugoslavia, an area to which assistance services were almost exclusively dedicated between 1999 and 2001 (cf. BAMF 2008: 197f.).

In 2000 a remaining 60,000 citizens of the successor states to Yugoslavia received return assistance, forming 90% of all those assisted, though the majority of civil war refugees had already returned by the start of the new millennium. The most common citizenships recorded – though falling in number – were those from former Yugoslavia; not just from recent conflict regions such as Kosovo, but also from places like Bosnia (cf. Ch. 2.3.2). In 2004 more than a third of return assistance recipients were citizens from former Yugoslavia; this percentage was cut in half by 2008 (cf. Table 3).

In 2002, Germany added assisted return migration to other areas of the world to its migration strategy, which led to a diversification of the target countries. That same year, the REAG programme created in 1979 was combined with the separate GARP programme, created in 1989 (cf. Ch. 3.1). 2002 also marked for the first time a distinction which could be

made between cases cleared by the grant programme and the actual number of persons departed. Thus statistics on assisted return are only completely comparable and valid past this point. Analyses for 2004 to 2008 (see sections 2.3.2, 2.3.3 and 2.3.4) were conducted based exclusively on these data.

**Table 2: Departures under return assistance programmes, 1979-2008 (number of persons)**

Year	REAG or REAG/GARP				Other Programmes			
	Global	Bosnia	FRY/ Kosovo	Total	USRP	SMAP	LARAP	Total
1979	137			137				137
1980	2,316			2,316				2,316
1981	4,291			4,291				4,291
1982	6,962			6,962				6,962
1983	7,698			7,698				7,698
1984	6,383			6,383				6,383
1985	5,404			5,404				5,404
1986	9,492			9,492				9,492
1987	9,473			9,473				9,473
1988	9,266			9,266				9,266
1989	10,915			10,915			242	11,157
1990	10,442			10,442			220	10,662
1991	10,636			10,636			235	10,871
1992	13,856			13,856			256	14,112
1993	17,313			17,313			214	17,527
1994	17,488			17,488		13	138	17,639
1995	11,501			11,501		100	132	11,733
1996	14,527	3,555		18,082		148	115	18,345
1997	10,890	65,197		76,087	6,098	555	48	82,788
1998	10,815	91,544		102,359	13,607	685	152	116,803
1999	8,475	20,956	18,268	47,699	12,271	876	72	60,918
2000	4,914	6,490	56,549	67,953	6,572	517	7	75,049
2001	4,103	485	8,263	12,851	1,310	551	0	14,712
2002	5,545	**	6,146	11,691	37	514	0	12,242
2003	6,526	**	5,062	11,588	27	1,000	0	12,615
2004	6,727	**	3,234	9,961	10	920	0	10,891
2005	5,484	**	1,964	7,448	3	1,206	0	8,657
2006	4,713	**	1,044	5,757	0	1,600	0	7,357
2007	3,437	**	**	3,437	1	1,278	0	4,716
2008	2,799	**	**	2,799	0	1,742	0	4,541
<b>Total</b>	<b>242,528</b>	<b>188,227</b>	<b>100,53</b>	<b>531,285</b>	<b>39,936</b>	<b>11,705</b>	<b>1,831</b>	<b>584,757</b>

Source: IOM/BAMF

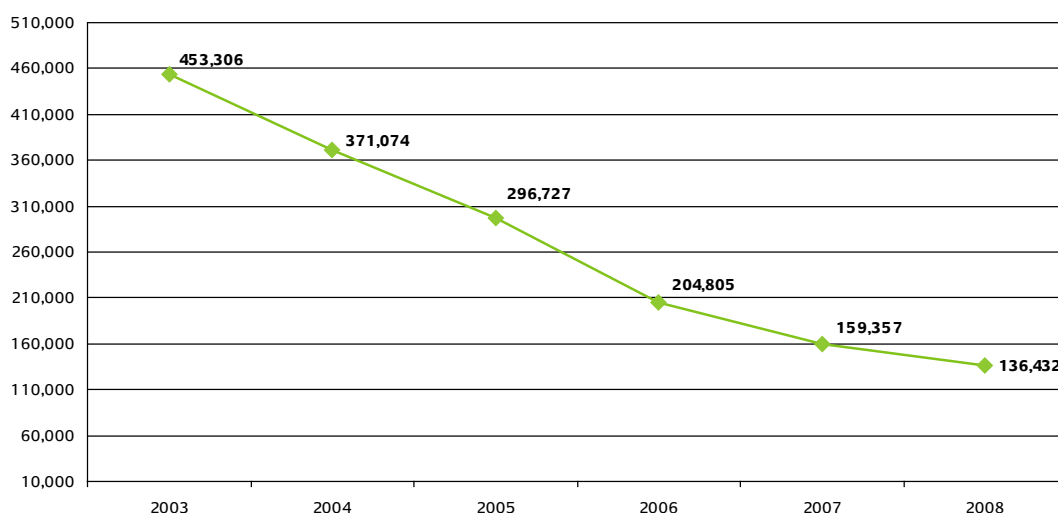
\*\* GLOBAL

**Table 3: Departures under REAG/GARP, 2004-2008**

Year	Total	From Former Yugoslavia		Other States	
		absolute	percent	absolute	percent
2004	9,961	3,731	37	6,23	63
2005	7,448	2,229	30	5,219	70
2006	5,757	1,235	21	4,522	79
2007	3,437	629	18	2,808	82
2008	2,799	447	16	2,352	84

Source: IOM/BAMF

The reduction in total numbers between 2004 and 2008 for assisted return cannot be monocausally explained. A major factor is the reduced number of foreign nationals required to leave residing in the Federal Republic – they ultimately are crucial in determining those who are potentially eligible for return assistance (cf. Fig. 1 and Tables 7.2.2 to 7.2.4 in appendix).

**Figure 1: Foreign nationals under enforceable obligation to leave, 2003-2008**

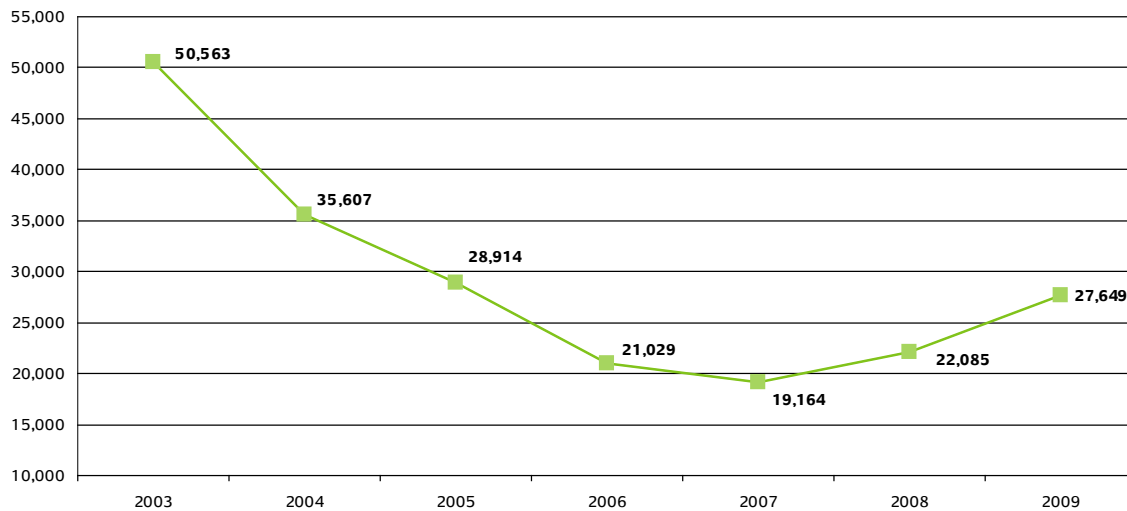
Source: BAMF

The reduced number of foreign nationals bound to depart is on the other hand the result of different developments. In recent years, less and less people have applied for asylum in Germany. The number of first-time asylum applicants fell to under 20,000 by 2007, down from 50,000 in 2003. 2008 and 2009 have however seen slight increases (cf. Fig. 2). Simultaneously there has been an increase in the total protection quota: compared to the previous year, both 2007 and 2008 each had a fundamentally larger number of asylum seekers whose process was concluded and who received a legal form of protection authorising at least temporary residence.<sup>23</sup> Whereas in 2005 and 2006 the protection quota was only around

<sup>23</sup> The total protection quota is calculated from the number of asylum approvals pursuant to Basic Law, the granting of protection for refugees pursuant to the UN Convention Relating to the Status of Refugees, as well as the granting of subsidiary protection based on the total number of decisions during the year in question.

6.5 %, this increased in 2007 to 27.5 % and in 2008 to 37.7 %. The figure fell again in 2009 by a few percentage points to 33.8 %.

**Figure 2: Asylum applications, 2003-2009**



Source: BAMF

A third reason for the reduced number of departures could be the statutory grandfather clause introduced in August 2007, for migrants actually required to leave, yet granted temporary exceptional leave to remain consecutively over several years. The goal of this clause is to meet the needs of well-integrated foreign nationals who have had exceptional leave to remain for a number of years to receive a lasting perspective for remaining in Germany. According to the German Federal States, a total of 35,128 residence permits were issued under strict circumstances between 28 August 2007 and 30 June 2009. These were valid until 31 December 2009, and only extended if the foreign national could provide evidence of secured means of subsistence and employment. Furthermore, facts must be available to justify the assumption that the foreigner's subsistence will be for the most part ensured in the future. On 4 December 2009 the Standing Conference of the Federal State's Ministers and Senators of the Interior agreed on a follow-up regulation, which basically means a prolongation of the regulation governing the "probationary residence permit" by two years.<sup>24</sup>

#### **Other data on assisted return**

Beyond the data collected by the IOM for the REAG/GARP programmes, there are also some data on voluntary return collected by charitable associations or German Federal States and municipalities offering their own return assistance services. However the numbers collected here are of limited validity, incomparable and cannot be tallied since they

<sup>24</sup> Cf Compilation of Resolutions Approved for Publication from the 187th Meeting of the Standing Conference of the Federal States' Interior Ministers and Senators on 4. December 2009 in Bremen, p. 17 (in German); cf. also Parusel (2010: 38).



largely form only a portion of the IOM's total figures. This is due to the fact that while German Federal States, municipalities and charitable associations provide their own counselling or reintegration programmes under certain circumstances, however, they generally refer willing returnees to REAG/GARP or assist in applying for these funds. Therefore these data are not included in this chapter.<sup>25</sup>

### 2.3.2 Returnee Citizenships and Target Countries

As previously stated in section 2.3.1, a large portion of returnees came from the successor states of Yugoslavia – a number that in recent years has continuously fallen (cf. Table 3). Of these, the largest group in the REAG/GARP programme is composed of Serbians and Montenegrins: around one third were citizens of a successor state of the Federal Republic of Yugoslavia (“Rump Yugoslavia”).<sup>26</sup> From 2004 to 2008, a total of 24.2% of returnees had citizenship in former Serbia and Montenegro. Other significant statistical groups were citizens of Turkey (9.7%), Iraq (8.7%) and the Russian Federation (6.8%). The 18 largest citizenship groups (third-country nationals only) are represented in Table 4.

For countries that became Member States of the European Union following enlargement rounds in 2004 and 2007, Slovakia, Romania and in particular Bulgaria are some of the most important returnee nationalities:<sup>27</sup> From 2004 to 2008 precisely 908 Bulgarian citizens were among the 29,402 REAG/GARP returnees, about 3%. The percentage of Slovaks and Romanians was less than 1%.

When considering individual returnee citizenships between 2004 and 2008 (cf. Tables 7.2.5 to 7.2.9 in the appendix), it becomes clear that six citizenship groups consistently belong to the ten most important for each of the five years. These are citizens of Iraq, the Russian Federation, Turkey, Vietnam, Iran and Serbia. Citizens of Azerbaijan have been a part of this group since 2005. Furthermore, Chinese citizens are increasing in significance, having become part of the Top 10 since 2006. Their share grew between 2004 and 2008 from 1% to 3%. The percentage of citizens from Lebanon, Pakistan and India has also increased. In comparison, the percentage of citizens from Bosnia-Herzegovina has continuously fallen: from around 3% in 2004 to only 1.4% in 2008.

25 For programmes offered by the Länder, municipalities and charitable associations, cf. in particular Ch. 4.3.2 and 5 as well as Westphal/Behrens (2007).

26 In order to improve data comparability, the category “Former Serbia and Montenegro” is used in the following Tables to summarize citizenships referring to national unifications arising from the creation of the Federal Republic of Yugoslavia in 1992 (Republics of Serbia and Montenegro, also referred to as “Rump Yugoslavia”). This includes citizens of the State Union of Serbia and Montenegro (arising between 4 February 2003 and 3 June 2006), Montenegro (since 3 June 2006), former Serbia (3 June 2006 to 17 February 2008) as well as present-day Serbia and the Republic of Kosovo (both since 17 February 2008).

27 Nationals of member states of the EU are entitled to REAG/GARP benefits only in case they are victims of forced prostitution or human trafficking.

**Table 4: Departures under REAG/GARP by citizenship, 2004-2008 (individual and cumulative)**

Citizenship	2004		2005		2006		2007		2008		2004-2008	
	absolut	in %	absolut	in %	absolut	in %	absolut	in %	absolut	in %	absolut	in %
Former Serbia and Montenegro*	3,224	32.4	1,959	26.3	1,048	18.2	529	15.4	361	12.9	7,121	24.2
Turkey	923	9.3	741	9.9	664	11.5	313	9.1	220	7.9	2,861	9.7
Iraq	824	8.3	689	9.3	554	9.6	191	5.6	302	10.8	2,56	9.8
Russia	553	5.6	399	5.4	407	7.1	365	10.6	286	10.2	2,01	6.8
Iran	464	4.7	410	5.5	251	4.4	183	5.3	116	4.1	1,424	4.8
Vietnam	378	3.8	313	4.2	298	5.2	202	5.9	135	4.8	1,326	4.5
Azerbaijan	200	2.0	249	3.3	216	3.8	167	4.9	122	4.4	954	3.2
Afghanistan	209	2.1	316	4.2	217	3.8	83	2.4	59	2.1	884	3.0
Armenia	224	2.2	158	2.1	134	2.3	100	2.9	138	4.9	754	2.6
Bosnia-Herzegovina	311	3.1	176	2.4	111	1.9	50	1.5	40	1.4	688	2.3
China	94	0.9	148	2.0	156	2.7	113	3.3	93	3.3	604	2.1
Lebanon	179	1.8	134	1.8	115	2.0	63	1.8	90	3.2	581	2.0
Georgia	186	1.9	120	1.6	92	1.6	36	1.0	39	1.4	473	1.6
Ukraine	121	1.2	133	1.8	87	1.5	52	1.5	62	2.2	455	1.5
Syria	84	0.8	91	1.2	68	1.2	70	2.0	40	1.4	353	1.2
Pakistan	66	0.7	91	1.2	93	1.6	53	1.5	47	1.7	350	1.2
Jordan	29	0.3	83	1.1	117	2.0	67	1.9	46	1.6	342	1.2
India	35	0.4	54	0.7	59	1.0	48	1.4	50	1.8	246	0.8
Others	1,857	18.6	1,184	15.9	1,07	18.6	752	21.9	553	19.8	5,416	18.4
<b>Total</b>	<b>9,961</b>	<b>100.0</b>	<b>7,448</b>	<b>100.0</b>	<b>5,757</b>	<b>100.0</b>	<b>3,437</b>	<b>100.0</b>	<b>2,799</b>	<b>100.0</b>	<b>29,402</b>	<b>100.0</b>

Source: IOM/BAMF

\* Comprises all citizens of successor states of the Federal Republic of Yugoslavia (Serbia and Montenegro), including the Republic of Kosovo (see footnote 26)

### Return to country of own citizenship

The terms “return” and “return assistance” imply – particularly with regard to the contribution migration makes to development – the remigration of the person in question to his or her own country of origin, i.e. a return to the country of their own citizenship. Indeed the vast majority of target countries are the returnees’ countries of citizenship. For example, 284 of the 286 Russian citizens who received financial return assistance in 2008 – a total of 99 % – returned to the Russian Federation. Similar behaviour is seen with other quantitatively significant returnee nationalities in that year, such as Turkish (100 %), Armenian (99 %), Vietnamese (100 %), Azerbaijani (98 %), Serbian (100 %) and Chinese (99 %) citizens.

**Table 5: Return quotas under REAG/GARP, 2004-2008 (Top 10 states, cumulative)**

	Number of departures	thereof to country of citizenship	
		absolute	in %
<b>Former Serbia and Montenegro*</b>	7,121	7,063	99.2
<b>Turkey</b>	2,861	2,851	99.7
<b>Iraq</b>	2,56	2,486	97.1
<b>Russia</b>	2,01	1,979	98.5
<b>Iran</b>	1,424	1,304	91.6
<b>Vietnam</b>	1,326	1,324	99.8
<b>Azerbaijan</b>	954	948	99.4
<b>Afghanistan</b>	884	805	91.1
<b>Armenia</b>	754	753	99.9
<b>Bosnia-Herzegovina</b>	688	659	95.8

Source: IOM/BAMF; own calculations

\* Comprises all citizens of successor states to the Federal Republic of Yugoslavia (Serbia and Montenegro), including the Republic of Kosovo (see footnote 26)

This is also seen in the corresponding (cumulative) quotas in Table 5 for the ten statistically most significant returnee nationalities between 2004 and 2008. Usually between 98 % and 100% of those departed returned to their country of citizenship. Only Iranian (91.6 %) and Afghan (91.1 %) citizens exhibited clearly lesser proportions. Iraqis had a rate of 97.1 %, citizens of Bosnia-Herzegovina 95.8 %. Return rates by individual years can be found in Table 7.2.10 in the appendix. A comparison of annual statistics showed that the proportion of departing Afghan citizens actually returning to Afghanistan clearly fell: whereas in 306 of 316 departing Afghans had returned to Afghanistan in 2005 (97 %), only 36 of 59 Afghans returned in 2008.

### Receiving states

Accordingly, some returnees out of Germany travel to other than their countries of origin. This can be the country in which a foreign national was previously normally residing or in which he/she is entitled to residence for other reasons (e.g. to serve family unification). Even admission authorisation for international, humanitarian or political reasons, as well as corresponding quotas, can be pivotal here. These are what allowed 21 of 59 Afghan citizens departing from Germany in 2008 to be admitted into Canada.

The most important receiving country for these third-country nationals was the United States, admitting 214 non-citizen returnees from the Federal Republic of Germany between 2004 and 2008. The most common citizenships were Iranian (110), Ethiopian (16) and Afghan (15). The second most important receiving country between 2004 and 2008 was Canada, admitting 88 assisted returnees who did not have Canadian citizenship and had departed from Germany. These were primarily Afghan citizens (42), but also Pakistani (14), Iraqi (6) and Iranian (5) citizens.

Other important third country target states for returnees from Germany between 2004 and 2008 were the Russian Federation (37 non-citizen returnees), Australia (35) and Bosnia-Herzegovina (31).

### 2.3.3 Residential Status prior to Return

The residential status of returnees corresponds closely with the number of those eligible to apply for REAG/GARP programme benefits (cf. Ch. 3.1). These are primarily foreign nationals required to leave who have a history of seeking asylum, i.e. persons who have sought asylum in Germany but have not received any form of protection authorising residence. Additionally, a considerable amount of people seeking protection utilise return assistance during their asylum procedure. Also several dozen foreign nationals return, even though refugee status was granted or they were in possession of a residence permit for international, political or humanitarian reasons at the time of departure.<sup>28</sup>

The percentage of returnees whose application for asylum was rejected, has dipped slightly in recent years. 69.9% in 2004, it initially rose to 79.8% in 2005, then continuously fell to 73.2% (2006), 67% (2007) and 63% in 2008. However, when sorted according to the ten statistically largest citizenships, there is a somewhat obvious deviation from these annual averages of all nationalities. The exact figures are presented in Tables 7.2.5 to 7.2.9 in the appendix. In particular, Chinese and Vietnamese returnees were often denied asylum seekers: 91.4% of Chinese and 81.5% of Vietnamese belonged to this group in 2008, compared to 63% of all other returnees. Armenians (88.4%) and Azerbaijanis (86.9%) were also more likely to have a history of seeking asylum compared to all other returnees.

Tables 6 and 7 represent the (current) residential status of returnees prior to their departure from Germany. Due to differing categorisations, data for 2004 and 2005 cannot be fully compared to data for 2006 to 2008. In 2008 nearly half of returnees (49.2%) were obligated to depart yet were granted exceptional leave to remain. 30.3% were legally required to leave, i.e. they were already issued a deportation warning, however it could not (yet) be enforced (e.g. due to a deportation ban). 10.7% were in possession of residence authorisation pursuant to the German Asylum Procedure Act and were undergoing the asylum procedure. 1.4% of returnees were recognised refugees; 2.5% were victims of forced prostitution or human trafficking. Another 5.3% had another form of residential status due to reasons outlined in Section 5 of the Residence Act (residence on international, humanitarian or political grounds).

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<sup>28</sup> For the granting of European and national forms of protection in Germany, cf. Parusel (2010).

**Table 6: Departures under REAG/GARP by residential status, 2006-2008**

	2006		2007		2008	
	absolute	in %	absolute	in %	absolute	in %
1 Foreign nationals in possession of residence authorisation pursuant to Asylum Procedure Act	574	10.0	317	9.2	300	10.7
2 Foreign nationals whose entry is not or has not yet been authorised seeking to enter at an airport	1	0.0	0	0.0	1	0.0
3 Foreign nationals in possession of a residence permit pursuant to section 23, para. 1 or section 24, or section 25, para. 4, clause 1 or para. 5 of the Residence Act	112	1.9	76	2.2	81	2.9
4 Foreign nationals with exceptional leave to remain pursuant to section 60a of the Residence Act	2,735	47.5	1,588	46.2	1	49.2
5 Foreign nationals under legal obligation to leave, even if a deportation warning cannot (yet) be enforced	1,939	33.7	1,212	35.3	849	30.3
6 Foreign nationals who are the spouses, life partners or minors of the persons listed in Numbers 1 through 5, yet do not themselves fulfil the requirements listed therein	98	1.7	41	1.2	0	0.0
7 Foreign nationals submitting a follow-up application pursuant to section 71 of the Asylum Procedure Act or a second application pursuant to section 71a of the Asylum Procedure Act	8	0.1	5	0.1	13	0.5
8 Recognised refugees	97	1.7	43	1.3	38	1.4
9 Foreign nationals given residence on international, political or humanitarian grounds	109	1.9	82	2.4	68	2.4
10 Victims of forced prostitution or human trafficking	84	1.5	73	2.1	71	2.5
<b>Total</b>	<b>5,757</b>	<b>100.0</b>	<b>3,437</b>	<b>100.0</b>	<b>2,799</b>	<b>100.0</b>

Source: IOM/BAMF

**Table 7: Departures under REAG/GARP by residential status, 2004-2005**

	2004		2005	
	absolute	in %	absolute	in %
1 Asylum seekers in the asylum procedure	1,720	17.3	657	8.8
2 Rejected asylum seekers	6,960	69.9	5,944	79.8
3 Persons residing illegally in Germany	311	3.1	175	2.3
4 Former Vietnamese contract workers	3	0.0	0	0.0
5 Persons from Serbia/Montenegro, Afghanistan or Iraq with an entry date in accordance with Item 2.1.6. of the REAG bulletin (cf. IOM 2003: 4)	/	/	209	2.8
Unknown	14	0.1	/	/
6 Recognised refugees	234	2.3	170	2.3
7 Foreign nationals given residence on international, political or humanitarian grounds	602	6.0	187	2.5
8 Victims of forced prostitution or human trafficking	117	1.2	106	1.4
<b>Total</b>	<b>9,961</b>	<b>100.0</b>	<b>7,448</b>	<b>100.0</b>

Source: IOM/BAMF

### 2.3.4 Demographic Structure of Returnees

#### Gender distribution

The majority of those departing from Germany with return assistance are male. From 2004 to 2008, a total of 62.5 % were male, 37.5 % female. These rates only altered slightly between years (cf. Table 8). The clearest change came between 2007 and 2008: In 2007 only 38.1% of returnees were female (61.9 % male) – this sank moderately in 2008 to 35.8 % (64.2 % male). The gender breakdown among returnees tended to follow that of those seeking refuge who applied for asylum for the first time: in the year 2008 32.3 % of first-time asylum applicants were female, 67.7 % of first-time applicants were male (2007: 33.9 % female; 66.1 % male; cf. BAMF 2007a: 22, BAMF 2008a: 26).

**Table 8: Departures under REAG/GARP by gender, 2004-2008**

Year	Total persons	Male		Female	
		absolute	in %	absolute	in %
2004	9,961	6,133	61.6	3,828	38.4
2005	7,448	4,671	62.7	2,777	37.3
2006	5,757	3,645	63.3	2,112	36.7
2007	3,437	2,129	61.9	1,308	38.1
2008	2,799	1,798	64.2	1,001	35.8
<b>2004-2008</b>	<b>29,402</b>	<b>18,376</b>	<b>62.5</b>	<b>11,026</b>	<b>37.5</b>

Source: IOM/BAMF

Tables 7.2.11 to 7.2.15 in the appendix provide a more precise view of gender distribution. Here, there are noticeably clear differences between the various nationalities. The percentage of Iraqi males departing was clearly higher: 85 % in 2008 (2007: 79 %; 2006: 78 %; 2005: 76 %; 2004: 78 %). Afghan, Iranian and Vietnamese returnees were also overwhelmingly male. For Russian citizens, however, the gender breakdown was almost equal: 49 % were women in 2008 (2007: 49.0 %; 2006: 53.3 %; 2005: 46.4 %; 2004: 46.8 %). The gender breakdown among Bulgarian citizens was also approximately equal, a group that belonged to the ten largest nationalities during 2004 and 2005.

#### Age

The biggest age groups among returnees were children and the middle-aged persons. As shown in Table 9, a total of 6,143 of the 29,402 returnees between 2004 and 2008 were under 13 years-old (20.9 %), and 2,334 were between 13 and 18 years-old (7.9 %). Although combined a total of less than 29 % of returnees were between the ages of 0 and 18, more than half of the cases were adults between 19 and 45 years-old: 8,240 (28.0 %) were between 19 and 30 years-old at the time of departure, 8,865 (30.2 %) were between 31 and 45 years old. 2,876 persons fell into the 46 to 60 age group (9.8 %); only 944 persons (3.2 %) were over 60 years-old. Sorted by citizenship and year, there were more or less clear deviations from this average distribution (cf. Tables 7.2.11 to 7.2.15 in appendix 7.2). However, percentages have been omitted here due to the small number of persons per age group. What stands out is that the middle age bracket is overwhelmingly made up by Iraqi citizens: In 2007 and 2008 nearly three-quarters of Iraqi returnees were between 19 and 45 years old and in the previous years the figures ranged between 66 % and 67 %. Moreover, the percent-

ages of children and youths among Chinese and Vietnamese citizens are low: in none of the years between 2004 and 2008 did the share of returnees under 18 reach 10 %. The proportion of underaged among Russian citizens was however comparatively high. More than one-third belonged to this age group each year. A similarly high amount of children and youths could be counted among Yemeni returnees. In 2007, when Yemeni citizens were placed among the Top 10 returnee nationalities, nearly two-thirds were between the ages of 0 and 18. Finally, some nationalities displayed a prevalence of persons over the age of 45. Between 18 % and 34 % of Bosnia-Herzegovinians and Armenians were in the older returnee group. Bosnian citizens in particular showed a comparatively higher number of returnees over the age of 60 (more than one-tenth each year since 2006).

**Table 9: Departures under REAG/GARP by age, 2004-2008**

Year	Total persons	Under 12	13-18	19-30	31-45	46-60	Over 60
2004	9,961	2,266	890	2,772	2,859	872	302
2005	7,448	1,641	560	2,146	2,231	675	195
2006	5,757	1,121	462	1,607	1,796	587	184
2007	3,437	637	245	922	1,092	397	144
2008	2,799	478	177	793	887	345	119
<b>2004-2008</b>	<b>29,402</b>	<b>6,143</b>	<b>2,334</b>	<b>8,24</b>	<b>8,865</b>	<b>2,876</b>	<b>944</b>

Source: IOM/BAMF

For the majority of underage returnees, departures were for reasons of family unity; the numerical extent of voluntary returns involving unaccompanied minors was rather insignificant. During the years 2005 to 2008 a total of 137 unaccompanied minors departed from the Federal Republic under the REAG/GARP programme (cf. Parusel 2009: 66).

#### **Duration of stay in Germany**

Nearly 46 % of all returnees who departed in 2008 with the assistance from the REAG/GARP programme had resided in Germany for more than five years prior to their departure. However, this percentage clearly and continuously increased from previous years; in 2004, only 32.7 % of returnees resided for such a duration prior to their departure (cf. Table 10). Furthermore it became apparent that the percentage of persons departing from Germany after a stay of between six and twelve months remained under 9 % for each year. On the contrary, the percentage of persons returning within six months of staying in Germany was between 11.4 % (in 2006) and 16.8 % (in 2004).

There are differences among the various nationalities with regard to their durations of stay prior to return (cf. Table 11 for 2008, as well as Tables 7.2.11 to 7.2.15 for the other years). In 2008, Iraqi citizens had resided in Germany for more than five years which is clearly longer than the average period of time (nearly 58 %). This also applies to Turkish (approx. 64 %), Iranian (approx. 55 %), Chinese (approx. 71 %), Afghan (approx. 70 %) and Jordanian citizens (approx. 70 %).

However, it was also more Iraqi citizens than average who only resided in Germany for up to six months prior to their departure (around 23 %). This group also included citizens from the Republic of Kosovo (approx. 34.5 %) and Iran (approx. 19 %).

**Table 10: Departures under REAG/GARP by duration of stay, 2004-2008**

Year	Duration of stay in Germany										
	Persons	0-6 months		6-12 months		12 months to 3 years		3-5 years		over 5 years	
		absolute	in %	absolute	in %	absolute	in %	absolute	in %	absolute	in %
2004	9,961	1,673	16.8	857	8.6	2,436	24.5	1,74	17.5	3,255	32.7
2005	7,448	917	12.3	635	8.5	1,589	21.3	1,602	21.5	2,705	36.3
2006	5,757	658	11.4	441	7.7	1,134	19.7	1,182	20.5	2,342	40.7
2007	3,437	416	12.1	289	8.4	655	19.1	655	19.1	1,422	41.4
2008	2,799	425	15.2	232	8.3	458	16.4	406	14.5	1,278	45.7

Source: IOM/BAMF

**Table 11: Departures under REAG/GARP by citizenship and duration of stay, 2008**

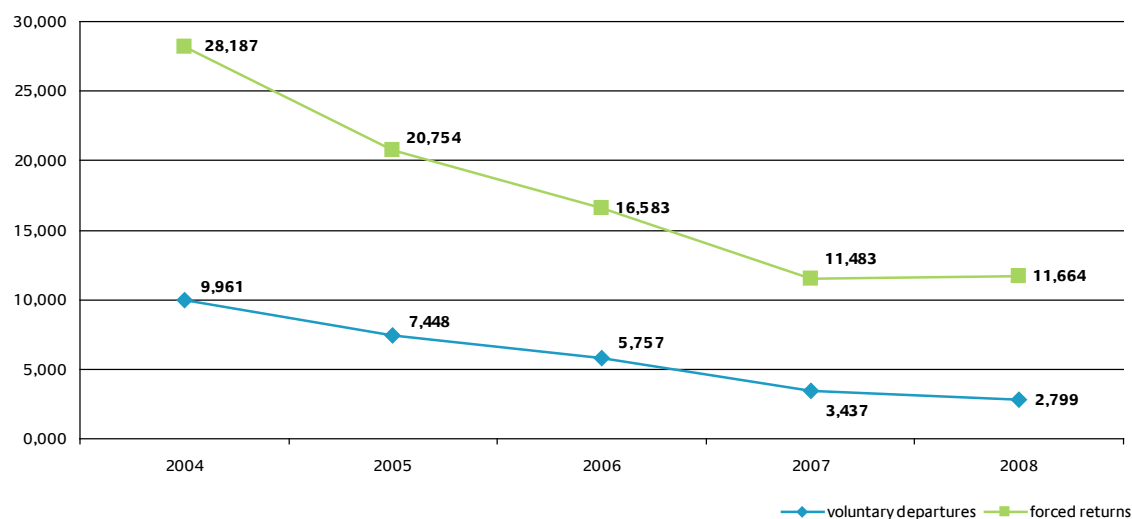
Citizenship	Duration of stay in Germany						
	Persons	0-6 months	6-12 months	12 months to 3 years	3-5 years	over 5 years	over 5 years in %
Iraq	302	70	25	24	8	175	57.9
Russia	286	32	21	55	62	116	40.6
Turkey	220	17	8	38	16	141	64.1
Kosovo	194	67	23	35	11	58	29.9
Armenia	138	3	12	26	26	71	51.4
Vietnam	135	9	9	29	31	57	42.2
Azerbaijan	122	9	6	23	37	47	38.5
Iran	116	22	3	13	14	64	55.2
Serbia	95	13	14	15	14	39	41.1
China	93	2	1	6	18	66	71.0
Lebanon	90	9	15	19	13	34	37.8
Ukraine	62	3	11	15	6	27	43.5
Afghanistan	59	4	2	8	4	41	69.5
India	50	2	1	9	13	25	50.0
Pakistan	47	4	5	5	13	20	42.6
Jordan	46	4	2	5	3	32	69.6
Serbia (incl. Kosovo)	41	9	8	6	5	13	31.7
Bosnia-Herzegovina	40	11	4	6	3	16	40.0
Syria	40	14	4	4	8	10	25.0
Georgia	39	4	6	5	8	16	41.0
Others	584	117	52	112	93	210	36.0
<b>Total</b>	<b>2,799</b>	<b>425</b>	<b>232</b>	<b>458</b>	<b>406</b>	<b>1,278</b>	<b>45.7</b>

Source: IOM/BAMF

### 2.3.5 Relationship between Assisted Return and Forced Return

As previously mentioned in Sections 2.2 and 2.3.3, the majority of third-country nationals returning with the assistance of the REAG/GARP programme are those required to leave; i.e. voluntary compliance with a legal obligation to depart is, under certain circumstances, an alternative to forced return. Figure 3 below shows how the number of successful forced returns (removals and/or returns after illegal entry) clearly fell parallel to the reduction in the number of completed voluntary departures between 2004 and 2007. While the number of voluntary departures sank moderately between 2007 and 2008, forced returns rose slightly; this can be clearly gleaned from the numerical proportion between voluntary and forced returns: there were 2.8 forced returns for every voluntary departure in 2004, with 4.1 forced returns for every voluntary departure in 2008.



**Figure 3: Forced returns\* and voluntary departures\*\*, 2004-2008**

## Sources:

- \* BPOL: Third-country nationals removed and returned after illegal entry in 2007, excluding transfers pursuant to Dublin II
- \*\* IOM/BAMF: Persons departed with assistance from the REAG/GARP programme

In order to gain insight into the relationship between assisted voluntary return and forced return with regard to certain nationalities, completed voluntary departures of the Top 10 nationalities in 2007 and 2008 have been compared in the following tables with successful forced returns which took place each year. Since the number of departures must always be viewed in terms of “potential” candidates for return, additional statistics on persons bound to depart (“legal obligation to leave the Federal territory”) have also been included from each year.

However, the figures in Tables 12 and 13 are not directly comparable and must therefore be clarified: the figures relating to persons required to leave refer to the number of third-country nationals under enforceable obligation to leave the Federal territory, who were residing in the Federal Republic as of 31 December of the year prior to each reference year – since it can be assumed that the majority of these persons required to leave as of the end of one year could be considered for a voluntary or forced return in the following year. The number of forced returns for each year is comprised of removals and returns after illegal entry;<sup>29</sup> transfers and/removals pursuant to the Dublin II Regulation have not been included. The percentages in the second column for each year represent the total for that year. Accordingly, 12.9% of voluntary departees (361 persons) came from former Serbia and Montenegro in 2008 (i.e. citizens of the present-day Serbia, Montenegro and Kosovo). A similar percentage of forced returns (11.4%; 1,228 persons) were tallied under this nationality, whereas a somewhat higher percentage was bound to depart (under legal obligation to leave) (19.7%; 31,365 persons). The percentages of Turkish citizens across the three categories were on a somewhat similar level. However, for Russian citizens the percentage of voluntary departures was clearly higher, with 10.2% (in 2008) and 10.6% (in 2007), than

<sup>29</sup> Foreign nationals who have entered without having met the general requirements of entry (illegal entries) can be returned within six months (section 57 of the Residence Act). Otherwise removal pursuant to sections 58 and 59 of the Residence Act comes into consideration.

their share among third-country nationals bound to depart (3.0 % in 2008 and 2.5 % in 2007) and their share among third-country nationals who were removed or returned after illegal entry (4.4 % in 2008 and 3.0 % in 2007). Conversely, the Vietnamese group experienced a relatively higher percentage of removals and returns after illegal entry: Vietnamese citizens accounted for 10.6 % (in 2008) and 9.9 % (in 2007) of forced returns, while accounting for only 2.7 % (2008) and 2.8 % (2007) of third-country nationals bound to depart, and 4.8 % (2008) and 5.9 % (2007) of voluntary departees.

**Table 12: Third-country nationals required to leave, removed and voluntarily returning, 2008**

Citizenship	Required to leave*		Forced Returns**		Voluntarily returned***	
	absolute	in %	absolute	in %	absolute	in %
Former Serbia and Montenegro <sup>a</sup>	31,365	19.7 %	1,228	11.4 %	361	12.9 %
Iraq	8,801	5.5 %	313	2.9 %	302	10.8 %
Russian Federation	4,703	3.0 %	478	4.4 %	286	10.2 %
Turkey	14,587	9.2 %	1,300	12.1 %	220	7.9 %
Armenia	2,890	1.8 %	220	2.0 %	138	4.9 %
Vietnam	4,311	2.7 %	1,143	10.6 %	135	4.8 %
Azerbaijan	4,121	2.6 %	69	0.6 %	122	4.4 %
Iran	5,454	3.4 %	92	0.9 %	116	4.1 %
China	4,205	2.6 %	332	3.1 %	93	3.3 %
Lebanon	4,496	2.8 %	70	0.7 %	90	3.2 %
Others	74,42	46.7 %	5,514	51.3 %	936	33.4 %
<b>Total</b>	<b>159,353</b>	<b>100.0 %</b>	<b>10,759</b>	<b>100.0 %</b>	<b>2,799</b>	<b>100.0 %</b>

Sources:

\* BAMF: Third-country nationals under enforceable obligation to leave the Federal territory as of 31 December 2007 according to AZR

\*\* BPOL: Third-country nationals removed (deported) or returned after illegal entry in 2008, excluding transfers pursuant to Dublin II

\*\*\* IOM/ BAMF: Persons departed with assistance from the REAG/GARP programme in 2008

<sup>a</sup> Comprises all citizens of the successor states of the Federal Republic of Yugoslavia (Serbia and Montenegro), including the Republic of Kosovo (see footnote 26)

**Table 13: Third-country nationals required to leave, removed and voluntarily returning, 2007**

Citizenship	Required to leave*		Forced Returns**		Voluntarily returned***	
	absolute	in %	absolute	in %	absolute	in %
Former Serbia and Montenegro <sup>a</sup>	42,065	20.5 %	1,450	13.7 %	529	15.4 %
Russian Federation	5,143	2.5 %	318	3.0 %	365	10.6 %
Turkey	18,131	8.9 %	1,602	15.2 %	313	9.1 %
Vietnam	5,827	2.8 %	1,041	9.9 %	202	5.9 %
Iraq	11,805	5.8 %	378	3.6 %	191	5.6 %
Iran	6,497	3.2 %	93	0.9 %	183	5.3 %
Azerbaijan	4,641	2.3 %	64	0.6 %	167	4.9 %
Yemen	499	0.2 %	21	0.2 %	154	4.5 %
China	4,761	2.3 %	144	1.4 %	113	3.3 %
Armenia	3,489	1.7 %	314	3.0 %	100	2.9 %
Others	101,947	49.8 %	5,131	48.6 %	1,120	32.6 %
<b>Total</b>	<b>204,805</b>	<b>100.0 %</b>	<b>10,556</b>	<b>100.0 %</b>	<b>3,437</b>	<b>100.0 %</b>

Sources:

\* BAMF: Third-country nationals under enforceable obligation to leave the Federal territory as of 31 December 2007 according to AZR

\*\* BPOL: Third-country nationals removed (deported) or returned after illegal entry in 2008, excluding transfers pursuant to Dublin II

\*\*\* IOM/ BAMF: Persons departed with assistance from the REAG/GARP programme in 2008

<sup>a</sup> Comprises all citizens of the successor states of the Federal Republic of Yugoslavia (Serbia and Montenegro), including the Republic of Kosovo (see footnote 26)

## 3 General Political and Legal Conditions

### 3.1 Political and Legal Framework in Germany

#### International conventions

There are various international legal instruments and resolutions dealing, among other things, with the return of migrant workers. This includes the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families or the European Council's Convention on the Legal Status of Migrant Workers. The former convention was enacted by a United Nations ruling of 18 December 1990, yet has not been either signed nor ratified by any of the major industrial and immigration countries.<sup>30</sup> It serves to improve the legal status of migrants with employment status and seasonal and casual workers, along with their family members, and contains a provision assuring migrants and their families information on and adequate support for their return. The latter convention by the European Council was signed by Germany in 1977, though it has not been ratified due to some reservations (cf. ECRI 2004: 7f.; 2009: 13f.),<sup>31</sup> and references returnees in Article 30:

"1. Each Contracting Party shall, as far as possible, take appropriate measures to assist migrant workers and their families on the occasion of their final return to their State of origin, [...]. The provision of financial assistance shall be left to the discretion of each Contracting Party.

2. To enable migrant workers to know, before they set out on their return journey, the conditions on which they will be able to resettle in their State of origin, this State shall communicate to the receiving State, which shall keep available for those who request it, information regarding in particular:

- possibilities and conditions of employment in the State of origin;
- the financial aid granted for economic reintegration;
- the maintenance of social security rights acquired abroad;
- steps to be taken to facilitate the finding of accommodation;
- equivalence accorded to occupational qualifications obtained abroad and any tests to be passed to secure their official recognition;
- equivalence accorded to educational qualifications, so that migrant workers' children can be admitted to schools without down-grading."

#### Re-admission agreements

In order to facilitate removals, Germany has concluded so-called readmission agreements with quite a number of countries. These agreements govern the technical details for the implementation of each countries' obligation to re-admit their own citizens according to international law. Technicalities include means and procedures for determining citizenship and for issuing return documents. Furthermore, the more recent agreements regularly feature an obligation under certain conditions to re-admit persons who are nationals of

30 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 18 December 1990 (Effective: 1 July 2003); so far ratified by 42 states (as of 1 January 2010; for the current state of ratification, cf. United Nations Treaty Collection at [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-13&chapter=4&la](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-13&chapter=4&la)).

31 European Convention on the Legal Status of Migrant Workers of 24 November 1977; cf. the German reservations on the website of the European Council: <http://conventions.coe.int/Treaty/Commun/ListeDeclarations.asp?NT=093&M=1&DF=today&CL=ENG&VL=1>.

other than the contracted countries and who are bound to depart, or to allow their transit to their own country of origin (third country nationals and stateless persons). Thus, these agreements fulfil current standards for readmission agreements applied also for agreements concluded between the EU and third countries. Presently there are 30 re-admission agreements bilaterally concluded between Germany and other states.

In addition, Germany has also concluded transfer agreements (for forced returns) and transit/*laissez-passer* agreements (for voluntary returns). This enables foreign nationals without a transit visa to travel through or be escorted to the border of a contracting state for the purpose of return.

As far as the conclusion of bilateral readmission agreements are concerned, Germany has focussed on Eastern and Southeastern European countries of origin in the last few years. There are intensified efforts to conclude respective agreements with other countries of origin in Africa and Asia. To this extent, agreements are in force with Morocco, Algeria, Syria, Vietnam, South Korea and the special administrative region of Hong Kong. Beyond that, there are 11 re-admission agreements on the level of the European Community that apply to all Member States of the EU (cf. also Ch. 3.2.4).<sup>32</sup>

#### **Experience with return assistance**

Assisting voluntary return has been an important component of Germany's policy on foreigners since foreign labourers began to be recruited. Returns became an integral part of recruitment policy, particularly in the first years of the "guest worker era"; permanent residence was not intended, neither politically nor legally. However, tangible programme measures for assisted returns did not develop until later, differentiating between assisting the return of migrant workers and their families (e.g. third-country nationals who came to Germany recruited as guest workers, or qualified specialists) and assisting the voluntary return of (rejected) asylum seekers and refugees.

The first concepts for promoting return migration and reintegration were drafted in the early 1970s, concepts usually motivated by development policy. They primarily focused on utilising the know-how of migrants in Germany to economically develop their countries of origin and to reduce talent shortages present in those countries. Yet the range of services was highly differentiated, involved a multitude of institutional players and was not accessible to all migrant groups due to the level of specialisation with regard to certain nationalities, regions and occupational groups (for individual programmes, cf. Schmidt-Fink 2007: 251ff.). Germany's experience with the comprehensive, financially assisted return of foreign workers was restricted primarily to the years 1983 and 1984. Facing among other issues an increase in unemployment, the German Bundestag (German Federal Parliament) passed the "Act on Promoting the Return of Foreign Nationals", which became law on 1 December 1983. The act had two crucial financial instruments: foreign nationals returning voluntar-

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32 A re-admission agreement was signed with Pakistan in September, 2008. A list of all agreements facilitating the return of foreign nationals bound to the depart in which the Federal Republic is contractually involved can be found on the website of the Federal Ministry of the Interior at <http://www.bmi.bund.de/cae/servlet/contentblob/151414/publicationFile/17280/RueckkehrFluechtlinge.pdf>.

ily could receive early reimbursement of monies dedicated to a statutory pension fund or federally subsidised mortgage savings plan, or set aside for savings. Above all, workers of certain nationalities unemployed after 30 October 1983 as a result of plant/plant section shutdown or insolvency, or who were affected by reduced working hours for at least six months, could take advantage of such a return assistance. This assistance was in the amount of 10,500 DM per worker, as well as 1,500 DM per child. However, this so-called “return incentive” was only available for applications submitted before 30 June 1984 and on the condition that the foreign worker and his/her family permanently left the Federal Republic by September of that year at the latest (cf. Hönekopp 1987: 294ff.).<sup>33</sup> The success of this legal measure has been judged differently.<sup>34</sup> In addition there were further, sometimes very special return and reintegration assistance measures and programmes offered by different sponsors, some of which were tailored to certain target groups (cf. Giger/Mahnig 1999: 9ff., 71f.; Schmidt-Fink 2007: 250ff.).

Today, target groups of assisted return policy are primarily refugees who could not obtain permanent right of residence. Additionally, assisted voluntary departure is also viewed as an instrument for counteracting unauthorised residence (cf. Sachverständigenrat 2004: 356). Yet so far there has only been selective experience with temporary programmes: assisting the departure of asylum seekers and rejected asylum seekers from Eastern Europe took high priority when implementing a federal approach to refugees in 1990 (cf. BMI 1990). Training centres were then established in Poland, Romania and Bulgaria from the Federal Ministry of the Interior’s budget to promote small and medium-sized business. However, the available training was only utilised in a very small capacity by asylum seekers returning from Germany, for whom it was actually intended (cf. Kerlen/Wimmer 1997: 11f.).

### **Preference for voluntary return/independent departure**

With regard to foreign nationals required to leave, the Federal Republic is in agreement with other European states to give voluntary return absolute priority over forced return (cf. EMN 2007: 22, 41). The reasons for this measure, which was also included in the recitals of the 2008 Return Directive,<sup>35</sup> are manifold: this is how in German politics a volun-

33 Those eligible were workers from Yugoslavia, Korea, Morocco, Portugal, Spain, Tunisia and Turkey; deductions were made to disbursed return assistance if departure did not occur before a set deadline (cf. sections 1 and 2 Return Assistance Act of 28 November 1983 [German Law Gazette I, p. 1377], last amended by Article 268 of the Regulation of 31 October 2006 [German Law Gazette I, p. 2407]).

34 The German Federal Government estimated the number of foreign nationals who returned under this law to be around 300,000. Statistical analysis showed short-term effects regarding Turkish migrants due to the intervention of the Return Assistance Act: 15% of Turkish citizens departed the Federal Republic in 1984, up from 5.5% in 1982 and 6.5% in 1983. However, the rate fell back to 4.3% the following year (cf. Jankowitschet al. 2000: 97). An evaluation of the act concluded that while a majority of returning foreign nationals made their decision to return at the time when the Return Assistance Act came into force, it was clear that the act had lesser quantitative effect than originally assumed and did not influence so much the decision to return as the timing of return (cf. Höhnekopp 1987: 329ff.). Whether and to what extent the legal measure motivated the return of foreign nationals wanting to stay, could not be precisely determined.

35 Cf. recital (10) of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning third-country nationals who are staying illegally: “Where there are no reasons to believe that this would undermine the purpose of a return procedure, voluntary return should be preferred over forced return [...]”.

tary return is considered the more humane, more affordable variant and preferred by all political decision-makers.<sup>36</sup>

Unlike forced return, which is outlined in a separate chapter of the Residence Act (cf. Schneider 2009: 60f. as well as Ch. 2.2), voluntary return is not explicitly legally regulated. Only programmes on assisted voluntary return and the option to establish departure facilities in the German Federal States are mentioned (cf. Ch. 2.1).

References to voluntary departure are made in the General Administrative Regulation of the Residence Act, under legal means of issuing a deportation warning. The deportation warning generally contains a departure deadline designed to give the foreign national time to put his/her personal affairs in order. According to a supreme court ruling, the deadline must be determined in accordance with the duration of stay, though a departure deadline of one month after termination of legal residence is generally considered adequate.<sup>37</sup>

### **Federal programmes**

Currently there are no separate federal regulations on establishing and/or organising public return assistance in Germany. Thus willing or obligated returnees do not have an individual legal right to voluntary return assistance, financial or otherwise. One exception is an element of the previously mentioned Return Assistance Act of 1983, which is still in effect today. It gives foreign nationals a perpetual legal claim to comprehensive return counselling:

#### Section 7 Counselling

(1) Foreign nationals willing to return shall upon request be instructed and counselled on general conditions of return and on the options of occupational rehabilitation, including establishing an independent livelihood, in the country of origin.

(2) Counselling shall be conducted by the Federal Employment Agency on technical instruction from the Federal Ministry for Labour and Social Affairs or by other non-federal bodies.

(3) The German Federal Government shall bear the costs for counsellor training and information, as well as coordination costs.

Organisation of return counselling by the Federal Employment Agency (Bundesagentur für Arbeit) is described in detail in section 4.3.2. However, this offer, which according to law is principally open to all “foreign nationals willing to return”, is relatively unknown, especially to persons under legal obligation to leave.

Beyond the legal level, the implementation of voluntary returns is directed towards the applicable REAG/GARP programme. The very elements and features of this return assistance service, consisting of the REAG (Reintegration and Emigration Programme for

36 Cf. Division Head Volker Schürmann, welcoming speech of the Federal Ministry of the Interior at the “International Symposium for Exchanging Best Practices for Assisted Voluntary Return” on 18 and 19 January 2007 at the Federal Office for Migration and Refugees in Nuremberg (Documentation), p. 8.

37 Cf. Numeral 50.2.2 AVwV AufenthG.

Asylum-Seekers in Germany) and GARP (Government Assisted Repatriation Programme), is normally determined on an annual basis between the German Federal Government and the German Federal States, and adapted to changing developments. Section 4.3.1 details the groups eligible to apply, the procedure and application with public authorities, the implementation by IOM and the amount of financial resources available to foreign nationals willing to return.

### **General conditions in the German Federal States**

In Germany, the Länder and the their respective Foreigners Authorities are generally responsible for the implementation of foreigners law, i.e. also for the return of foreign nationals bound to depart. This means that they do not only participate in the REAG/GARP programme jointly financed together with the German Federal Government to financially assist voluntary departures, but that they also are active beyond that to some extent. A survey of the relevant authorities in the German Federal States<sup>38</sup> revealed that six (Brandenburg, Hesse, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt and Schleswig-Holstein) do not have measures funded by the state budget for promoting voluntary and/or assisted return aside from the nationwide REAG/GARP programme. Cited reasons against establishing separate programmes are as follows: in some German Federal States, the number of local potential returnees is estimated to be too low (Brandenburg, Hesse, Western Pomerania, Saxony) or existing services such as REAG/GARP are considered sufficient (Brandenburg, Western Pomerania, Saxony); or budget constraints or other financial reasons prevent establishing separate programmes (Brandenburg, Western Pomerania, Saxony, Saxony-Anhalt). Hesse also claims that return assistance programmes do not have sufficient social acceptance and that it is difficult to rally public support particularly for subsidised return assistance. However, the question was already discussed in 2008 together with other German Federal States over whether clearly increased funding provided to the REAG/GARP programme for return assistance would serve to temporarily stimulate additional returns.

The general conditions and offers of additional return assistance in the other ten German Federal States are extremely heterogeneous and vary by financing model, providers, target groups and programme priorities. The various Länder programmes and measures related to this study have not been individually introduced and analysed for the sake of length; however, Table 14 gives a rough overview of the offers provided by these ten states. Structurally, these generally break down into three different forms:

- REAG/GARP assistance provided by municipal authorities, Aliens' Authorities or independent counselling offices is supplemented by the Federal State's budget in order to make departure more attractive to those eligible (cf. Ch. 4.3.1) or to com-

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38 In the summer of 2009, a written survey on return assistance programmes and measures in the 16 German Federal States was sent to the relevant authorities as part of this study (cf. especially Ch. 4 and 5) in order to gather more detailed information on the contents, goals, providers, durations, eligible persons, experiences (problems and obstacles), results testing and future prospects of such measures. Additionally, information could be used from a survey by the state capital Munich, Office for Return Assistance (Project: Coming Home), which was released at the same time; cf. Ekkehart Schmidt-Fink, Survey of Return Assistance Systems in the German Federal States, Saarbrücken, October 2008.

compensate for special needs not (sufficiently) covered by REAG/GARP. This could include an additional travel allowance, moving allowance or basic financial security for the first months following return. This form of return assistance is used e.g. in Berlin, North Rhine-Westphalia, Saarland and Thuringia.

- In addition to REAG/GARP, supplementary return assistance measures and programmes are financed by the state. These are usually directed toward establishing a local counselling infrastructure for potential returnees residing in the Federal State (e.g. Central Return Counselling in Bavaria; cf. case study in Ch. 4.3) and return counselling is primarily contracted out to charitable associations and other independent providers according to the subsidiarity principle (e.g. in Baden-Wuerttemberg, Hamburg, North Rhine-Westphalia, Rhineland-Palatinate). Capital from the Return Fund is often appropriated for co-financing (cf. Ch. 3.2.2).
- Finally, some Federal States also finance programmes that provide integrated return counselling or long-term reintegration and development assistance – sometimes with the co-operation of local offices in the countries of origin – in addition to financial and counselling assistance in Germany – e.g. Baden-Wuerttemberg, Lower Saxony and North Rhine-Westphalia, together with the German Federal Government and the independent provider AGEF on the “URA 2” (recently also under participation of Saxony-Anhalt) and “IntegPlan” projects (cf. Ch. 5.2).

Länder measures are mostly regulated by appropriation directives or ministerial decree; often in connection with the Return Fund implementation directive from the Federal Ministry of the Interior as well as the implementing regulations set by the European Commission (cf. Ch. 3.2.2). In addition to the offers provided by the German Federal States, there is a large spectrum of initiatives by municipalities, charitable associations and non-governmental organisations that were or are supported by European funds. Despite the relatively unclear programme landscape, for which there are thus far few evaluations or systematic user statistics available,<sup>39</sup> Westphal and Behrens (2007: 321) have recognised a “tendency toward a needs-based range of services”. Yet in general there is a need to better co-ordinate and network the measures and services with one another. It has been shown that the sharing of knowledge and financial resources from state or municipal authorities, ecclesiastical and other public welfare providers has been both meaningful and effective, and the synergistic effects can be harnessed.<sup>40</sup>

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39 Cf. however, the evaluations on the implementation of the German national programmes within the framework of the European Refugee Fund for 2000 until 2004 (Hardwig 2003; Paul/Sebastian 2004; Paul/Sebastian 2005; Paul/Gäbel 2006).

40 Cf. Federal Office for Migration and Refugees, EU Funds Infosheet 2009/05 (in German), p. 3f.



Table 14: State financed measures to promote voluntary/assisted return, excluding REAG/GARP\*

	Financing			Implementation							Persons eligible					Programme priority									
	Full financing from state budget	Co-financing with EU funds	Co-financing with independent provider(s)	Co-financing with municipalities	Co-financing with German Federal Government and German Federal States (URA 2 project)	Aliens' Authorities	Social welfare administration	Special offices in German Federal State Government	Charitable associations	Municipal public providers	International organisations	Federal Office for Migration and Refugees (BAMF) (URA 2 project)	Other independent providers	Unsuccessful asylum seekers (incl. Exceptional leave to remain, revocation, withdrawal)	Illegally residing foreign nationals (without asylum procedure)	Foreign nationals whose titles are expected to elapse	Third-country nationals of certain states	Citizens of EU member States	Indigent foreign nationals	All ethnic German repatriates and their families	Indigent ethnic German repatriates and their families	Promoting voluntary departure	Return counselling	Reintegration in country of origin	
<b>Baden-Wuerttemberg</b>		X	X	X	X	X		X	X		X	X	X	X	X	X	X		X	X		X	X	X	X
<b>Bavaria</b>			X					X						X		X			X			X	X		
<b>Berlin</b>	X	X	X				X							X	X	X	X		X						X
<b>Bremen</b>	X							X						X	X						X				
<b>Hamburg</b>	X	X	X					X				X	X	X	X	X		X**					X	X	X
<b>Lower Saxony</b>	X	X	X		X		X	X				X	X	X	X	X	X					X	X	X	X
<b>North Rhine-Westphalia</b>	X	X	X		X			X				X	X	X	X	X	X					X	X	X	X
<b>Rhineland-Palatinate</b>	X	X	X					X						X	X	X	X					X	X	X	X
<b>Saarland</b>	X													X	X	X	X					X	X	X	X
<b>Thuringia</b>			X					X						X	X	X	X					X	X	X	X

Source: Own compilation from data provided by the bodies responsible for return in the 16 state ministries

\* Multiple entries in columns are possible; occasionally there are multiple programmes/measures that are financed and oriented differently

\*\* only victims/witnesses

\*\*\* all eligible for REAG/GARP assistance

## 3.2 Influence of European Policy, Legislation and Funding

### 3.2.1 European Pact on Immigration and Asylum, and the Stockholm Programme

As part of the efforts towards a coherent approach to migration management as well as towards determining a joint immigration and asylum policy, the European Council drafted the European Pact on Immigration and Asylum at its meeting of 15/16 October 2008. The Member States agreed to the pact's five basic obligations regarding immigration and asylum policy whose design and implementation in tangible measures form part of the purpose of the Stockholm Programme. The basic obligations of the European Pact on Immigration and Asylum are:<sup>41</sup>

- to organise legal immigration to take account of the priorities, needs and reception capacities determined by each Member State, and to encourage integration;
- to control illegal immigration by ensuring that illegal immigrants return to their countries of origin or to a country of transit;
- to make border controls more effective;
- to construct a Europe of asylum;
- to create a comprehensive partnership with the countries of origin and of transit in order to encourage the synergy between migration and development.

The second and fifth of these basic obligations in the concrete provisions of the pact are particularly relevant to German policy on assisted return and reintegration. For these, the pact states:

illegal immigrants on Member States' territory must leave that territory. Each member State undertakes to ensure that this principle is effectively applied with due regard for the law and for the dignity of the persons involved, giving preference to voluntary return, and each member State shall recognise the return decisions taken by another Member State; [...]

To that end, the European Council agrees, [...] to conclude readmission agreements at EU or bilateral level with those countries with which this is necessary, so that each Member State has the legal instruments to ensure that illegal immigrants are expelled; [...]

to invite Member States, specifically with the support of Community instruments, to devise incentive systems to assist voluntary return and to keep each other informed on this point in order to prevent the fraudulent return to the European Union of those who receive such aid; [...]

conclude EU-level or bilateral agreements with the countries of origin and of transit containing, as appropriate, clauses on the opportunities for legal migration [...], the control of illegal immigration, readmission and the development of the countries of origin and of transit; [...]

promote co-development actions that enable migrants to take part in the development of their home countries.

In this context, Germany is also affected by negotiations led by the Commission on EU re-admission agreements and itself has concluded several bilateral agreements as well as implementation protocols on EU-readmission agreements (cf. Ch. 3.1 above). Funding was increased for existing return assistance programmes at the beginning of 2009 in order

41 Note of the Council of the European Union on a European Pact on Immigration and Asylum, Doc. No. 13440/08 of 24 September 2008.

to create better incentives for voluntary departure. This resulted in REAG travel allowance being doubled and GARP start-up aid increasing between 50 % and 60 %, depending on the target state (cf. in detail Ch. 4.3.1). The German Federal Government and the German Federal States have reacted to the pact by expanding various programmes or starting new ones, including one to promote and further develop the URA return centre in the Republic of Kosovo (cf. Ch. 5) and as part of Germany's participation in the EU mobility partnership with the Republic of Moldova. This includes reinforcing the Diaspora through regular meetings that serve to improve networking between organisations and institutions in Moldova and Germany. This also serves the counselling of returnees.

The 5-year Stockholm Programme for the years 2010 to 2014 was discussed by the Justice and Home Affairs Council on 1 December 2009 and passed on 10 and 11 December 2009 by the heads of state and heads of government.<sup>42</sup> Tangible measures and alterations in German policy on return assistance had not yet resulted at the time of this study.

### 3.2.2 European Return Fund

#### **RETURN – Preparatory actions for return management in the area of migration**

Prior to the introduction of the Return Fund, the European Union had already taken Preparatory Actions for a Financial Instrument for Return Management in the Area of Migration, in order to “support the efforts made by the Member States to improve the management of return (return management) in all its dimensions [...] by co-financing the actions provided for by these preparatory actions”.<sup>43</sup> This allowed projects lasting up to 18 months to be co-financed. Germany participated in 18 of the projects co-financed by the “RETURN” programme (in 2005 and 2006) and the Preparatory Actions follow-up instrument – “Migration Management, Solidarity in Action” (in 2007), making it the most active EU Member State next to Italy. Six projects were spearheaded with a total of 30 governmental and non-governmental institutional partners from Germany (cf. Rambøll Management Consulting 2009: 52). The measures conducted included a project on return and reintegration assistance for illegally residing Ukrainian citizens,<sup>44</sup> a training and networking measure to improve reintegration and return sustainability<sup>45</sup> and a support, networking and reintegration project for returnees in the Republic of Kosovo (Prishtina).<sup>46</sup>

#### **Return Fund**

In May 2007, the Council of the European Union established the European Return Fund. The Fund is designed to support the efforts made by the Member States to improve

42 Communication from the Commission on a new European Union multi-annual programme in the field of justice and home affairs “An area of freedom, security and justice serving the citizen” of 10 June 2009, COM (2009) 262 final.

43 Commission Decision adopting the Framework for Preparatory Actions 2005, Budget line 18 03 08, “Preparatory actions for a financial instrument for return management in the area of migration”, p. 6.; cf. European Commission website on RETURN actions at [http://ec.europa.eu/justice\\_home/funding/2004\\_2007/return/printer/funding\\_return\\_de.htm](http://ec.europa.eu/justice_home/funding/2004_2007/return/printer/funding_return_de.htm).

44 Project SATURN (Social Advice, Return and Support Networking Project for the Ukraine) under the direction of the Workers Welfare Federation at <http://return-saturn.eu>.

45 Case Chain Management Return Training Project under the direction of the Association of Experts in the Fields of Migration and Development Co-operation (AGEF); see also Chapter 5.

46 Kosovo Social Return Network Project under the auspices of the BAMF.

the management of return in all its dimensions through the use of the concept of integrated management. Thus, specific goals refer to the enhancement of the cooperation between Member States and the promotion of an effective and uniform application of common standards on return.<sup>47</sup> A total of 676 million euros have been appropriated from the EU budget and distributed to the Member States according to a certain key.<sup>48</sup> At present, over 40 million euros have been appropriated for Germany from the Fund, supporting various measures in the fields of voluntary and forced return. However, the establishment of the Fund did not lead to entirely new structures related to voluntary return programmes and strategies in Germany, as several similar projects and services were already being supported by the EU Refugee Fund or the preparatory actions, although return measures are no longer being conducted as part of the European Refugee Fund since the inception of the Return Fund. The only exception is the so-called prospect counselling with regard to the voluntary return of foreign nationals who have undergone or are currently undergoing the asylum procedure. However, in order to be funded through the Refugee Fund, this return counselling must be part of an integrated asylum and admission consultation.<sup>49</sup>

A variety of actions and measures that serve the specific goals of the Fund are as determined in the Decision of the European Parliament and of the Council establishing the European Return Fund<sup>50</sup> (cf. Article 3, 4 and 5 of the Decision). The European Commission outlined Strategic Guidelines heavily directed by four priorities toward an improved co-operation between the Member States with regards to return assistance and towards promoting common norms in the area of return management.

Pursuant to European provisions, the Return Fund in Germany is used with the following target groups for measures and programmes supporting voluntary return (cf. also Ch. 2.2):

- Asylum seekers who have not yet received any definitive/legal decision; Definitively/legally rejected asylum seekers in possession of a residence permit or an exceptional leave to remain pursuant to section 60a of the Residence Act;

47 Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme „Solidarity and Management of Migration Flows“.

48 Each Member State receives an annual lump sum provisioning from the Fund. In addition, a percentage is calculated based a) on the total number of those third-country nationals legally bound to depart who stay in the territory of the Member State and who are subject to a return decision over the previous three years (upon an administrative or judicial return decision or act) and b) on the number of third-country nationals in the same three-year time frame who, upon an administrative or judicial order to leave, have actually departed from the territory of the Member State, whether voluntarily or under coercion (cf. Art. 14 of Decision No. 575/2007/EC of 23 May 2007).

49 cf. Art. 3 para. 2d), Decision No. 573/2007/EC of the European Parliament and of the Council of 23 May 2007 on establishing the European Refugee Fund for the period 2008 to 2013 as part of the General Programme “Solidarity and Management of Migration Flows” and repealing Council Decision 2004/904/EC as well as section 3 No. 1, Funding Guidelines on the Decision of the European Parliament and of the Council 2007/573/EG on the Continuation of the European Refugee Fund für the period 2008 – 2013 of 1 September 2008 (in German).

50 Decision No. 575/2007/EC of the European Parliament and of the Council of 23 May 2007 on establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme “Solidarity and Management of Migration Flows”.

- Asylum seekers, refugees recognised by the Geneva Convention and persons protected by a deportation ban pursuant to section 60 para. 2 to para. 7 of the Residence Act;
- Other third-country nationals bound to depart who do not (or no longer) meet the requirements for entry or residence and wish to return voluntarily.

All duties that fall under fund management are carried out in Germany by the Federal Office for Migration and Refugees (BAMF), which simultaneously assumes administrative duties for the European Refugee Fund and the European Integration Fund. In addition, it has also established various bodies pursuant to the decision to establish the Return Fund that are responsible for organisational/functional activities, questions on clarification of duties/certification and for testing the efficiency of the administrative and control systems.

National programme planning spans a six-year time frame (2008 to 2013). The BAMF has established a national multi-annual programme for this time frame pursuant to the provisions in the strategic guidelines laid out by the European Commission. Aside from that, annual programmes have been designed for each year since 2008 that borrow from the general provisions, measures and priorities of the multi-annual program. Germany has set a series of goals for its multi-annual programme to ensure that return assistance for persons or groups of persons with special protection needs experiences improvements as to medical/psychological evaluations, to a co-operation between authorities and physicians/psychologists, to measures that guarantee necessary medical care and/or subsequent medication regimens in the country of origin, as well as with regard to appropriate measures to guarantee placement/care for those in need of protection. In general, integrated and integrating return management in the area of voluntary return should be promoted. New approaches to and the initiation of new ideas for incentives for voluntary return should, among other things, lead to convergence of the numerical ratio between voluntary and forced return (cf. Ch. 2.3.5). Finally, there should be an effort to increase voluntary return through improved co-operation on the national and international level.

#### **Project funding as part of the Return Fund**

Various project proposals submitted with participation from Federal States, municipalities and charitable associations and/or independent providers contain counselling or support services for potential returnees. These projects and measures are not required to have a minimum or a maximum duration; however they generally will not be funded for more than three years.

A call for tenders by the BAMF resulted in 54 project proposals in the first year of funding (2008), for a total proposal volume of over 3.3 million euros; around 300,000 euros were additionally announced later.<sup>51</sup> In the second year of funding (2009), for which around 3.7 million euros were available, a total of 56 grant proposals were submitted to the responsible authority. Of those, 22 were multi-annual projects granted in 2008.<sup>52</sup>

<sup>51</sup> Cf. BAMF, EU Funds Infosheet 2009/03, p. 4f. (in German).

<sup>52</sup> Cf. BAMF, EU Funds Infosheet 2009/03, p. 3f. (in German).

### **Experience with and estimates on the Return Fund**

Financing from the newly established Return Fund offers both potential opportunities and problems for managers of return assistance projects. The “disentanglement” from the Refugee Fund means that return project proposals are no longer in direct competition with refugee projects in the field of admission and integration.

In terms of efficiency, there are obvious overriding problems with regard to the necessary processing times for project proposals that are part of the above-mentioned intricate selection process. As a result, some German Federal States have alarmingly high administrative costs. This is seen in labour and personnel costs necessary at the BAMF as the responsible authority, but also has a secondary effect on public and private bodies submitting grant proposals, as well as on the ability to start co-financed projects as desired. The dissolution of the earlier Refugee Fund (European Refugee Fund II) and the separation of the European Refugee Fund III, the European Return Fund and the European Integration Fund might result in increased administrative effort among providers. Under certain circumstances, applicants submitting a project tender might have to undergo extra effort. Thus, individual cases may occur, in which comprehensive project outlines, which before could be submitted within one procedure within the European Refugee Fund II (e.g. integrated refugee and return support), require more than one application, in case they are supposed to reach more than just one target group of the three new funds. In some German Federal States there is the fear that the complexity of the proposal and decision process will inevitably lead to extreme administrative costs for the responsible authorities of the Länder, and that providers that do not agree with the ranking of their projects could challenge that ranking with the responsible authority.<sup>53</sup> In addition, the late disbursement of capital from the Fund by the European Commission can have negative effects on state financing, since according to subsidy law, grants cannot be issued as long as the overall financing of the project does not appear to be secure. This can complicate budget planning, primarily for third parties. Beyond that, small providers with no prior projects and lacking established organisational structures and administrative capacities can become overextended by the more involved application process or have to begin without knowing whether capital from the Return Fund will be available. Sometimes the structure of return assistance services from smaller independent providers cannot adequately compete in terms of project goals (e.g. number of counselling contacts or returnees) with the big charitable associations, and are endangered by the lower chance of being granted additional funding.<sup>54</sup>

### **3.2.3 Thematic Programme on Migration and Asylum**

The European Union created another financial instrument at the end of 2006 with the “Thematic Programme for cooperation with third countries in the areas of migration and asylum”, in which project measures can also include aspects of return assistance. Among

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53 Cf. assertions by the responsible unit for return assistance measures within the Bavarian Ministry for Social Affairs as part of a survey of the Federal States in summer 2009.

54 Cf. interview for the “Prospect Counselling and Return Assistance for Refugees in Tübingen” project, 05.11.2008.

other things, it continues the measures of the AENEAS programme<sup>55</sup> for the announced time period of 2007-2013. The Programme on Migration and Asylum is one of five Thematic Programmes in the EU Regulation on Financing Development Co-operation. One of the goals of the Thematic Programme is:

“fostering the links between migration and development, especially by encouraging the contribution of diasporas to their country of origin and increasing the value of migrants’ return; mitigating brain drain and promoting the circular movement of skilled migrants; facilitating financial transfers of migrants to their country of origin; supporting voluntary return and reintegration of migrants and building capacities for migration management; [...]”<sup>56</sup>

The EU Commission intended for the professional and socio-economic reintegration of migrants in their country of origin to be promoted, along with voluntary return, with the support of the appropriate policy and social security systems.<sup>57</sup> Currently, within the framework of the Thematic Programme, the following projects are carried out with German contributions:

- The “Bridges of Good Neighbourhood” project has been running since April 2009, provided largely by Heimatgarten/AWO Bremerhaven and the non-profit “Education for Society” fund in Moscow.<sup>58</sup> The project is designed to be a contribution to the intensification of political dialogue on migration between the EU and the independent states of the former Soviet Union, to prevent illegal migration in and to Russia and improve the opportunities for legal migration, to promote the development of a Euro-Asian NGO network to develop trans-national migration management, improve the social care of migrants and returnees in countries of origin and admission, increase the expertise of NGO workers and state authorities, and to promote factual and impartial reporting in the media on the topic of migration. Social care includes in particular return management, integration measures for migrants in the Russian Federation and other New Independent States (NIS)<sup>59</sup> and support for regional migration centres in Russia. Target groups of the project are legally and illegally residing third-country nationals in Germany, Poland, Bulgaria, Russia and the NIS, as well as EU returnees to Russia and the NIS. A total of 20 organisations from various states are participating in the project, planned to run until September 2011.
- The Centre for International Migration and Development (CIM) is participating as the German partner in the FACE project, headed by the Dutch foundation Intent.

55 AENEAS is the successor instrument of a preparatory measure for co-operating with third countries in the area of migration. The financing programme, which was created in 2004, was originally designed to run from 2004-2008 with 250 million euro appropriated. With the closing of the EU financial framework towards the end of 2006, the duration of the AENEAS programme was shortened to three years.

56 Art. 16 para. 2 (a), Regulation (EC) No. 1905/2006 of the European Parliament and of the Council establishing a financing instrument for development co-operation.

57 Communication from the Commission to the European Parliament and the Council, “Thematic programme for the co-operation with third countries in the areas of migration and asylum”, COM(2006) 26 final, p. 11.

58 cf. the project website: <http://www.return-bridges.eu>.

59 Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, the Republic of Moldova, Tajikistan, Turkmenistan, the Ukraine, Uzbekistan.

The project focuses on supporting the investment plans of Diaspora Moroccans living in the Netherlands, Germany and France.<sup>60</sup>

- The Federal Office for Migration and Refugees (BAMF) is participating in a project focused on establishing a European co-ordination centre for returning to Georgia. As part of this, a Mobility Centre has been set up in Tbilisi to support the reintegration of Georgian returnees. This includes aid (also financial) in locating a living space and for basic medical care, professional education and measures for the promotion of employment, as well as training and financial set-up aid. In 2009, EuropeAid assumed control of the formerly co-financed project, in which, in addition to Germany, the Czech Republic, the Netherlands, France and Belgium were participating, as a fully financed “Targeted Initiative”. It is now under the direction of the Czech Republic and is being conducted by all participating partner institutions in Tbilisi.

Germany is participating in three project proposals for EuropeAid’s latest call as part of the 2009 Thematic Programme.<sup>61</sup> At the time when this study was concluded, it could not be foreseen whether and to what extent all project proposals would be adopted by the European Commission in their drafted form.<sup>62</sup>

### 3.2.4 Other European Directives, Decisions and Agreements

Guiding German return policy is the precept of preference to voluntary return over forced return, which is likewise outlined in the Return Directive, as well as in the European Pact on Immigration and Asylum (cf. Ch. 2.1, 3.1 and 3.2.1).

Yet the Community acts and treaties so far passed in the area of return have no direct influence on the crafting of German policy on return assistance. Hence both the directives on the recognition of return decisions/expulsions and on transit for purposes of returns by air<sup>63</sup> and the Council decisions on compensating financial imbalances due to the directive on the recognition of return decisions and on organising joint flights<sup>64</sup> refers to forced re-

60 “Faciliter la Création d’Entreprises au Maroc grâce à la mobilisation de la diaspora marocaine installée en Europe” (Facilitating the Creation of Enterprise in Morocco by the Mobilisation of the Moroccan Diaspora in Europe); <http://www.intent-maroc.com>.

61 Restricted Call for Proposals 2009-2010, Budget line 19 02 01, Reference: EuropeAid/128764/C/ACT/Multi.

62 This includes 1.) a project to improve reintegration opportunities, sustainability of return and acceptance of re-admission in Ghana, planned by the BAMF together with ICMPD and IOM, as well as authorities from Malta and the Netherlands; 2.) a spearhead project by the Dutch Ministry of Justice called “AVR Monitor”, through which a network for on-site support and observing reintegration measures in the area of voluntary return to Burundi, Ethiopia, Nigeria and the Democratic Republic of the Congo is supposed to be constructed, and in which the BAMF along with the Swedish Migration Board, ICMPD and the Dutch HIT foundation are participating as partners; 3.) BAMF financial participation contributing to a project proposal by the UNDP and IOM as part of the mobility partnership with the Republic of Moldova, in which primarily the implementation of the migration and development components of the partnership are supposed to be supported by voluntary return with reintegration measures.

63 Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals; Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of returns by air.

64 Council Decision No. 2004/191/EC of 23 February 2004 on setting out the criteria for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals; Council Decision No. 2004/573/EC of 29 April 2004 on the organisation of joint flights for the removal from the territory of two or more Member States of third-country nationals who are subjects of individual removal/return orders.



turn measures. In particular, the directive on the recognition of return decisions and the accompanying decision on compensating resulting financial imbalances do not play a role in German administrative practice due to a lack of practicability, except for in isolated cases.<sup>65</sup>

### EU re-admission agreements

In addition to national re-admission agreements concluded between Germany and several third countries (cf. Ch. 3.1), there are similar agreements at the EU level. So far the European Council has charged the Commission with starting negotiations on concluding re-admission agreements with a total of 18 third countries. Such agreements have already taken effect with 11 of these countries: Hong Kong (1 March 2004), Macao (1 June 2004), Sri Lanka (1 May 2005), Albania (1 May 2006), the Russian Federation (1 June 2007), Montenegro, Macedonia, Serbia, Bosnia-Herzegovina, the Ukraine and Republic of Moldova (each on 1 January 2008). The agreement with Pakistan was signed on 26 October 2009 following the conclusion of negotiations; negotiations with Georgia came to a close in November 2009. Negotiations are still in progress with Cape Verde, Morocco and Turkey, and have not yet begun with China and Algeria.<sup>66</sup> The re-admission agreements are negotiated individually by the Commission, based on negotiation guidelines accepted by the Council for each instance, ensuring that the special conditions of the third country in question are given due consideration. Although the general structure is very similar, individual provisions can vary as a result of differing courses of negotiations with the country in question, as well as the special conditions of that country.<sup>67</sup> Precise quantifying declarations cannot yet be made about the effects of these agreements on voluntary return.<sup>68</sup>

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65 In case of the quantitatively meaningful use of the options laid out in Directive 2001/40/EC, consequences regarding programmes and measures to support voluntary return would be quite feasible: those bound to depart whose deportation is about to be enforced by a Member State of the EU in recognition of a deportation order from another Member State would then prefer the offer of voluntary departure – if nothing else due to the fact that forced expulsion comes with a re-entry ban for the entire Schengen Area. Here in particular it remains to be seen which consequences arise in the EU Member States from the implementation of the Return Directive until the end of 2010.

66 Cf. answer given by Mr. Barrot on 4 December 2009 on behalf of the Commission to a written question submitted by Frank Vanhecke, Member of the European Parliament, to the Commission (E-4794/09).

67 Cf. answer given by Mr. Barrot on 27 October 2008 on behalf of the Commission to a written question by Vural Öger (PSE), Member of the European Parliament (P-5000/08).

68 Currently two ongoing parliamentary questions to the Commission deal with the effects of EU re-admission agreements on voluntary return, in which enquiries were made e.g. for information by nationality on the number of persons returned on EU re-admission agreements, voluntary or forced expulsions and the returnees' need for protection (cf. verbal questions to the Commission with discussion O-0157/09 on 7 December 2009 by Marie-Christine Vergiat on behalf of the GUE/NGL group, H el ene Flautre on behalf of the Verts/ALE group as well as verbal questions to the Commission with discussion O-0001/10 on 8 January 2010 by Sylvie Guillaume on behalf of the S&D group).

## 4 Return Assistance Measures

### 4.1 Reasons for Promoting and Utilising Assisted Return

#### **Reasons for promoting return assistance measures**

With regard to third-country nationals required to leave, the reasons for promoting return assistance measures are primarily justified by the interest of EU Member States – Germany as well – in pursuing a consistent residence/return policy.

The official German position on repatriation and return policy focussed, firstly, on an evaluation of asylum procedures and, secondly, it discussed approaches towards regulating and channelling migration inflows. It was outlined as early as 2001 by the Independent Commission on Immigration, appointed by the then Federal Minister of the Interior Otto Schily: In the perspective of asylum policy, a fixed link exists between being recognised as entitled to asylum and being granted a legal residence title, or vice versa, a binding obligation to leave the Federal Republic of Germany if one's petition for asylum has been rejected. In this perspective, asylum procedures would be pointless, and the legal procedures implemented by the authorities and courts of law would become absurd if foreign nationals did not return once their petitions have been rejected legally binding, even by means of forced return, if necessary. Strategies employed by the applicants concerned in order to extend their residence or to make their repatriation impossible would, in the eyes of the general public, create the impression that the right to asylum would be abused for economic or other purposes. This debate would, in turn, undermine the general willingness of the population to admit refugees and would also, eventually, exacerbate xenophobic attitudes. In the perspective of regulated migration, a lack of consistency and determination in return and repatriation policy would weaken political options for channelling and regulating migration inflows. In this perspective, foreign nationals refusing to leave the country, even though they are under a legal obligation to do so, would lead to unplanned migration inflows and thus limit the scope of immigration for demographic or labour-market purposes. Moreover, if rejected asylum seekers were to continue to stay in Germany, this would trigger "copy-cat effects" among foreign nationals that have already agreed to return voluntarily (UKZU 2001: 150).

A return that foregoes compulsory measures can not only be generally considered a humane and cost-saving way of complying with the obligation to depart (cf. Ch. 3.1), it can also be viewed as a silver bullet of return policy with regard to the indigence of departees and to the returnee's country of origin and/or target country. Here, development-oriented political considerations and bilateral relationships between the German Federal Republic and each state form important grounds on which the intersections between domestic and development policy simultaneously emerge (cf. *ibid.*: 152). The significance of successful reintegration is also highlighted in this relationship: it should prevent social criticism on the one hand, while having returnees function more as "bridge builders" who can expand economic contacts and promote cultural dialogue. At the same time, a direct development

transfer can occur, in which returnees transmit the social and technical know-how, and social principles which they have acquired or expanded upon in Germany.<sup>69</sup>

### **Motivations of migrants interested in returning**

The question of motives for voluntary return has to be considered in a differentiated way. In the theoretical approaches that try to explain migration there is a variety of patterns of explanations.<sup>70</sup> According to the neoclassical approach, the migrant acts solely according to cost-benefit calculations and decides to return if he or she could not realise the original migration objectives, namely higher income, increase of human capital or a permanent residence title. As a consequence, the decision to return would be the result of a failed migration project. According to the approach of the “New Economics of Labour Migration“, however, the migrant decides to return if he or she has successfully realised the migration project, namely a higher income, saving money and sending remittances. The problem with both of these approaches to explain migration is that they reduce the motivation to economic factors. Structural approaches, which are primarily supported by social scientists, assume that migrants relate their initial situation in their country of origin to the prospects in their country of destination and then decide, depending on the result, for or against migrating or re-migrating. In addition, power structures, traditions and values are considered determinants for the decision to return. Migrants might return, for example, because they have failed with their plans in the destination country or because they don’t want to change their social context and prefer to lead a “better” life with the money saved in the country of origin. Another possibility might be the desire to spend one’s remaining years in the country of origin or to innovatively invest the accumulated capital and competences there (Curle 2006: 11f.). All structural approaches have in common that a whole package of factors is relevant for the decision.

Newer sociological approaches, such as transnationalism, focus more intensely on the link between country of origin and destination. According to them, there are dynamics between migration processes to and fro with the consequence that return is not the ultimate destination, but rather a part of a circular system of social and economic relationships. According to this approach, return is systematically prepared, for example by visits in the country of origin and by remittances. The decision to return is made at a point of time when sufficient resources in the destination country have been accumulated as well as the situation in the country of origin is positively assessed (Cassarino 2004: 261-263). In a similar manner, network theories combine the contexts of countries of origins and destinations, whereby the social networks do not need to be based on ethnic links. Cassarino (2004: 272-275) points out that the preparedness has a considerable impact on the decision to return. Sufficient time needs to be available in order to mobilise the resources and to assess the

69 Cf. Countess Praschma, “Central Questions on Return Assistance – Presentation Goals”, introduction to the “Exchange of Experiences for Voluntary Return” symposium from 27 to 29 June 2006 at the BAMF (Documentation; in German), p. 8; Lena Kempmann, “Voluntary Return and Development Co-operation – the Reintegration Programme of the Federal Ministry for Economic Co-operation and Development”, presentation at the “International Symposium on the Exchange of Best Practices on Funding Voluntary Return” on 18 and 19 January 2007 at the BAMF in Nuremberg (Documentation; in German), p. 31ff..

70 In accordance with the literature available, this paragraph is directed first and foremost towards the circumstances and motivations of foreign nationals who are not obligated to depart.

situation in the country of origin. In addition, the “preparedness” is determined by the existence of the principle „willingness“ to return, as well as by the factual and current “readiness”. Cassarino differentiates three types depending on degree and scope of preparations. For being well prepared, there has been sufficient time to organise the return, which the author states with a minimum of four years. In a second category he clusters migrants who didn’t have enough time (six months up to three years), but who estimate the costs for a continued stay higher than those of return. Persons, who would have to depart because of an obligation to leave the country and would have no motivation to do so, wouldn’t be prepared at all though.

Extensive and up-to-date empirical research on return motivations of migrants in Germany, particularly on persons under the obligation to leave the country, is not available. A more recent empirical study on the motivations of 50 refugees from former Yugoslavia who have resided in Germany for a longer term (cf. Lersner 2008; Lersner/Rieder/Elbert 2008) also elucidated a conglomerate of reasons. Reasons listed for returning to the country of origin were family ties, along with unemployment/lack of prospects in Germany. Due to traumatic experiences as a result of the war and displacement, more than half of the test subjects suffered from a psychological illness or disorder, primarily post-traumatic stress disorder (PTSD), depression or suicidal tendencies, and were undergoing treatment. The prevalence of mental illnesses among participants of voluntary return programmes increased dramatically nine months after the departure from Germany, particularly as regards diagnoses of depression and PTSD; causes for the rise in mental illnesses, beyond the traumatic experience of war, may lie in unstable housing conditions in the country of origin, insufficient preparation with regard to those conditions or in a “reverse cultural shock” (cf. Lersner 2008: 221). Taking this into account, reasons that would be placed in the “against” column must be considered more carefully (see below). This includes, especially for older people, homesickness, isolation due to limited language skills and the (supposed) guarantee of care by family members in the country of origin.<sup>71</sup>

## 4.2 Obstacles to Assisted Return

The combinations of problems involved in establishing and utilising return assistance services are multifarious. On the one hand there are the difficulties and obstacles faced by potential individuals in using existing services. On the other hand, certain obstacles are often identified by state and private institutions that establish or further develop such instruments.

### **Structural and organisational obstacles**

A survey of experts in the German Federal States who are responsible for return regarding possible practical problems and obstacles preventing or complicating the use of return assistance revealed that several factors play a role. Five of the ten German Federal States financing return assistance measures from the state budget listed potential users’ lack of knowledge of the services. Five Länder also determined that the monetary incentives in the available programmes were insufficient, though the funds appropriated for

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71 Cf. assertions by the responsible unit for return assistance measures within the Ministry of the Interior in Baden-Wuerttemberg as part of a survey of the German Federal States in Summer 2009.

the programme are intended for travel and start-up aid, and are generally sufficient for these purposes. However, when measured against the financial cost of paying a facilitator/trafficker, a route often taken that is usually closely connected to the unachieved migration goal of achieving right of residence and prosperity in Germany, the funds intended for returnees are very marginal. Another structural problem seems to be that potential returnees must appear in person at the responsible authorities at short notice, as cited by four Federal States. This can refer to foreign nationals bound to depart who are unable to comply with a departure order and only seek return assistance once forced return has already been initiated. Three of the Länder cited structural obstacles with the target country, either due to a lack of institutional partners in the target region with which to co-operate on programmes, or due to insufficient local reintegration assistance. Additionally, the following obstacles have been sporadically cited: problems with continuing the education of children; higher costs in providing travel documents; lack of a nationwide return counselling network, so that not all potential returnees can be reached; general administrative costs are too high, which can lead to planning difficulties with regard to establishing and conducting programmes. The last obstacle cited is apparently connected to the fact that project-related development programmes generally face tight time limits, and the “consistency” seen in standard services cannot be replicated.

### **Individual obstacles**

The obstacles to voluntary return on an individual level are closely linked to the motives for the return decision and are to be found in the host country as well as in the country of origin. Limiting the focus on the group of persons under a legal obligation to leave the country, many of them have left their countries of origin for various reasons. If one supposes that the majority of them have indeed the wish to return, the continued relevance of the causes of their migration or flight is a central obstacle. In general, those causes are manifold and only the combination of various factors results in the final decision to migrate. Among the potential causes are military conflicts or civil wars, politically or religiously motivated persecution, lacking security, insufficient medical supply, lack of food, unemployment, no perspectives and limited educational opportunities. Only if the respective decisive factors out of this cluster of causes are abolished or at least reduced, the obstacles for the decision to return voluntarily cease to exist. In addition, there might be further obstacles in the shape of “expectation barriers” which are created by relatives or the local community. If migration took place for reasons of poverty, the return is very much linked to social prestige as the returnees are expected to have accumulated visible wealth, which might also serve the benefit of the local community. Depending on the region of origin, familial or structural relationships can in certain circumstances result in returns being viewed as a cultural or social loss of face for those affected.

This social pressure might be so strong that despite disappointment and lack of perspectives in Germany return is not an option (AWO Bremerhaven/Heimatgarten 2005: 9). Another obstacle for return is rooted in the host country, namely the lack of a return option if the return project fails and the migrant does not succeed in establishing his livelihood in the country of origin. The current foreigners’ law (section 51 para.1 Residence Act) decrees that the existing residence title expires if foreigners leave the country for a reason that is not only temporary or if he or she doesn’t return to Germany within six months

(Beauftragte 2005: 482). It is true that this is not applicable for persons under a legal obligation to leave the country, as they do not have a residence title, but the mechanism is the same because they are refused to return (partly temporarily limited). If the migrant resides in the host country for a longer period of time, other reasons might take effect, such as local family ties or alienation from the country of origin or weakened social relationships thither (Beauftragte 2005: 152).

What appears certain is that the presence of psychological illnesses in former civil war refugees or third-country nationals from regions ravaged by war and crises brings with it serious obstacles to return. The above-mentioned study by Lersner et al. of Ex-Yugoslavs revealed a significant relationship between citing the fear of reliving a traumatic experience in the country of origin as a reason against return and a PTSD diagnosis. In addition, better medical care in Germany is an important reason for remaining. However, the main reason related to the inclination to voluntarily return was cited by civil war refugees who have resided in Germany for a longer term as the connection to Germany through their children, which leads to the decision to not return to the country of origin: “Those surveyed nearly unanimously stated that, following the stressful experiences from the war, displacement and the on average 11 years in exile, they themselves no longer had any plans for the future. Instead, their efforts are now focused solely on the future and well-being of their children” (Lersner/Rieder/Elbert 2008: 119; own translation). This evidence is in line with other studies, and gives the social, familial and personal reasons for deciding to return a more important role than economic factors or other factors in the country of admission (cf. Dahinden 2006: 19f.).

### 4.3 Organisation of Assisted Return Measures

As mentioned earlier, Germany currently does not have a unified form of and range of services for return counselling and assistance; there exists more so a heterogeneous range of programmes and measures extending across the various levels of political subdivision in the German Federal Government, Federal States and municipalities and conducted in part by public bodies and charitable associations. However, at least a common, basal framework can be recognised (cf. Westphal/Behrensen 2007: 320):

- the main target groups are asylum seekers and refugees, differentiating between those whose asylum procedure ended unfavourably and those currently undergoing the asylum procedure;
- an individual approach is the most common counselling method;
- forms of support are direct or mediated aid from ongoing IOM programmes, frequently qualification measures, but also start-up aid and/or micro-loans or other material start-up aid.

#### 4.3.1 Monetary Return Assistance

The current applicable prerequisites for return assistance from the REAG/GARP programme (cf. Ch. 2.3.1 and 3.1) are regulated by the version of programme structure concluded by the German Federal Government and the German Federal States on 24 November 2009. Those eligible include asylum seekers, rejected asylum seekers, recognised refugees, civil war refugees, illegally residing third-country nationals, victims of forced prostitution

or human trafficking and other foreign nationals eligible for benefits pursuant to section 1 of the Asylum Seekers' Benefit Act who willingly decide to voluntarily return to their country of origin or travel to an admitting Third Country (cf. IOM 2009). However, this does not constitute a legal claim to authorising assistance. Aside from that, persons generally excluded from GARP start-up aid are those who have been expelled pursuant to sections 53, 54 of the Residence Act; in this instance, REAG return assistance can be guaranteed when departure would otherwise be delayed. Persons entering Germany in order to receive return assistance are also denied GARP start-up aid; however REAG return assistance would be possible.

Illegally residing persons have also been included in the group eligible for benefits as part of reforming the programme, provided these persons have reported themselves to the authorities and have received a border crossing certificate from the Aliens' Authority (Sachverständigenrat 2004: 356). In this case, however, these border crossing certificates are issued at the discretion of the Aliens' Authority, along with whether instead of such a border crossing certificate an expulsion order is issued and the foreign national deported. Additionally, a basic problem with illegal residents lies in the fact that violating the Residence Act is punishable by law, for which criminal proceedings must generally be initiated. The German Federal Police are obligated to enforce this, even given the intention to voluntarily depart. However, if the Residence Act has not been seriously violated and if there are no other offences, judicial authorities often choose to forego or discontinue legal proceedings.<sup>72</sup> Persons who received a border crossing certificate are only entitled to a travel allowance from REAG for the initial years, but are not entitled to start-up aid from GARP (IOM 2003: 4; 2005: 4). This restriction has not been in effect since 2006 (cf. IOM 2005). Voluntary departure in practice is typically undertaken by third-country nationals under legal obligation to leave, yet several groups defined by the Asylum Seekers' Benefit Act are entitled to REAG/GARP return assistance. This includes foreign nationals who:

- are in possession of a residence authorisation pursuant to the Asylum Procedure Act (AsylVfG);
- wish to enter by air and whose entry is not (yet) authorised;
- are in possession of a residence permit pursuant to section 23 para. 1 or section 24 of the Residence Act due to war in the country of origin, or pursuant to section 25 para. 4 clause 1 or para. 5 of the Residence Act;
- have been granted exceptional leave to remain pursuant to section 60a of the Residence Act;
- are legally required to leave, even when a deportation warning is not or no longer enforceable;
- are the spouses, life partners or underage children of the persons listed above, without themselves meeting the requirements, or;
- have submitted a follow-up application pursuant to section 71 Asylum Procedure Act or a secondary application section 71a Asylum Procedure Act.

<sup>72</sup> Cf. answer from the Minister of the Interior and Sports to a minor interpellation from MP Waschke (SPD) of 13.09.2006 regarding the voluntary return of persons without status, Landtag of Hesse Drs.16/6009 of 4 December 2006: 2 (in German).

Additionally, assistance can be utilised by recognised refugees, other foreign nationals whose residence has been authorised on international, humanitarian or political grounds, or by victims of forced prostitution or human trafficking (IOM 2009: 6).

Using the REAG component, the programme provides transportation costs and lump-sum travel assistance. The voluntary departure of a returnee or secondary mover is supported by assuming the costs for transport for all third-country nationals. There is a distinction between public and private transportation means with regard to securing funding. Public transportation refers to rail, bus or airplane; transport costs are typically assumed for the shortest route between the airport or train station to the destination, half by the federal budget and half by the budget from the state in which the person in question was residing. For the use of a private means of transportation (private vehicle), a lump-sum fuel allowance totalling 250 euros per vehicle is paid out – again half from the federal and half from the involved state budget – regardless of how many persons are travelling. In addition, a travel allowance of 200 euros per adult and youth, and 100 euros for children under 13 years-old is paid.

With the GARP component, persons from countries of origin that are of particular interest to Germany in terms of migration policy<sup>73</sup> receive start-up aid. The amount depends on the country of origin and is being paid out based on a sliding scale, most recently increased in the year 2009: the first group of states comprises Afghanistan, Iraq and the Republic of Kosovo (only Serbian and Romany minorities). Start-up aid for this group has been increased from 500 to 700 euros per adult and from 250 to 375 euros per child. The second group of states in 2009 included Armenia, Azerbaijan, Georgia, Iran, the Republic of Kosovo (excluding Serbs and Romanies), Macedonia, Montenegro, the Russian Federation, Serbia, Turkey and the Ukraine.<sup>74</sup> Start-up aid for this group of states is 400 euros for adults (formerly 250 euros) and 200 euros for children (formerly 125 euros). The third group of states in 2009 comprised Algeria, Angola, China, the Democratic Republic of the Congo, Ethiopia, Ghana, India, Lebanon, Morocco, Nigeria, Pakistan, Sri Lanka, Syria and Vietnam.<sup>75</sup> Start-up aid here was increased from 200 to 300 euros for adults and from 100 to 150 euros for children. Unlike earlier versions of GARP start-up aid, there is no maximum amount per family.

The IOM is responsible for operating the programme. Among its duties, the IOM reviews returnee application documents, schedules the flights and dispenses start-up aid (in the case of Kosovo/Prishtina through the IOM mission abroad). The supplementary “Special Migrants Assistance Programme” (SMAP) of the IOM serves to support the voluntary return of those foreign nationals residing in Germany to their countries of origin or their secondary movement to a third country who are not covered by the REAG programme. These foreign nationals are offered inexpensive flight options, the cost of which must either be paid

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73 The amount of subsidy rates as well as the list of countries of origin of interest to migration policy are determined annually by the Federal Ministry of the Interior and the German Federal States under consideration of current political developments (cf. Schröder 2006: 9). Based on an organisational decree, the co-ordination of the REAG/GARP programme is now delegated solely to the BAMF (cf. Grimm 2007: 60f.).

74 In 2010, Bosnia-Herzegovina and the Republic of Moldova also belong to the second group.

75 The list of states for the third group in 2010 comprises Egypt, Ethiopia, Algeria, Bangladesh, China, Côte d'Ivoire, Eritrea, Ghana, Guinea, India, Jordan, Lebanon, Morocco, Nigeria, Pakistan, Sierra Leone, Somalia, Syria and Vietnam.



by the foreign nationals prior to departure, or another body (e.g. social services, charitable association, etc.) must submit a direct billing declaration.

### **Costs of voluntary and forced return**

Federal grants for direct operative and administrative costs related to voluntary returns totalled approximately 1.8 million euros in 2008. Indirect costs are covered by Germany's membership fee for the IOM, which totalled approximately 2.3 million euros that same year. Funds appropriated from the German Federal Budget as direct grants to the REAG/GARP programme must at least be matched by the German Federal States. The cost per returnee has risen due to the reduction in the total number of returnees (Table 15). The average cost per returnee was 1.288 euros in 2008. This does not include the dispensation of additional funds provided by states and municipalities to expand on the REAG/GARP programme.

In the debate of voluntary and forced return it is regularly referred to that the costs for voluntary return amount to less than those for removal. This is indeed not questioned even by critics of voluntary return (Berthold 2005: 58). However, the expenses for return, which, among others, include the costs for the Aliens' Authorities for the provision of travel documents, for custody pending deportation, if applicable, for the transport to the airport, for the returnees' and the accompanying police officers' flight tickets or for the airline's security staff or the charter costs for the plane, are not registered in a reliable nation-wide survey. Although the number of return operations has decreased during the last years, the total costs have increased, particularly as a consequence of higher prices. The costs for the return operations vary, depending on whether the return is accompanied or unaccompanied and whether it is carried out on regular airline flights or with a specially chartered carrier. If the return is carried out in a regular flight, additional security staff needs to be hired, for example. The expenses for a private charter flight, for example for a small plane to West Africa with two returnees and accompanying personnel, can amount to estimated 40,000 to 60,000 euros (as of 2006; cf. Kreienbrink 2007: 91). If the return operation is carried out with a large charter plane (Airbus) carrying 30 to 40 returnees, the flight costs might amount to up to 160,000 euros, including accompanying personnel (about 100 to 120 people, paramedics, and interpreters etc.). Further expenses might incur if planned or booked flights have to be cancelled, for example, or because the travel documents are still missing at the time of departure (cf. *ibid.*). Due to these imponderables, it is not possible to provide an average amount for the costs of a return operation.

**Table 15: Costs of voluntary return under the REAG/GARP programme, 2003-2008**

		Programme 2003	Programme 2004	Programme 2005	Programme 2006	Programme 2007	Programme 2008
<b>Returnees</b>		<b>11,835</b>	<b>9,893</b>	<b>7,448</b>	<b>5,757</b>	<b>3,437</b>	<b>2,799</b>
<b>German Federal Government grants</b>		<b>4,060,945 €</b>	<b>3,979,201 €</b>	<b>3,605,531 €</b>	<b>3,091,295 €</b>	<b>2,159,624 €</b>	<b>1,803,798 €</b>
	operational costs	2,923,889 €	2,891,140 €	2,531,251 €	2,143,692 €	1,365,635 €	1,176,395 €
	administrative costs	1,137,056 €	1,088,061 €	1,048,896 €	947,603 €	793,989 €	627,403 €
<b>Average cost (German Federal Government) per returnee</b>		<b>343 €</b>	<b>402 €</b>	<b>484 €</b>	<b>537 €</b>	<b>628 €</b>	<b>644 €</b>
	operational costs	247 €	292 €	343 €	372 €	397 €	420 €
	administrative costs	96 €	110 €	141 €	165 €	231 €	224 €
<b>Average cost (German Federal Government/German Federal States) per returnee</b>		<b>686 €</b>	<b>804 €</b>	<b>968 €</b>	<b>1,074 €</b>	<b>1,256 €</b>	<b>1,288 €</b>

Source: BAMF/IOM

### 4.3.2 Return Counselling

There is a series of programmes and measures operated regionally by individual German Federal States or municipalities/independent providers in addition the federal and state financed REAG/GARP programme. This sub-national return assistance is extremely multifunctional and has been constantly developed in recent years – if nothing else against the background of available project financing from the Return Fund. Hence there is no nationwide accountability for return counselling in Germany. In a qualitative analysis of return counselling and assistance services available in Germany, Westphal and Behrensen identified three categories:

- Integrated return counselling and assistance as part of comprehensive perspective counselling;
- Targeted return counselling and assistance as individual or central counselling focus;
- Hybrid forms of integrated and targeting return counselling and assistance as part of comprehensive perspective counselling, in which return counselling and assistance are foci (cf. Westphal/Behrensen 2007: 303).

To what extent the German Federal States and municipalities are involved in return counselling often depends as much on the number and origin of persons required to leave in a given area as on other state-specific reasons and obstacles. Added to that is a trend toward central return counselling offices, since these facilities may operate as constant contact points over a longer term and can be created from a growing experience pool. Next to Bavaria, which has three central return counselling offices (see below case study 2), Hamburg, for example, has established a non-profit GmbH (similar to a limited liability compa-

ny) as a refugee centre, incorporating the AWO (Workers' Welfare Association), Caritas and the DRK (German Red Cross). Here, return counselling is oriented toward all migrants and refugees, regardless of residence status, and receives funding from the European Return Fund in addition to the state budget for the Office for Social, Family and Consumer Protection Affairs. However, counselling offices from private providers are apparently more easily accepted by willing returnees, who state that it is easier to build up trust with the employees (cf. Schmidt-Fink 2006: 26).

Charitable associations and independent providers strive to design return counselling services as desired, yet simultaneously are often co-operative partners with social welfare administrations and Aliens' Authorities. Firstly, they act (similar to Bavaria) as providers of state-established counselling offices; secondly, they are advised that the authorities will refer potential returnees to them. The Federal Association of Non-Statutory Welfare Services (BGAFW) has also defined the technical standards of return counselling as part of a basic position paper. Accordingly, return counselling from charitable associations includes:

"independent, non-results based counselling. Its goal/task is to allow those seeking counselling to make a well informed decision on voluntary return and to assist as needed in facilitating/monitoring voluntary return. The purpose is to explore the general conditions of each return and, if possible, to portray them in a way that is beneficial to the interests of those seeking counselling.

Return counselling is a multi-tiered process that should be promptly available to refugees regardless of potential results, i.e. not after the negative result of the process. The individual elements of return counselling can be provided by various specialised counselling offices under close co-operation."<sup>76</sup>

### **Counselling by the Federal Employment Agency**

Since 1983, every foreign national considering returning to his/her country of origin/ the country in which his/her parents reside, has a legal claim to comprehensive counselling. This counselling system was established within the general labour administration and has developed in recent years in various phases (cf. Schmidt-Fink 2007: 261f.). A so-called mobility counselling represents a non-binding and non-results based counselling service on funding opportunities as well as housing and employment conditions in the countries of origin, and today is being conducted by the German Central Placement Office for Work Abroad and Specialist Workers (ZAV) of the German Federal Employment Office (BA). Two mobility counsellors are currently active at seven metropolitan locations (Hamburg, Bremen, Berlin, Dortmund, Frankfurt am Main, Nuremberg and Stuttgart), providing counselling services in person and via telephone. In addition, an information centre has been established in Bonn for general information via telephone, informational materials and, if necessary, directly contacting mobility counsellors.

The mobility counsellors do not operate on a set counselling concept, rather they provide non-results based counselling oriented toward customer concerns. In this manner, those seeking counselling who are interested in return can receive a realistic estimate on employment opportunities when returning to their country of origin in order to reach an

<sup>76</sup> BAGFW position paper on the conditions of the voluntary return of refugees of 4 September 2006, p. 4 (in German; own translation).

informed and well-founded decision. Beyond this, financial assistance was offered under certain circumstances until 2009 to assist return and occupational (re)integration (e.g. benefits for return and luggage transport costs, salary bonuses for a period of 6, 12, 18 or 24 months as well as workplace equipment grants for specialists). However, since 2010 the ZAV has no longer had the ability to dispense the financial grants that made up the core of potential returnee interest in counselling.<sup>77</sup> Interest in counselling that goes beyond that is often lower. Here, willing returnees are interested in the employment situation in their region of origin/country of return and seek counselling on how they can find work. This often includes a need for information on the general job market situation, the structure and functionality of the local employment agency, and the various fields of national insurance such as pension, health and unemployment insurance. Occasionally, there are also legal/organisational questions on start-up, the education system, the professional recognition, the availability of counselling offices in the country of return, family unification, work permits and import/export regulations.

ZAV counselling in practice has shown that the clientele is still strongly characterised by the former target groups of the Return Assistance Act in terms of nationality: clearly over 90 % of ZAV customers in mobility counselling are Turkish citizens who are generally authorised to reside or even have a permanent settlement permit. In recent years, mobility counsellors have seen an increasing demand for return counselling from poorly or unqualified customers who do not have realistic expectations regarding their chances of reintegration in Turkey. If nothing else than against the background of the economic crisis, employment chances for poorly qualified returnees have also fallen there. Complicating matters is the fact that an increasing number of willing returnees, in addition to poor German skills, also no longer possess sufficient Turkish language skills that would facilitate direct integration into the job market. The ZAV conducted a total of 345 counselling sessions in 2008 (personal, written or via telephone). This number rose in 2009 to 419 sessions. Furthermore, the ZAV tallied 861 (2008) and 742 (2009) contacts for those same years. Contacts here are considered all activities outside the direct counselling process (e.g. business trips, co-operation with external partners, contacts with networks, participation in training and hosting events and presentations).<sup>78</sup>

### 4.3.3 Scope of Information

In 2003 the “Information Centre for Voluntary Return” (ZIRF) was established within the Federal Office for Migration and Refugees in order to coordinate and link the voluntary return assistance on the different levels and between the different sponsors. As a centre of coordinated return management ZIRF provides information regarding voluntary return assistance for authorities, voluntary welfare sponsors, churches, other involved institutions as well as individual migrants interested in returning. The latter are targeted by the module “ZIRF-Counselling”, which provides general, but also tailor-made country specific information on the current situation in various countries of origin. Country-specific information (Country Fact Sheets) contain information on the labour market, education, health care,

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77 Information from Carmen Grote, mobility counselling specialist, ZAV Bonn, 08.02.2010.

78 Information from Carmen Grote, mobility counselling specialist, ZAV Bonn, 18.02.2010.

the housing market, social concerns and similar issues.<sup>79</sup> Furthermore, migrants considering their return options have the opportunity to ask individual and detailed questions on any issues relevant for their return via the Aliens' Authorities or a local counselling service. These questions may refer to issues such as the availability of any special medical therapies or treatment options in a given region of the return country, or the current situation in the regional service sector, in which a potential returnee might plan to set up an independent business. On behalf of the Federal Office for Migration and Refugees or the German Federal States (which proportionately cover the ZIRF budget) these questions are answered by staff members of the IOM on-site. Subsequently, the anonymised data are entered into a public database.<sup>80</sup>

Since 2006, around 300 individual enquiries are made annually regarding the Central Office for Information on Return Assistance (ZIRF) (answered enquiries for 2006: 255; 2007: 311; 2008: 312). The five target countries about which the most enquiries were made between 2006 and 2008 were: Kosovo (117), Turkey (64), the Russian Federation (58), Serbia (54) and Afghanistan (46). Increasingly, enquiries regarding Iraq and Ghana were given replies. Enquiries were divided into seven thematic areas for entry into the public ZIRF database: medical care, job market, housing situation, social affairs, public administration, basic and further education, and persons with special needs. The most enquiries were on medical care (37% of enquiries), the job market (17%), the housing situation (16%) or social affairs (14%).

A new, trans-national information portal established by Heimatgarten/AWO Bremerhaven, together with its partners as part of the "Bridges of Good Neighbourhood" project funded by the Thematic Programme (cf. Ch. 3.2.3),<sup>81</sup> among other things, serves the infor-

79 Annually updated Country Fact Sheets are available in German, English and the corresponding national language for the following 29 countries: Afghanistan, Algeria, Armenia, Azerbaijan, Ethiopia, Bosnia-Herzegovina, China, Georgia, Ghana, India, Iran, Iraq, the Democratic Republic of the Congo, the Republic of Kosovo, Lebanon, Liberia, Morocco, Montenegro, Nigeria, Pakistan, the Russian Federation, Serbia, Sierra Leone, Sri Lanka, Syria, Togo, Turkey, Ukraine, Vietnam. The "Pädagogisches Zentrum e.V." (Centre for Pedagogy) project "KOMPASS – Assistance for Foreign Nationals on Voluntarily Returning to their Countries of Origin" must also be mentioned in connection to this. KOMPASS publishes comprehensive bi-lingual brochures that give detailed information on the circumstances and perspectives in the returnee's country of origin. The country brochures for China and Iran are available both in print and on-line (<http://www.freiwillige-rueckkehr-paedz.de>). The Central Placement Office for Work Abroad and Specialist Workers (cf. Ch. 4.3.2) also offers detailed bi-lingual publications for returnees. The brochures, titled "Mobile in Europe", are currently available on the ZAV website (in German) for Bosnia-Herzegovina, Croatia, Kosovo and Turkey at [http://www.ba-auslandsvermittlung.de/lang\\_de/nn\\_2958/DE/Home/Arbeitnehmer/Rueckkehrer/rueckkehrer-knoten.html\\_\\_nnn=true](http://www.ba-auslandsvermittlung.de/lang_de/nn_2958/DE/Home/Arbeitnehmer/Rueckkehrer/rueckkehrer-knoten.html__nnn=true).

80 The Central Office for Information on Return Assistance (ZIRF) database is available at <http://zirf.bamf.de>. A service offered by the IOM on the European level that is greatly similar to ZIRF counselling is the IRRiCO project ("Enhanced and Integrated Approach regarding Information on Return and Reintegration in Countries of Origin", cf. <http://www.iom.int/irrico>). Currently nine European Member States (Austria, United Kingdom, Belgium, Greece, Ireland, Malta, the Netherlands, Portugal, Switzerland) are participating in this "expanded and integrated information system for return and re-integration in the country of origin" that was initially established by IOM Belgium as part of the RETURN programme (cf. Ch. 3.2.2). Migrants willing to return who are residing in these States can, similarly to the ZIRF, receive information on a total of 20 countries of origin (Afghanistan, Albania, Angola, Armenia, Brazil, Cameroon, the Democratic Republic of the Congo, Georgia, Ghana, Iran, Iraq, the Ivory Coast, the Republic of Kosovo, the Republic of Moldova, Nigeria, Pakistan, the Russian Federation, Serbia, Sudan, Ukraine). IRRiCO is currently in its second project phase ("IRRiCO II") and represents an attempt by the IOM for a multilateral approach in the field of return information between the IOM offices in the countries of origin and their partner offices in Europe in order to support the utilisation of return and reintegration assistance programmes. IRRiCO II is co-financed by the European Commission and conducted by the participating IOM State offices in co-operation with other European projects such as the "Country of Return Information" project (<http://www.cri-project.eu>).

81 <http://www.promigrant.ru>

mation needs of migrants and/or willing returnees, as well as the networking of various players in the EU Member States, Russia and the NIS.

### **Information campaigns and seminars**

Players involved in return assistance attempt various means of disseminating information on opportunities and services. This includes public relations measures, as well as dissemination through state authorities and information distributors. Principally both the German Federal Government and the German Federal States are responsible for a majority of funding for return assistance services, as is the IOM, which also conducts the REAG/GARP programme and are interested in a high degree of awareness of these offers, especially among the target groups. In this vein, the Federal Office for Migration and Refugees (BAMF) will typically suggest the funding opportunities provided by REAG/GARP in the event of a negative asylum decision. In addition, the BAMF has been conducting nationwide information campaigns with the IOM since 2004. These campaigns primarily serve to increase awareness of the REAG/GARP programme and of the ZIRF. Aside from this primary goal, they also function as a forum for collecting up-to-date information and data on other return assistance services offered at the state and municipal level, as well as by NGOs, and to expand the ZIRF database. In 2008, the BAMF conducted a series of information seminars in line with each Federal State's information needs and in close co-operation with the IOM on the application of the ZIRF database and the process of ZIRF counselling.

### **Tangible measures on increasing the use of return assistance services**

Among the state ministries responsible for voluntary return, the following measures have been shown to be popular in improving awareness of services:

- Providing direct information to distributors, return counsellors or independent providers active in return assistance;
- disseminating printed information materials such as flyers, foldouts, brochures and posters;
- on-line information;
- lectures and presentations at collective accommodations for asylum seekers.

Advertisements in print media or scientific journals have been sporadically used, as well as reports in local periodicals, press releases and radio interviews (media relations).

### Case Study 1 on the Organisation and Conceptualisation of Return Assistance: Baden-Wuerttemberg

Since 2007, Baden-Wuerttemberg has been one of the few German Federal States to have a special legal foundation for return assistance. Pursuant to an Interior Ministry directive, the state ensures grants for projects in Baden-Wuerttemberg that promote the voluntary return of refugees, indigent foreign nationals and ethnic German repatriates. Accordingly, the central goals are:

- > Strengthening voluntary return as the preferred form of terminating residence and increasing the number of voluntary departures;
- > reducing public social charges;
- > supporting voluntary departure measures in districts and independent cities;
- > supporting project providers in complementary financing for EU-funded return projects.

The respective guidelines on the one hand are the compliance with residential legal provisions and the avoidance of both incentives for return entry in the German Federal territory and bandwagon effects; on the other hand it is explicitly emphasised that projects on counselling voluntary returnees must ensure that return decisions are completely voluntary and return is sustainable.<sup>82</sup> Both regional return projects and measures of state-wide significance are funded as part of a broad approach. Regional components include first and foremost funding counselling offices for those interested in return (information on the situation in the country of origin, an explanation of the residential situation in the German Federal territory, the development of perspectives on reintegration, assistance with organising the return trip, arranging additional counselling sessions in the country of origin as needed, securing reintegration assistance). Of state-wide significance are projects that qualitatively support regional counselling offices and have tangible research goals for their topic, as well as state-wide projects oriented toward certain target groups (e.g. victims of human trafficking). The directive defines a large number of target groups: aside from groups of third-country nationals eligible for REAG/GARP programme benefits from the German Federal Government and the German Federal States (cf. Ch. 4.3.1), other foreign nationals and ethnic German repatriates requiring assistance<sup>83</sup> can also benefit from these funding measures in Baden-Wuerttemberg. Even irregular migrants and “stranded” citizens of EU Member States can be assisted in exceptional instances. The focus of the measures is thus no longer primarily on foreign nationals required to leave and third-country nationals with a history of asylum, rather it is also on persons with a secure residence status in Germany who nevertheless wish to return to their country of origin. The programme pursues humanitarian goals underlined by the principle of voluntariness and adequate social

<sup>82</sup> Directive of the Interior Ministry on Securing Grants to Promote Voluntary Return (in German; “Zuwendungsrichtlinie Rückkehrförderung”) of 20 June 2007 (as of 21 May 2008).

<sup>83</sup> In general, need is defined in reference to public benefits by the Asylum Seekers’ Benefit Act or to benefits pursuant to Social Security Code (SGB) II (Unemployment Benefits II), SGB XII (Welfare), or in reference to housing subsidies. However, requiring this need can be foregone on a case-by-case basis.

counselling of potential returnees, without disregarding cost-saving goals for the state and affected municipalities (cf. Borsody 2009: 56). The sustainability of return is promoted in the state programme by providing reintegration assistance, which consists of benefits given to returnees either in Baden-Wuerttemberg to prepare for reintegration or in the return state to better facilitate reintegration. This includes non-cash benefits such as medication, qualification measures, costs for further counselling in the country of origin through local organisations, cash benefits (when non-cash benefits are not possible), travel and transport costs for personal belongings, provided these are not already covered by other programmes such as REAG/GARP.<sup>84</sup>

An accompanying process evaluation was conducted by the University of Trier for the first funding year 2007/2008 using funds from the state programme. According to this evaluation, the funding directive has encountered enormous feedback from counselling providers, and regular project provider network meetings have been successful in establishing a continuous exchange amongst the counselling offices.<sup>85</sup> The return assistance and counselling measures are financed by various models: in co-operation between the individual German Federal States and municipalities, by joint financing from the state budget, municipalities and independent providers, as well as by partial financing from the state budget, EU Return Fund and municipalities or independent supporters. Baden-Wuerttemberg explicitly allows for hybrid financing, in which the percentage of the state's contribution generally does not exceed 50 % and may not exceed the amount contributed by the participating municipalities. These models have led to a plural and comprehensive return counselling structure. Potentially every voluntary returnee can find a project in his/her area to which he/she can turn. In addition, Baden-Wuerttemberg has reached agreements with institutions that facilitate the return of highly qualified migrants in order to streamline support.<sup>86</sup> In total there are nearly 30 counselling offices established both in municipalities and within NGOs.

### Key figures

Baden-Wuerttemberg included 500,000 euros in the 2007 and 2008 budgets for measures that promote voluntary return. This amount has also been included in medium term financial planning for the coming years. The funding period for return projects is generally up to 12 months. A maximum sum of 1,500 euros per adult has been appropriated for reintegration assistance (children: 1,000 euros). Reintegration assistance for families with underage children peaks at 6,000 euros. The maximum amount for medical care per person has been increased to 2,500 euros, with a similar increase per family for start-up aid.<sup>87</sup>

84 cf. Special Ancillary Regulations on Grant Decisions for Projects Promoting Voluntary Return (Appendix 2 on the Grant Directive on Return Assistance; as of 21 May 2008).

85 Cf. assertions by the responsible unit for return assistance measures within the Interior Ministry of Baden-Wuerttemberg as part of a survey of the German Federal States in Summer 2009.

86 For example, there is an agreement with the CIM on mutual referential counselling: potential returnees in the specialist target groups are directed toward the appropriate funding possibilities and vice-versa. For questions on sustainability and programmes on assisting the return of highly qualified migrants, see Chapter 5.

87 The authorising office may grant more reintegration aid in individual justified cases with special personal or humanitarian circumstances (cf. appendix 2 of the Grant Directive on Return Assistance, see footnote 84).



Semi-annual statistics on the state programme provided by Baden-Wuerttemberg for this study, which include individually collected data from project providers in 14 districts (political-administrative subdivisions), revealed that return/reintegration assistance was requested through 329 applications for a total of 579 persons between 1 July and 31 December 2008; in that same period, 154 persons departed from Germany (cf. Table 16). These statistics are not sorted by citizenship, but by target/return states. The most frequent return state is the Russian Federation, while Kazakhstan comes in fourth. This may be, among other things, contributed to the fact that return assistance is also utilised by ethnic German repatriates and their families. In Karlsruhe, the AWO's Heimatgarten project operates a counselling office focusing on the NIS. Turkey, Iraq and China are three countries in the Top 10 that also make a strong showing in the general return statistics of REAG/GARP (cf. Ch. 2.3.2).<sup>88</sup>

**Table 16: Return assistance in Baden-Wuerttemberg (Top 10 return states, 2nd half of 2008)**

Nigeria	Applications for return counselling/ assistance	Persons covered by applications	Completed departures
Russia	43	94	42
Turkey	29	80	16
Iraq	35	51	17
Kazakhstan	15	38	7
China	29	36	5
Kosovo	15	35	4
Syria	12	27	6
Nigeria	20	26	0
India	10	12	3
Cameroon	9	10	1
Others	112	170	53
<b>Total</b>	<b>329</b>	<b>579</b>	<b>154</b>

Source: Interior Ministry of Baden-Wuerttemberg

Also noticeable here is that a significant portion of returnees has departed to the Republic of Kosovo. This is not least of all due to Baden-Wuerttemberg's involvement in the "URA 2" German Federal Government/German Federal State project, as well as in the multi-state "IntegPlan" project (cf. Ch. 5).

<sup>88</sup> The statistics for Baden-Wuerttemberg are not broken down by the extent to which return assistance was utilised through other programmes. However, it can be assumed that the majority of third-country nationals who, according to the statistics, departed from Baden-Wuerttemberg received additional assistance from REAG/GARP.

## Case Study 2 on the Organisation and Conceptualisation of Return Assistance: Bavaria

The Free State of Bavaria has been promoting return and reintegration counselling and financing return and reintegration assistance since 2003 through the Bavarian State Ministry of Labour and Social Welfare, Family Affairs, Women and Health. Its three Central Return Counselling Offices (ZRBs), along with the city of Munich's "Coming Home" project cover the entire Federal State<sup>89</sup> and expand upon the existing counselling structure for refugees. The Central Return Counselling Offices (ZRBs) are operated by an association of non-statutory welfare service providers. The costs of the ZRBs, as well as the costs of the "Coming Home" project (see below) are largely covered by the state budget along with co-financing from the European Return Fund. The target groups for return and reintegration assistance provided by the Free State of Bavaria are primarily those eligible pursuant to the Asylum Seekers' Benefit Act (*Asylbewerberleistungsgesetz*), those entitled to asylum and refugees with removal protection pursuant to section 60 para. 1 ("prohibition of deportation") in conjunction with section 25 para. 2 of the Residence Act, war and civil war refugees, foreign nationals with exceptional leave to remain and other foreign nationals bound to depart. The basic funding principles for return counselling and support in Bavaria are outlined in the "interim ancillary conditions on promoting return counselling" by the Ministry of Social Affairs from 2003, which are currently being developed by the Ministry and in the future will be referred to as the "Return Counselling Directive".<sup>90</sup>

The goal of the counselling should be a dignified return. To accomplish this, the Central Return Counselling Offices (ZRBs) also offer material assistance in addition to counselling, and seek on a case-by-case basis to support the development of aid structures in the country of origin to ensure functional reintegration. Administrative regulations charge the counsellors of the project providers with establishing return and reintegration assistance. The latter are available to indigents only. Return assistance consists of non-monetary benefits (e.g. groceries, clothing or building materials) and/or financial aid (start-up aid) that aim to assist in securing a social and professional livelihood. Similar to Baden-Wuerttemberg, necessary medication, transport costs or costs for room/care can be subsidised. Return and reintegration assistance is ensured only after existing programmes (above all REAG/GARP) or measures from other organisations. In contrast, the standard rates are lower than in Baden-Wuerttemberg and must be requested by a state-recognised counselling office: personal return and reintegration assistance may not exceed 500 euros per person. For medical care and/or transport costs, the maximum funding including reintegration assistance may not exceed 1,500 euros per person. Maximum funding for start-up is 3,000 euros, including possible training in Germany. Funding can be increased on just grounds. Exceptions are considered by request at the central State Asylum Office of the Free State of Bavaria

89 ZRB North Bavaria in Nuremberg, ZRB South Bavaria in Augsburg and ZRB West Bavaria in Wuerzburg. The ZRBs do not cover the area of the city of Munich, which is covered by the "Coming Home" project run by the municipal Office for Housing and Migration.

90 Interim Ancillary Conditions on Grant Decisions on the Promotion of Return Counselling by the Free State of Bavaria (GZ: V 4/6514-6/5/03) and Alterations to the Ancillary Conditions on Grant Decisions of 19 April 2005 (GZ: V 5/6514-6/5/04).

in Nuremberg, or by the Bavarian State Ministry of Labour and Social Welfare, Family Affairs, Women and Health. Cost-savings statistics provided by the ZRBs give the Free State of Bavaria the criteria by which to evaluate return counselling work.<sup>91</sup>

The three Central Return Counselling Offices are similarly organised and structured: a consortium of charitable associations and independent providers co-operate with the proper regional administrative districts and implement measures that are co-financed by the Free State of Bavaria and the European Return Fund. In addition to general counselling and procuring direct aid such as the above-mentioned grants, assistance with administrative formalities and support in the issuance of travel documents, further education services and start-up support (creating business plans, start-up seminars, other qualification measures) are also available prior to departure. While occupational reintegration can on a case-by-case basis also be financially supported after departure, there are no ZRB representatives in the target states, nor set co-operative structures with local organisations. In individual cases, co-operation is with local facilities, however workers also make project trips to important return regions in order to visit returnees from Germany who had formerly received counselling by the ZRB and state return and reintegration assistance.<sup>92</sup>

#### **Central Return Counselling Office (ZRB) South Bavaria: data and projects**

The project providers of return counselling offices are obligated to collect statistics on the number of counselling sessions and the actual number of returning refugees. However, collected statistics for the entire Free State of Bavaria are only compiled by the Ministry for internal use and are not published. The annual reports of the ZRB South Bavaria contain some statistical information on return assistance for southern Bavaria.<sup>93</sup> This includes the administrative districts of Swabia and Upper and Lower Bavaria (excluding the city of Munich). Similar to the statistics from Case Study 1 on Baden-Wuerttemberg, these data only assist in illustrating the situation in the area covered by one of the three Bavarian Central Return Counselling Offices (ZRBs), and are neither comparable nor representative. Since the inception of the Central Return Counselling Offices (ZRB) South Bavaria, refugees from Iraq have continuously formed the largest groups (between 21 % and 34 % of all returnees). Returns to Serbia, Montenegro and Kosovo were also of importance between the years 2004 and 2006. In recent years, returns to the states of the former Soviet Union have increasingly come to the fore. Table 17 presents the number of departures for project years 2006/2007 and 2007/2008. Since the beginning of the programme, around 20 % of departees were in possession of a regular residence title (residence authorisation during asylum procedure or residence permit), nearly a third at the time of departure were not legally obligated to do so.

91 The (notional) burden on the public budget by the residence of indigent foreign nationals departing with assistance from the Central Return Counselling Offices (ZRB) is ascertained and compared to the actual incurred costs of return and reintegration assistance. The basis for calculations is the assumption of 600 euros per person per month (500 euros for refugees living in hostels; an additional 10,000 euros in cases of hardship, e.g. the chronically ill). A certain duration of stay is also assumed depending on the person in question's residence status (e.g. one month for persons with a departure certificate; 12 months for recognised refugees, persons with subsidiary protection and other foreign nationals authorised to reside for a longer term); from the office responsible for return assistance measures in the Bavarian State Ministry of Labour and Social Welfare, Family Affairs, Women and Health as part of a survey of the German Federal States in Summer 2009.

92 Cf. e.g. for ZRB North Bavaria: Martina Sommer, Project Trip to Kosovo, 29.06.2009 to 04.07.2009 (in German). Nuremberg.

93 Cf. ZRB South Bavaria (2007, 2008) below.

**Table 17: Departures through Central Return Counselling Office (ZRB) South Bavaria (top return states)**

Target state	01.10.2006-31.08.2007	01.09.2007-31.07.2008
Iraq	13	11
Russian Federation	6	6
Vietnam	under "others"	6
Dagestan	5	under "others"
Armenia	4	under "others"
Georgia	4	under "others"
Iran	4	under "others"
Afghanistan	under "others"	4
Kosovo	under "others"	4
Others	25	14
<b>TOTAL</b>	<b>61</b>	<b>45</b>

Source: Central Return Counselling Office (ZRB) South Bavaria

During the first period of 2006/2007, a total of 138 persons received counselling at the counselling office. 25 individuals and 6 families with 24 household members received financial support in the form of transportation cost assistance, aid in securing subsistence, for medical emergencies or as start-up aid. Start-up for a total of four businesses was funded for 12 persons. Most returnees (55 of 61 departees) received assistance in addition to REAG/GARP support. During the second period of 2007/2008, a total of 86 persons received counselling; 11 individuals and seven families with 20 household members received aid for transportation costs, securing a means of subsistence, for medical emergencies or start-up. Again the start-up of four businesses was funded, benefiting a total of 11 persons. 38 of 45 persons departing received assistance from the REAG/GARP support programme.

A focus of the ZRB South Bavaria since 2007 has been the organisation and execution of qualification measures for returnees that could potentially contribute to their independence in their country of origin or to a positive effect on their reintegration. This includes a solar project ("Qualification Measure in the Field of Simple Solar Technology"), a film workshop ("Qualification Measure and Start-ups for Refugees in the Area of Filming") and a "Qualification Measure in the Area of Health" together with the Bavarian Red Cross, which offers a basic first-aid course.

### Return assistance in Munich

The city of Munich is not covered by the central counselling offices, rather it has its own project: "Coming Home" has been run since 1996 by the Office for Housing and Migration within the city's Social Welfare Unit. It is co-financed by the European Return Fund and the Bavarian State Ministry of Labour and Social Welfare, Family Affairs, Women and Health. Here, counselling and return assistance emphasise individually customising aid to meet the needs and potential of possible returnees, as well as giving special consideration to groups of persons requiring a high degree of protection and assistance such as underage family members, single mothers, refugees who are or were underage, traumatised persons or the elderly, ill or disabled. The municipal portion will also be used to fund returnees who are ineligible for benefits pursuant to the provisions of the Free State of Bavaria or the REAG/GARP programme.

Based on counsellor specialisations and (native language) skills with regard to certain target regions (e.g. South-eastern Europe/former Yugoslavia or Asia/Africa), attempts are being made to develop support measures together with returnees that are as customised as possible to the returnees and that promote sustainable return and to some degree to a development once settled. In addition to qualification measures, attempts are being made to co-operate, when possible, with local partner organisations or co-operative partners such as the IOM, DED (German Development Service) in order to guarantee continuous support, while simultaneously promoting social initiatives in Munich (e.g. requests for fitments, material and cash donations from businesses or individuals that would benefit returnees opening their own business). Instances of return assistance such as these have already developed into permanent aid projects in this manner, projects that contribute both to networking as well as to the local population. For example, a returnee optician to Burkina Faso founded an association and conducts eye examinations in schools, and continues to receive support from Munich. In another instance, orthopaedic equipment is collected and sent to Afghanistan once per year for a returnee's project specialising in the sales and repair of orthopaedic aides.<sup>94</sup>

Even Coming Home documents its work statistically and publishes these data.<sup>95</sup> In the project year 2007/2008 (1 November 2007 to 31 October 2008), 306 persons from 46 countries received counselling and support in a total of 621 sessions. 105 persons returned to their country of origin, 104 project participants received financial start-up aid in addition to assistance from the IOM. A total of 47 persons participated in qualification measures and the start-up of eight businesses was funded (cf. City of Munich 2008: 8ff.).

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94 Information from a visit to the Coming Home project on 9 October 2009.

95 Cf. Project reports available since 2001 on the City of Munich website (<http://www.muenchen.de/reintegration>).

## 5 Reintegration and Sustainability of Return

### 5.1 Definitions and Approaches

In general it is assumed that voluntary return – compared to forced return – refers to the more sustainable form of remigration to the country of origin. Empirical studies of returnees to Maghreb countries have shown that the desire to depart again is stronger in returnees who were deported than in those who returned of their own volition (cf. Cassarino 2008). In the context of a discussion of the sustainability of return, the first question that needs to be asked is what sustainability generally means. Black et al. (2006: 11) point out that the refugees' answer to this question might be different from that of providers of projects and that of policymakers. Whereas sustainability, simply put, primarily means that the returnee remains in his country of origin after returning there and doesn't leave again, Black et al. (2004: 39) include the situation in the country of origin in their suggested definition. According to that, the return is sustainable for the individual returnee if his socio-economic status and his fear of violence and persecution has not become worse one year after returning, compared to the situation at the time of the return itself. Regarding the country of origin as a whole, return migration is considered sustainable if one year after the return process has been concluded the socio-economic conditions and the level of violence and persecution have not increased. However, this might generally only be achieved if, apart from sufficient security, the conditions in the countries of origin offer the respective opportunities such as jobs, housing, public infrastructure, education and security (Ghosh 2000: 207; Volckens 2005: 79).<sup>96</sup> If those opportunities don't exist, the presented return options might appear not very realistic, with the consequence that the offer is either fully declined or that probably the country of origin will be left again at a later point. Consequently, the question of how sustainability of return can be supported is closely linked to the aspects of counselling and incentives. On the one hand, the information provided in the counselling has to be reliable, extensive and credible (Ghosh 2000: 211). However, regarding information provided by government authorities, one needs to consider that refugees think it less credible than information provided by NGOs (cf. *ibid.*: 212). In addition, the counselling should be individually tailored to the actual circumstances in the countries of origin. To do that, counsellors should be trained, if need be, locally in the returnees' countries of origin.<sup>97</sup> Another possibility would be "look & see" trips by returnees to their country of origin, in order to gain firsthand impressions and convey those to their fellow countrymen in Germany. Thus far, this option is only carried out as part of individual projects<sup>98</sup> and can only be applied with regard to persons who are not under a legal obligation to leave the country, and are allowed to reenter the Federal Republic of Germany.

96 A survey of returnees in Bosnia-Herzegovina showed that work played the decisive role for the sustainability of reintegration (cf. Keskin 2006: 83).

97 Cf., for example, statements by Klaus Dünnhaupt (AGEF) at the expert meeting "Exchanging experiences on voluntary return", June 27-29, 2006 at the BAMF (conference documentation in German).

98 Cf. the "Look and See"-trips to Afghanistan, which have been carried out in the framework of the Munich-based project Coming Home (Landeshauptstadt München: Coming Home – Hilfe für Rückkehrer und Reintegration, Project Report 1.11.2004 to 31.10.2005 [in German], S. 26f.).

According to the IOM, sustainable return has been achieved “when returnees are able to reintegrate in the community of return, often through a productive role as a member of their community, without immediate cause to leave again in an irregular manner” (cf. IOM 2008: 4). From the perspective of German development co-operation, successfully promoted reintegration has been achieved on the individual level of each returnee when he/she becomes sustainably and productively employed (with a business or in the form of self-employment) and can thus secure income for the family. On the level of the developing country, reintegration is considered to have been successfully promoted once this makes a contribution to development and/or combating poverty by, for instance, the returnee creating more jobs.<sup>99</sup>

Richard Black et al. suggest three scientific starting points from which sustainability can be conceptualised:

- Sustainability of return can be considered not only with regard to the situation of each individual returnee, but in reference to society in the country of origin: in relation to the return of (civil) war refugees to pacified regions, the question has been posed as to what extent this may abet future destabilisation.
- Secondly, sustainability with regard to the individual can both be seen from the (subjective) vantage point of the returnees, as well as be an objective gauging of their situation.
- Third, sustainability can also be gauged in relation to the actual or desired location of residence following return, or with respect to socio-economic and political/security-oriented considerations (cf. Black et al. 2004: 26).

These correspond to three possibilities for developing measurement procedures for sustainability of return: measurement of the individual perspective of the returnee, measurement of the objective conditions for the returnee and measurement of the general situation in the return state (ibid.: 26ff.).

Newer research approaches advocate for studying the question of sustainability of return for individual migrants more closely and in multiple dimensions without becoming restricted to a normative concept of reintegration that expects a certain (re)integration performance from the returnee. Sustainable return migration has more so been reframed as a (re)embedding process, in which the returnee finds his/her own place in society while simultaneously establishing an identity-related form of belonging to and a sense of participation in this society (mixed embeddedness; cf. Davids/van Houte 2008). There are three dimensions of embedding: economic embedding, psychosocial embedding and embedding in social networks. Sustainability of return as signified by the individual’s embeddedness is considered a great influence on the stability of society in the return region, which can be described as structural sustainability. How well individual embeddedness advances, depends on a number of influential variables. As part of an empirical study of returnees in six different nations of (post-)conflict (van Houte/de Koning 2008), it became clear that mea-

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<sup>99</sup> Cf. Lena Kempmann (footnote 69), p. 37.

asures supporting return/reintegration taken by public or private organisations did indeed have an influence on the individual embeddedness of returnees, however when compared to other factors (above all the individual characteristics of the returnee and the experience gained from the migrant's individual situation in the migration cycle), they often became secondary (ibid.: 42ff.).

With regard to policy development, it must therefore be more so in the interests of those states/NGOs interested in return to optimise their support programmes and support measures, as well as adjust to needs while aiming to have the most influence possible on sustainable return and reintegration.

## 5.2 Projects Focusing on Reintegration and Sustainability

In recent years there has been a clear trend in Germany towards projects that attempt to take into account reintegration in the country of origin as well as the sustainability of return, primarily from a social and professional perspective.

### URA 2

Since 1 January 2009, the German Federal Government, along with Baden-Wuerttemberg, Lower Saxony and North Rhine-Westphalia, have been funding the "URA 2" return project in the Republic of Kosovo, which was originally scheduled to run until 31 December 2009. The duration of URA 2, in which Saxony-Anhalt has been participating since 1 January 2010, has for the time been extended to 31 December 2010. Its predecessor, "URA" (Albanian: "the bridge"), was jointly financed by the Federal Office for Migration and Refugees (BAMF), the Ministry of the Interior of the Republic of Slovenia, the Consortium for Development and Skilled Workers in Migration and Development Cooperation (AGEF), the district association Nuremberg of the Workers' Welfare Association (AWO), the International Organisation for Migration (IOM), the Munich Institute for Trauma Treatment and through subsidies from the EU programme "Return Preparatory Actions" (2007-2008). In the framework of this project, returnees could benefit from various support services aimed at reintegration in Kosovo. Here a counselling and assistance programme was launched, provided centrally by the "URA – the Bridges" return centre in Prishtina.

The project aims to make return, no matter whether return is voluntary or forced, easier for returnees and to secure sustainable reintegration. In addition, return management in general is to be improved. The project includes comprehensive social counselling, as well as psychological counselling, as needed, for returnees from the participating German Federal States. Furthermore, they have the option of receiving immediate financial aid and participating in professional training or employment promotion measures, as well as start-up training. The following measures are foreseen for the year 2010:

- Subsidy for groceries of up to 50 euros (one-time);
- travel subsidy for trips to the return centre of up to 10 euro (one-time);
- subsidies to cover the costs of medical treatment / medication of up to 75 euros (one-time);
- granting a monthly subsidy to cover the rent of up to 100 euros for six months;
- absorption of costs for furnishing of up to 600 euros for voluntary returnees, or of up to 300 euros for forced returnees (one-time);



- assuming training costs for language courses for up to 50 euros per person (one-time);
- arranging vocational training courses and providing a one-time 120 euros education subsidy;
- job placement / referral into job-creating measures and wage subsidies for six months (150 euros per month for voluntary returnees, 100 euros per month for forced returnees).

Voluntary returnees may apply for further support, which are paid one-time: funding to support the taking up of self-employment in a promising business idea by means of a one-time start-up aid of up to 3,000 euros, a subsidy to cover the costs of vocational education of up to 500 euros and an education allowance of up to 100 euros.

All support services can be claimed centrally at the return centre in Prishtina.

### **AGEF/IntegPlan**

The Consortium for Development and Skilled Workers in Migration and Development Co-operation (AGEF) was established in December 1992 as a non-profit GmbH (similar to a limited liability company) and is focused on migration, employment and development. AGEF projects place return migration in close relation to issues of knowledge transfer in development contexts, which was placed under the motto “Brain Gain for All”.<sup>100</sup> Programmes on professional reintegration in third countries are of particular importance.

- In Erbil (Iraq), the AGEF established a training centre using project funds from the Ministry of Foreign Affairs and the Ministry for Economic Co-operation and Development in the spring of 2009, where unemployed Iraqis – primarily returnees from European countries – can receive professional training and development in the automotive, mechanical, electrical, solar power, computer and language fields. The centre also offers counselling on issues of professional orientation, as well as a component geared toward specialists and managers in the Iraqi-Kurdish regional government. Within the “Return to Employment in Iraq” programme component, more than 500 interested returnees take advantage of counselling, job placement and qualification opportunities.<sup>101</sup>
- AGEF has been operating the “Return to Employment in Afghanistan” (REA) programme since May 2002 on behalf of the Central Placement Office for Work Abroad and Specialist Workers (ZAV) and financed by the Federal Ministry for Economic Co-operation and Development (BMZ). Target groups are primarily Afghans returning from Germany who wish to find employment in the country of origin and may need adjustment qualification or plan to start a business in Afghanistan. AGEF established a Returnee Service Centre in Kabul for this purpose, in which

100 Cf. “Brain Gain for All. Migration, Employment, Development”, Berlin 2008, and the website Brain Gain for All. A platform for questions on migration management at <http://www.braingain-fuer-alle.net>.

101 Cf. “One-Year Anniversary of the Erbil European Technology and Training Centre”, AGEF press release of 17 February 2010. Berlin.

regular education- and vocational training-oriented courses take place along with start-up classes.

- In Prishtina/Kosovo, the AGEF founded an employment promotion agency (APPK) in 2003, which is active in the following areas:
  - Placing specialists and promoting business,
  - conducting programmes on return and reintegration,
  - integration of minorities and youths into the job market and society,
  - starting a business,
  - job market and business-related qualification services.

Employment promotion especially includes exhaustive counselling and personal goal-setting, education counselling according to prior knowledge and goals, job placement, training measures, application training, placement testing for various courses, full- or part-time job market training courses, qualification and “on-the-job training” measures, training on start-up issues and creating a business plan, accompanying counselling during the start-up phase as well as tangible support for returnees from Germany as discussed with German counselling offices. In the BAMF “URA 2” project (see above), individual returnees who wish to start a business can prepare for start-up, take part in training sessions at the APPK and receive financial assistance as equity capital for start-up if needed.

AGEF was also involved in the development of the “Case Chain Management Return Training” project (CCM) as part of the Preparatory Action for the Return Fund (cf. Ch. 3.2.2).<sup>102</sup> The CCM took the approach of facilitating integrated return planning and management through networking counselling activities in host and return states. Using a database and developing networks and special training measures, organisations on both sides can communicate with one another, co-ordinate counselling services and observe the reintegration process. AGEF has tied the project into their reintegration services in Afghanistan, Iraq and Kosovo. At the same time, the project forms an approach for a European co-operation in the area of reintegration assistance and monitoring: as part of the CCM return project, refugees, asylum seekers and employees from Denmark and the Netherlands at the AGEF agency in Prishtina can be placed and funded in co-ordination with counselling offices in these countries.

Another project spearheaded by AGEF is dedicated to the possibilities of integrated return planning. “IntegPlan” is a multi-state project promoting voluntary return to countries of origin.<sup>103</sup> Baden-Wuerttemberg, Lower Saxony and North-Rhine-Westphalia are involved in this project, along with numerous counselling offices in these three states. In terms of improving counselling practice so that returnees and counsellors in the host and return states work out a common integrated return plan in order to achieve sustainable return as provisioned by the European Commission, three levels have been identified where intervention is necessary:

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<sup>102</sup> For details and other project partners in Sweden and the Netherlands, cf. the project website at <http://www.ccm-training.net>.

<sup>103</sup> Cf. the project website at <http://www.integplan.de>.

- Improved counselling practice – the typically two-sided counselling situation in Germany should be expanded to include a counsellor in the target country;
- improved counselling quality at the immediate interaction level through the adequate co-operation of different providers in the host and return states;
- creation of a normative framework provisioned by international conventions on the one hand, yet requiring layout from European, national and state authorities on the other. The German Federal States should co-ordinate their assistance measures and ensure sustainable implementation.

The project develops procedures and methods for integrated return planning and connects these directly to promoting voluntary return, with the network to and between the three above-mentioned levels of intervention remains in the foreground.

### **Heimatgarten**

Of all the projects being conducted by independent return counselling and assistance providers, “Heimatgarten” is one of the most ambitious. It arose in 1998 as an initiative of the Bremerhaven chapter of the Workers’ Welfare Organisation (AWO) and is operating under the professional association “AWO International e.V.”. The project seeks to accomplish the humanitarian reintegration of migrants in their countries of origin by continuing counselling measures in the country of origin. For this purpose, various representatives abroad have been created in addition to the counselling offices in Germany.<sup>104</sup> The project presently focuses on West Balkan states, the CIS,<sup>105</sup> northern Iraq and Turkey. Heimatgarten is co-financed by the Return Fund and occasionally uses REAG/GARP funds in its projects. Additionally, return (co-)financing is being negotiated with each municipal authority.<sup>106</sup> The target groups of “Heimatgarten” are persons with special protection needs, including the elderly, disabled, traumatised and unaccompanied minor refugees (cf. Heimatgarten 2008). According to statements made by Heimatgarten, it is crucial that Heimatgarten always focus on the case at hand with regard to return and reintegration assistance, and that this determines the stages of work. It disregards matters of “return management” and mass return figures for structural reasons; it is indeed the individualised approach which guarantees “that reintegration is successful in most instances, that the civil, economic and social environment is included in the process, thus resulting in a successfully integrated return.”<sup>107</sup> As part of its services, Heimatgarten offers professional integration supervision and start-up support, e.g. with microloans.

### **Solwodi**

As a women’s relief organisation founded in the 1980s, return counselling and assistance at Solwodi (“Solidarity with Women in Distress”) is focused on female foreign nationals who are or who are at risk of becoming victims of human trafficking and forced prostitution, relationship abuse or forced marriage, and offers individual counselling on all related

104 In Bremerhaven, Bonn, Berlin, Dorum, Hildesheim/Hanover, Frankfurt, Karlsruhe, Mannheim, Sassnitz.

105 Cf. also the “Bridges of Good Neighbourhood” project (Ch. 3.2.3).

106 Statements by Volker Tegeler (AWO Bremerhaven) at the “Experience Exchange for Voluntary Return” symposium of 27 to 29 June 2006 at the Federal Office for Migration and Refugees (Documentation), p. 33.

107 Cf. Heimatgarten website at <http://www.heimatgarten.de>.

matters. It also provides financial return assistance and employment integration funding. In terms of longer-term monitoring after return, Solwodi considers a long-term counselling programme as necessary to support the sustainability of support measures.<sup>108</sup> Co-operation with NGOs in the country of origin is also considered an important building block (cf. Westphal/Behrensen 2007: 322f.).

This return project focuses particularly on women from developing countries or from Central or Eastern European countries. Aside from assisting with travel costs and providing interim support, professional or educational qualification courses of up to a year are available, and subsistence aid is also provided as needed. To promote job market reintegration, internships are created or salary bonuses paid out for up to a year. Women starting businesses can secure small loans.<sup>109</sup> Any necessary training to gain sales knowledge can be financed for up to three months. Solwodi's return and reintegration programme is not financed by the European Return Fund, but mostly from funds provided by the Federal Ministry for Economic Co-operation and Development (via the World University Service on behalf of the Central Placement Office for Work Abroad and Specialist Workers (ZAV) and from their own resources.

#### **“Returning Specialists” (CIM)**

A programme of the German Federal Government which is conducted by the Centre for Migration and Development (CIM)<sup>110</sup> works toward the goal of involving specialists interested in return development co-operation activities in their country of origin. The programme “Returning Specialists” is amongst other things financed by the Federal Ministry for Economic Co-operation and Development, and focuses its support on the professional integration in developing, emerging and transition countries for graduates and experienced specialists who have gained professional qualifications in Germany and who are interested in returning. The main focus is placing specialists in areas of importance to development politics. In addition to placement and counselling services, the programme also offers financial assistance to interested specialists. Employers can even receive services from the programme such as recruitment support. The “Returning Specialists” programme is also involved in a mobility partnership with the Republic of Moldova, and facilitates returnee reintegration in the job market of the Republic of Moldova. The programme is active in a total of around 100 countries.<sup>111</sup>

An additional project is being conducting to promote the Diaspora as part of the mobility partnership with the Republic of Moldova. A joint job and career fair between

108 According to its own statements, Solwodi generally maintains contact with returnees and their local supporting organisations for a period of at least three years (cf. Solwodi website at <http://www.solwodi.de>).

109 70% interest-free loans and 30% grants. Loans are repaid to the supporting NGO, which uses the funds for its own women's relief projects.

110 CIM is a consortium of the German Association for Technical Co-operation (GTZ) and the Central Placement Office for Work Abroad and Specialist Workers (ZAV) of the Federal Employment Agency (BA). CIM co-operates on projects with various partners in Germany and in each country of interest. For the “Returning Specialists” programme, these are: Afghanistan, Egypt, Ethiopia, Bolivia, Bosnia, Brazil, China, Georgia, Ghana, India, Indonesia, Jordan, Cameroon, Columbia, Morocco, Republic of Moldova, Mongolia, Pakistan, Peru, Syria, Tunisia, Ukraine, Vietnam and the Palestinian territories.

111 Cf. “Returning Specialists” project website at <http://www.zav-reintegration.de>.

Germany and the Republic of Moldova which is spearheaded by the CIM and was first held in Berlin in November 2009, offers Moldavian companies the chance to meet qualified job seekers with professional/educational experience in Germany – an event that can provide incentives for voluntary return.

### 5.3 Findings on Return Assistance Evaluation

There can be few statements made about the “success” or “effectiveness” of return assistance programmes and measures due to the paucity of studies or systematic evaluations on the subject.<sup>112</sup> To qualify this, it must be stated that the project-like nature of numerous measures – above all due to a discontinuity of grants and co-financing from the Return Funds or public funds from the German Federal Government or the German Federal States – rarely allows promotion schemes to be evaluated under the same or similar conditions over a longer period of time. In addition, success and sustainability can be interpreted in many different ways. While charitable associations or independent providers involved in return assistance often emphasise professional and social reintegration among returnees, or even their contributing to the development of the country of origin as criteria, authorities tend to consult quantifiable figures such as the number of counselling contacts or successful departures as indicators of success.<sup>113</sup> According to the IOM, as the operative provider of numerous return measures, there is a contention over what is meant by “successful return programmes” – whether it refers to the number of returnees, the economy of the measures, the co-operation with countries of origin, the public perception of irregular migration, the protection of the integrity of legal/humanitarian asylum systems or exemplary measures that deter human trafficking (cf. IOM 2008).

However, there appears to be no dispute over the fact that counselling focussing specifically on the conditions in the country of origin contributes to greater sustainability. Various projects assess the concrete situation in the country of origin and promote the returnee’s social environment for improved reintegration, or attempt to strengthen the returnee’s own sense of responsibility, pro-activeness and sustainability through the targeted use of microloans. Yet a comprehensive and objective evaluation of reintegration measures in the areas of qualification and start-up that are available in Germany has not yet been conducted, and is virtually impossible to provide given the heterogeneity of services on offer. Experts point positively to qualification measures, as long as these actually increase the chances of returnees reintegrating into the job market, i.e. they are adapted to the economic situation and labour market policies in the return state. According to Dünwald (2008: 31), the spectrum of services on offer is however clearly insufficient, with the exception of a few that are specifically tailored. Much depends on the counselling office, the availability of further education and training facilities, contact with tradespeople and craftsmen with whom internships can be completed, and finally on the time available prior to departure in which a reasonable further education and training can be realised. All in all, the duration

112 The overall evaluation study on the implementation of measures within the framework of the German national programme 2004 for the European Refugee Fund has already made clear, that daily project routine leaves little margin for self-assurance or self-evaluation and that only few lead partners had foreseen or implemented a phase of reflection in order to assess strengths and weaknesses of their projects (cf. Paul/Gäbel 2006: 144).

113 Cf. in this context also the Free State’s approach to evaluating success/efficiency through comparable cost-saving statistics described in Case Study 2 on the Organisation and Conceptualisation of Return Assistance in Bavaria.

of qualification measures tends to be too short; even starting a business relies on a series of conditions – particularly on the ability of the counselling office to not only counsel on starting a business, but to also support these financially (cf. *ibid.*). However, individual projects such as those described above in the case studies on the conceptualisation and organisation of return and reintegration assistance do have promising approaches.

With regard to the evaluation questions, Black and Gent point out that monitoring sustainability – especially in post-conflict states – is problematic and at best can only be done within the context of special programme measures that are conducted on a small scale but are well-funded (cf. Black/Gent 2006: 32). As previously mentioned in Chapter 4.3, some projects attempt to evaluate the reintegration process on-site via project trips. As early as the 1990s, the UNHRC recommended establishing a returnee database in the countries of origin as a key contribution to monitoring (cf. UNHCR 1996, 4.4). Ideally, there are monitoring systems such as the above-mentioned Case Chain Management that monitor and, as needed, help steer reintegration. Munich’s “Coming Home” project mentioned in Case Study 2 uses various methods to evaluate its measures with the help of returnees. In addition to a client survey prior to departure that particularly looks at the quality of services received in Germany, project trips are also made to the return regions. Clients also receive a survey in their native language prior to departure that they should fill out a few weeks after their return and send back to Germany. This is designed to improve the level of knowledge of the reintegration process. However, according to statements made by project members, only 10-15 % of returnees actually return the survey.<sup>114</sup>

Better tracing possibilities arise when e.g. projects or local partner organisations conduct professional integration measures or when reintegration assistance is paid in instalments over a period of several months or years. Yet monitoring procedures are laborious and require personnel on-site. This is where efforts from European funding instruments come in: there is a clear need to improve the sustainability of return and integration measures, and to that end, the European Commission has defined the promotion of common standards and best practices in the area of return management as one of the four priorities of the Return Fund. In this context, Community contributions to projects can be increased to 75 % for those that conduct evaluations and official visits in order to gauge progress in reference to return programmes, instruments and procedures. However, even if there are partner organisations in the target regions that can supervise or monitor the reintegration process, it must be taken into consideration that German providers of return and reintegration assistance will always lose track of a significant portion of their clientele – if nothing else due to the returnee’s right to decide to not contact authorities or organisations in the target state, or to not relay requested personal information.

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114 Information from a visit to the Coming Home project on 9 October 2009.

## 6 Conclusions

Programmes and measures for return assistance have a relatively long tradition in Germany. However, only the forced return of foreign nationals bound to depart (expulsions, removals, returns after illegal entry) has been legally regulated. Even on the European level, there has only been a tendency to unify policy with regard to forced return – if nothing else than through the passing of the Return Directive at the end of 2008. Based on this study, some topics should be conclusively named that are significant to the current discussion on return and reintegration assistance, as well as to the further development of an integrated return policy both on the national and on the European levels.

### **Integration of assisting return and promoting reintegration**

Return assistance is an integral part of migration management in Germany, where preference has been given to voluntary return as it is commonly seen as the more humane and inexpensive form of returning third-country nationals which are under legal obligation to leave. This is where return assistance programmes financed by the German Federal Government and the Federal States come in, promoting and supporting above all the departure of rejected asylum seekers, those with exceptional leave to remain and other persons without legal residence status. In addition there are return and reintegration programmes for which the Federal Ministry for Economic Co-operation and Development is largely responsible from a point of view of financing. This divided responsibility is reflected on the European level: in addition to the Return Fund as a funding instrument for measures that promote and support forced and voluntary return, there are also special funding opportunities from the Thematic Programme on Migration and Asylum for development projects. However, clear intersections can be discerned between the two strands, both in the concept and practical execution at the programme level. Some Federal States, municipalities and NGOs have already expanded the target groups of their return measures, and also fund other migrants in need, provided they have a desire to return to their country of origin. At the same time there has been a trend toward measures that address the promotion of sustainable integration in the target country in addition to return assistance. Based on the programmes and strategies described in this study, it is recommended that both approaches be further linked, good practices identified and structural synergetic effects achieved. It has become apparent that there is above all a need for those programmes that not only consist of monetary support, but also of differentiated and sustainable reception and reintegration structures in the target regions – be it with regard to occupation, education, health or society. In this context, analyses would be helpful to the effect of whether the amount of financial incentives is secondary to the potential returnee compared to other factors (e.g. familial and social aspects, prospects in the country of origin). A study on the mental health of returnees who have fled a region of conflict to Germany indicates high prevalence levels of depression and stress disorders, which tend to deteriorate after completion of return. Thus, it appears promising to give further consideration in return and reintegration programmes to the medical/psychological factors and/or general mental health issues.

### **Monitoring and sustainability of returns**

A central sphere of activity has been constructed in this context, one of eminent significance with regard to increased European and international co-operation in the area of reintegration: the evaluation of the effectiveness of return and reintegration assistance by reviewing programmes and measures. There is currently no uniform view on the basic semantic questions of sustainability: is sustainability solely evidenced by the lack of back-migration to Germany, or does sustainable return assistance rather mean successful re-integration in the country of origin/target region? This question receives different answers depending on the interests of the participating players, and a greater degree of unity in this regard would be desirable for the further development of appropriate services. Whether reintegration is sustainable and thus successful depends on the observation and evaluation options. This study described a promising approach by the Case Chain Management project of the Association of Experts in the Fields of Migration and Development Co-operation (AGEF), which more or less contains a mechanism for managing the quality of return counselling and offers starting points for a co-operation within the EU. Evaluations of programmes and measures thus far appear not to be available, processed and published in sufficient quantity so as to benefit other players. In addition there is also a need for scientific/academic research on the effect and sustainability of return assistance that can also take into consideration the development policy and administration of their programmes. So far there are only very selective research results in this area.

### **Improving data**

Data available for Germany between the years 2004 and 2008 show a decline in the area of voluntary departure. The five most important citizenship groups among returnees for 2008 were Iraqis (10.8% of all returnees), Russians (10.2%), Turks (7.9%), Kosovars (6.9%) and Armenians (4.9%). The data in general are only satisfactory in a very limited way. Meaningful data on voluntary return are only available from statements of expenditure by the REAG/GARP programme. There is no statistical information available on third-country nationals who comply with their obligation to depart immediately and without assistance, who return individually or as part of a family or who are assisted by other programmes. It also cannot be known to what extent legally enforceable expulsions have resulted in forced or in voluntary returns. Following optimised co-operation between the Federal Government and the Federal States, it would then be desirable to collect statistics according to criteria similar to those used by REAG/GARP (particularly on residence status according to the Central Register of Foreigners) on persons who have received return or reintegration assistance outside of this programme and have departed. A simultaneous advantage would be that the corresponding figures which Germany relays on a cyclical basis to the EU Commission/Eurostat within the scope of the system for the appropriation of funds from the European Return Fund would reflect reality more closely.

### **Increasing the number of voluntary departures as a goal**

Parallel to the reduction of voluntary departures between the years 2004 and 2007, the number of returns has initially also fallen considerably. Yet whereas the number of voluntary departures moderately sank between 2007 and 2008, the number of returns slightly increased: by way of calculation, there were 2.8 forced returns for every voluntary departure in 2004, up to 4.1 in 2008. Given the preference for voluntary departures, it appears



that it would be desirable to achieve an upswing of voluntary departures in the coming years. The conditions for this to all intents and purposes prevail, as shown by this study. In addition to the REAG/GARP programme available nationwide, ten of the 16 German Federal States have already created their own structures or legal foundations for return assistance. Next to that, there is a wide variety of services offered by municipalities and independent providers. This is where the important dimensions of vocational, social and health reintegration in return countries are put in focus. The preference of voluntary return over forced return could be further emphasised, if the supreme Länder authorities more often exercised their power as stipulated in section 60a para. 1 clause 1 of the Residence Act to temporarily suspend the removal of particular groups of foreigners. While determining this category of persons, the supreme Länder authorities are free to limit the scope according to personal and factual criteria such as membership of a particular group of the population or regional origin (cf. Parusel 2010: 35). For the purpose of a coherent return policy, established practices of return and reintegration assistance could be tailored to fit the needs of these respective groups of foreigners, thus increasing the sustainability of return.

### **Comprehensive co-operation**

It would be useful for the participating state and non-state players involved with funding to form a network or informal co-ordinating body in order to identify good practices and jointly further develop them in an effective way. In the context of multi-state initiatives and co-operations of providers some German Federal States have joined institutional partners such as the Federal Office for Migration and Refugees (BAMF) or the Association of Experts in the Fields of Migration and Development Co-operation (AGEF) on comprehensive projects to create joint structures and financial models for fostering reintegration. In addition to that, another goal could be an improved comprehensive counselling structure facilitated by the establishment of public services in those Federal States that currently do not have their own return assistance programme. However, it must be taken into consideration that the successful and sustainable programmes appear to be those that combine return assistance with intensive reintegration measures in the target state which are not just short-term. The co-operative exchange of promising approaches in individual states is of particular importance in this context. The BAMF as the authority responsible for the Return Fund is also campaigning for making increased use in the future of the possibility of entering into partnerships amongst one another in order to utilise synergetic effects.

### **Using project financing to create standard services**

The REAG/GARP programme has been underway for a number of years. However, the majority of services provided in municipalities or by independent providers are project-related. Project funding by applying for public financing from EU Funds has been proven to be an obstacle to sustainability due to the short periods of development and effectiveness, as well as the high administrative costs of submitting applications and accounting. This is why it has been advocated on occasion to regularise these project-related services into standard services in state and municipal budgets. Avenues could be pursued to appropriate follow-up financing for longer time periods from the Return Fund for successful projects and these best practices would be assimilated by Federal Government and/or State Authorities into standard repertoire of public assistance services.

### **Advertising and public relations**

Furthermore, the options for advertising existing programmes have not yet been exhausted. Greater noticeability is very important, and not just in terms of attracting potential beneficiaries of return assistance. Since monetary return assistance continuously runs into problems of acceptance in society, general public relations measures are also advisable. In the context of the above-mentioned intersections of return assistance and developmental reintegration assistance, measures would be possible to increase acceptance of these programmes at the municipal and state levels (e.g. image campaigns, public forums), through which the positive potential of return could be made more known to the public.

## 7 Appendices

### 7.1 Literature

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## 7.2 Statistics

**Table 7.2.1: Migrations across German borders by citizenship, 2004-2008**

Citizenship	2004			2005		
	Entries	Exits	Balance	Entries	Exits	Balance
European Union*	444,348	416,205	28,143	414,098	379,273	34,825
of which Germany	177,993	150,667	27,326	128,051	144,815	-16,764
Third countries	333,071	277,798	55,273	291,321	246,614	44,707
of which Europe	175,374	147,966	27,408	147,868	129,887	17,981
of which extra-European Countries	157,697	129,832	27,865	143,453	116,727	26,726
Other**	2,756	3,629	-873	1,933	2,512	-579
<b>Total</b>	<b>780,175</b>	<b>697,632</b>	<b>82,543</b>	<b>707,352</b>	<b>628,399</b>	<b>78,953</b>

Citizenship	2006			2007		
	Entries	Exits	Balance	Entries	Exits	Balance
European Union*	392,623	397,789	-5,166	449,865	439,533	10,332
of which Germany	103,388	155,29	-51,902	106,014	161,105	-55,091
Third countries	267,313	238,74	28,573	229,299	195,494	33,805
of which Europe	127,947	120,976	6,971	89,292	83,148	6,144
of which extra-European Countries	139,366	117,764	21,602	140,007	112,346	27,661
Other**	1,919	2,535	-616	1,602	1,827	-225
<b>Total</b>	<b>661,855</b>	<b>639,064</b>	<b>22,791</b>	<b>680,766</b>	<b>636,854</b>	<b>43,912</b>

Citizenship	2008			2004-2008		
	Entries	Exits	Balance	Entries	Exits	Balance
European Union*	444,245	501,158	-56,913	2,145,179	2,133,958	11,221
of which Germany	108,331	174,759	-66,428	623,777	786,636	-162,859
Third countries	236,2	234,061	2,139	1,357,204	1,192,707	164,497
of which Europe	86,815	98,334	-11,519	627,296	580,311	46,985
of which extra-European Countries	149,385	135,727	13,658	729,908	612,396	117,512
Other**	1,701	2,67	-969	9,911	13,173	-3,262
<b>Total</b>	<b>682,146</b>	<b>737,889</b>	<b>-55,743</b>	<b>3,512,294</b>	<b>3,339,838</b>	<b>172,456</b>

Source: Federal Statistical Office

\* to 2006: EU-25; from 2007: EU-27

\*\* stateless, undeclared, not specified

**Table 7.2.2: Third-country nationals required to leave/with exceptional leave to remain 2006**

Citizenship	Required to leave	of which exceptional leave to remain
Former Serbia and Montenegro*	42,065	30,782
Turkey	18,131	8,661
Yugoslavia (former)**	16,703	10,963
Iraq	11,805	8,751
unsolved	9,836	7,011
Syria, Arab Republic	7,000	5,574
Afghanistan	6,679	3,854
Iran, Islamic Republic	6,497	4,662
Vietnam	5,827	4,036
Russian Federation	5,143	3,354
Other	75,119	43,825
<b>Total</b>	<b>204,805</b>	<b>131,473</b>

Source: BAMF (AZR), reference date 31.12.2006

**Table 7.2.3: Third-country nationals required to leave/with exceptional leave to remain 2007**

Citizenship	Required to leave	of which exceptional leave to remain
Former Serbia and Montenegro*	31,365	21,101
Turkey	14,587	6,471
unsolved	9,609	6,835
Yugoslavia (former)**	9,601	5,324
Iraq	8,801	6,752
Syria, Arab Republic	6,413	5,235
Iran, Islamic Republic	5,454	3,999
Russian Federation	4,703	3,152
Afghanistan	4,657	2,247
Lebanon	4,496	3,352
Other	59,667	35,506
<b>Total</b>	<b>159,353</b>	<b>99,974</b>

Source: BAMF (AZR), reference date 31.12.2007

**Table 7.2.4: Third-country nationals required to leave/with exceptional leave to remain 2008**

Citizenship	Required to leave	of which exceptional leave to remain
Former Serbia and Montenegro*	25,426	13,816
Turkey	12,839	4,982
unsolved	8,854	5,995
Iraq	7,712	5,664
Syria, Arab Republic	5,668	4,362
Yugoslavia (former)**	5,658	2,190
Iran, Islamic Republic	4,711	3,128
Russian Federation	4,435	2,800
Lebanon	4,099	2,948
China	3,871	3,131
Other	53,159	26,961
<b>Total</b>	<b>136,432</b>	<b>75,977</b>

Source: BAMF (AZR), reference date 31.12.2008

\* Comprises all citizens of successor states of the Federal Republic of Yugoslavia (Serbia and Montenegro), including the Republic of Kosovo (see footnote 26)

\*\* Comprises all citizens former Yugoslavia, which have not been registered with a citizenship of any successor state since 1992

**Table 7.2.5: Departures under REAG/GARP 2004 (Top-10 states)**

Citizenship	Persons	of which rejected asylum seekers	
		absolute	in %
Serbia and Montenegro	3,224	2,273	70.5
Turkey	923	731	79.2
Iraq	824	397	48.2
Russia	553	358	64.7
Iran	464	295	63.6
Bulgaria	461	320	69.4
Vietnam	378	343	90.7
Bosnia-Herzegovina	311	180	57.9
Armenia	224	196	87.5
Afghanistan	209	114	54.5
Other	2,39	1,753	73.3
<b>Total</b>	<b>9,961</b>	<b>6,96</b>	<b>69.9</b>

Source: IOM/BAMF

**Table 7.2.6: Departures under REAG/GARP 2005 (Top-10 states)**

Citizenship	Persons	of which rejected asylum seekers	
		absolute	in %
Serbia and Montenegro	1,959	1,675	85.5
Turkey	741	654	88.3
Iraq	689	474	68.8
Iran	410	277	67.6
Russia	399	313	78.4
Afghanistan	316	195	61.7
Vietnam	313	293	93.6
Bulgaria	268	195	72.8
Azerbaijan	249	223	89.6
Bosnia-Herzegovina	176	138	78.4
Other	1,928	1,507	78.2
<b>Total</b>	<b>7,448</b>	<b>5,944</b>	<b>79.8</b>

Source: IOM/BAMF

**Table 7.2.7: Departures under REAG/GARP 2006 (Top-10 states)**

Citizenship	Persons	of which rejected asylum seekers	
		absolute	in %
Serbia and Montenegro	1,048	804	76.7
Turkey	664	540	81.3
Iraq	554	398	71.8
Russia	407	274	67.3
Vietnam	298	274	91.9
Iran	251	177	70.5
Afghanistan	217	158	72.8
Azerbaijan	216	191	88.4
China	156	149	95.5
Armenia	134	109	81.3
Other	1,812	1,139	62.9
<b>Total</b>	<b>5,757</b>	<b>4,213</b>	<b>73.2</b>

Source: IOM/BAMF

**Table 7.2.8: Departures under REAG/GARP 2007 (Top-10 states)**

Citizenship	Persons	of which rejected asylum seekers	
		absolute	in %
Serbia	505	344	68.1
Russia	365	241	66.0
Turkey	313	236	75.4
Vietnam	202	163	80.7
Iraq	191	135	70.7
Iran	183	105	57.4
Azerbaijan	167	145	86.8
Yemen	154	147	95.5
China	113	103	91.2
Armenia	100	70	70.0
Other	1,144	615	53.8
<b>Total</b>	<b>3,437</b>	<b>2,304</b>	<b>67.0</b>

Source: IOM/BAMF

**Table 7.2.9: Departures under REAG/GARP 2008 (Top-10 states)**

Citizenship	Persons	of which rejected asylum seekers	
		absolute	in %
Iraq	302	187	61.9
Russia	286	185	64.7
Turkey	220	128	58.2
Kosovo	194	116	59.8
Armenia	138	122	88.4
Vietnam	135	110	81.5
Azerbaijan	122	106	86.9
Iran	116	78	67.2
Serbia	95	86	90.5
China	93	85	91.4
Other	1,098	560	51.0
<b>Total</b>	<b>2,799</b>	<b>1,763</b>	<b>63.0</b>

Source: IOM/BAMF

Table 7.2.10: Return quotas under REAG/GARP, 2004-2008 (Top 10 states, cumulative and individual)

Citizenship	2004-2008		2008		2007		2006		2005		2004	
	absolute	in %	absolute	in %	absolute	in %	absolute	in %	absolute	in %	absolute	in %
former Serbia and Montenegro*	7,121	99.2	7,063	99.2	529	97.2	1,048	99.1	1,959	99.4	3,224	99.3
Turkey	2,861	99.7	2,851	99.7	313	99.0	664	99.7	741	99.7	923	99.7
Iraq	2,560	97.1	2,486	97.1	191	91.1	554	97.1	689	98.3	824	97.9
Russia	2,010	98.5	1,979	98.5	365	98.9	407	98.8	399	98.7	553	97.3
Iran	1,424	91.6	1,304	91.6	183	96.7	251	96.0	410	95.4	464	83.8
Vietnam	1,326	99.8	1,324	99.8	202	99.5	298	100.0	313	99.7	378	100.0
Azerbaijan	954	99.4	948	99.4	167	100.0	216	100.0	249	100.0	200	98.0
Afghanistan	884	91.1	805	91.1	83	86.7	217	90.3	316	96.8	209	93.3
Armenia	754	99.9	753	99.9	100	100.0	134	100.0	158	100.0	224	100.0
Bosnia-Herzegovina	688	95.8	659	95.8	50	96.0	111	96.4	176	96.6	311	95.2

\* Comprises all citizens of successor states of the Federal Republic of Yugoslavia (Serbia and Montenegro), including the Republic of Kosovo (see footnote 26)

Source: IOM/BAMF; own calculations

Table 7.2.11: Departures under REAG/GARP by citizenship, gender, age, duration of stay and travel route, 2004

Citizenship	Persons		Agegroup							Duration of stay in Germany					Travel route	
	male	female	0-12	13-18	19-30	31-45	46-60	over 60	0 - 6 months	6 - 12 months	12 months - 3 years	3 years - 5 years	over 5 years	by air	by land	
Serbia and Montenegro	3,224	1,464	981	376	787	764	244	72	296	188	290	671	1,779	1,526	1,698	
Turkey	923	319	215	98	270	245	74	21	126	77	314	102	304	923	0	
Iraq	824	183	115	56	254	289	87	23	39	42	411	191	141	823	1	
Russia	553	259	144	49	148	148	57	7	107	77	225	110	34	467	86	
Iran	464	126	51	36	145	164	47	21	54	55	152	111	92	464	0	
Bulgaria	461	212	101	46	172	108	30	4	390	43	23	0	5	169	292	
Vietnam	378	297	22	2	77	226	42	9	32	16	113	95	122	378	0	
Bosnia-Herzegovina	311	175	74	21	66	89	34	27	31	28	74	32	146	104	207	
Armenia	224	121	103	18	43	55	35	15	16	10	38	60	100	221	3	
Afghanistan	209	159	50	17	68	58	18	23	24	6	58	59	62	209	0	
Slovakia	203	97	106	20	54	24	1	1	163	28	11	0	1	55	148	
Azerbaijan	200	127	73	24	57	61	23	7	47	30	59	18	46	200	0	
Georgia	186	117	69	7	64	58	19	3	36	30	74	13	33	183	3	
Lebanon	179	120	59	14	62	46	10	6	17	17	64	17	64	179	0	
Macedonia	126	75	51	10	45	30	7	0	18	8	51	22	27	123	3	
Ukraine	121	65	20	2	38	35	14	12	20	14	53	21	13	85	36	
Belarus	116	79	37	5	59	31	7	0	24	28	46	15	3	101	15	
China	94	69	25	0	20	55	15	0	3	5	28	31	27	94	0	
Syria	84	57	27	0	17	30	9	2	10	11	28	25	10	84	0	
Sri Lanka	80	44	36	0	14	22	9	14	7	3	20	11	39	80	0	
Other	1,001	645	356	89	312	321	90	35	213	141	304	136	207	868	133	
<b>Total</b>	<b>9,961</b>	<b>6,133</b>	<b>3,828</b>	<b>890</b>	<b>2,772</b>	<b>2,859</b>	<b>872</b>	<b>302</b>	<b>1,673</b>	<b>857</b>	<b>2,436</b>	<b>1,74</b>	<b>3,255</b>	<b>7,336</b>	<b>2,625</b>	

Source: IOM/BAMF

Table 7.2.12: Departures under REAG/GARP by citizenship, gender, age, duration of stay and travel route, 2005

Citizenship	Persons		Agegroup										Duration of stay in Germany					Travel route	
	Gender		13-18	19-30	31-45	46-60	over 60	0 - 6 months	6 - 12 months	12 months - 3 years	3 years - 5 years	over 5 years	by air	by land					
	male	female													0-12	13-18	19-30	31-45	46-60
Serbia and Montenegro	1,959	857	574	191	205	530	438	163	49	206	132	224	203	1,194	1,09	869			
Turkey	741	275	191	107	93	195	190	66	6	71	58	192	135	285	739	2			
Iraq	689	166	107	55	50	203	260	57	12	21	21	160	254	233	687	2			
Iran	410	295	115	118	15	118	161	45	16	42	40	100	111	117	410	0			
Russia	399	214	185	118	24	121	106	24	6	54	50	151	122	22	365	34			
Afghanistan	316	254	62	35	19	124	88	33	17	23	13	51	142	87	316	0			
Vietnam	313	242	71	17	3	72	181	32	8	14	23	76	104	96	313	0			
Bulgaria	268	127	141	68	25	90	59	22	4	191	50	9	13	5	136	132			
Azerbaijan	249	155	94	60	20	78	70	21	0	19	40	73	52	65	243	6			
Bosnia-Herzegovina	176	94	82	41	16	36	43	26	14	17	20	28	27	84	61	115			
Armenia	158	79	79	45	9	35	40	20	9	13	12	36	27	70	157	1			
China	148	109	39	3	0	25	91	28	1	7	2	25	56	58	148	0			
Lebanon	134	93	41	33	8	38	35	13	7	9	9	42	35	39	134	0			
Ukraine	133	73	60	20	5	44	46	10	8	22	18	48	23	22	117	16			
Georgia	120	71	49	26	7	47	26	12	2	26	11	32	32	19	114	6			
Pakistan	91	67	24	18	3	30	19	14	7	2	9	22	26	32	91	0			
Syria	91	63	28	23	1	29	28	6	4	4	2	22	36	27	91	0			
Jordan	83	53	30	35	2	16	29	1	0	6	3	28	9	37	83	0			
Belarus	75	52	23	6	1	47	16	4	1	16	10	38	8	3	66	9			
Nigeria	66	54	12	5	6	25	25	5	0	5	13	32	8	8	66	0			
Other	829	485	344	161	48	243	280	73	24	149	99	200	179	202	767	62			
<b>Total</b>	<b>7,448</b>	<b>4,671</b>	<b>2,777</b>	<b>1,641</b>	<b>560</b>	<b>2,146</b>	<b>2,231</b>	<b>675</b>	<b>195</b>	<b>917</b>	<b>635</b>	<b>1,589</b>	<b>1,602</b>	<b>2,705</b>	<b>6,194</b>	<b>1,254</b>			

Source: IOM/BAMF

Table 7.2.13: Departures under REAG/GARP by citizenship, gender, age, duration of stay and travel route, 2006

Citizenship	Persons		Agegroup										Duration of stay in Germany				Travel route	
	Gender		0-12	13-18	19-30	31-45	46-60	over 60	0 - 6 months	6 - 12 months	12 months - 3 years	3 years - 5 years	over 5 years	by air	by land			
	male	female																
Serbia and Montenegro	1,048	596	286	123	280	231	95	33	135	81	124	63	645	590	458			
Turkey	664	414	148	81	188	177	56	14	52	45	136	155	276	664	0			
Iraq	554	437	94	35	192	179	46	8	21	15	44	225	249	553	1			
Russia	407	190	100	39	93	114	49	12	35	55	106	116	95	388	19			
Vietnam	298	236	15	3	63	163	46	8	20	8	59	90	121	298	0			
Iran	251	176	26	10	72	104	31	8	17	15	58	55	106	251	0			
Afghanistan	217	180	17	14	81	65	28	12	15	2	24	73	103	217	0			
Azerbaijan	216	128	42	22	53	74	24	1	15	22	120	31	28	211	5			
China	156	113	10	1	29	88	26	2	3	3	24	38	88	156	0			
Armenia	134	81	25	5	31	34	27	12	11	11	30	32	50	133	1			
Bulgaria	131	69	31	11	41	24	15	9	87	33	8	1	2	67	64			
Jordan	117	68	46	16	20	31	3	1	1	9	16	30	61	117	0			
Lebanon	115	72	31	13	32	34	5	0	15	11	19	16	54	115	0			
Bosnia-Herzegovina	111	58	31	5	25	20	15	15	12	7	22	11	59	35	76			
Pakistan	93	68	17	4	22	36	10	4	8	4	32	15	34	93	0			
Georgia	92	55	19	3	34	26	7	3	10	10	25	15	32	86	6			
Ukraine	87	42	17	5	31	22	12	0	14	6	16	32	19	69	18			
Romania	80	25	13	11	39	14	1	2	62	9	3	1	5	28	52			
Syria	68	46	14	6	13	26	6	3	6	0	16	10	36	68	0			
Nigeria	65	48	11	3	16	31	3	1	2	4	31	14	14	65	0			
Other	853	543	128	52	252	303	82	36	117	91	221	159	265	794	59			
<b>Total</b>	<b>5,757</b>	<b>3,645</b>	<b>1,121</b>	<b>462</b>	<b>1,607</b>	<b>1,796</b>	<b>587</b>	<b>184</b>	<b>658</b>	<b>441</b>	<b>1,134</b>	<b>1,182</b>	<b>2,342</b>	<b>4,998</b>	<b>759</b>			

Source: IOM/BAMF

Table 7.2.14: Departures under REAG/GARP by citizenship, gender, age, duration of stay and travel route, 2007

Citizenship	Persons		Agegroup										Duration of stay in Germany					Travel route	
	Gender		0-12	13-18	19-30	31-45	46-60	over 60	0 - 6 months	6 - 12 months	12 months - 3 years	3 years - 5 years	over 5 years	by air	by land				
	male	female																	
Serbia	505	307	198	47	140	113	61	25	99	61	87	46	212	314	191				
Russia	365	186	179	43	83	92	48	17	29	19	89	98	130	342	23				
Turkey	313	190	123	31	93	92	33	11	23	23	48	57	162	309	4				
Vietnam	202	152	50	4	41	105	33	3	18	14	32	54	84	202	0				
Iraq	191	151	40	12	59	72	17	8	16	18	11	24	122	191	0				
Iran	183	120	63	5	41	82	21	12	23	20	36	26	78	183	0				
Azerbaijan	167	99	68	13	50	45	20	2	10	12	51	75	19	167	0				
Yemen	154	83	71	20	24	27	4	0	5	4	8	14	123	154	0				
China	113	84	29	1	13	72	23	1	2	1	4	39	67	113	0				
Armenia	100	52	48	3	28	24	17	10	9	6	37	20	28	100	0				
Afghanistan	83	61	22	2	34	24	8	4	8	6	13	6	50	83	0				
Syria	70	43	27	8	10	26	7	5	5	7	12	8	38	70	0				
Jordan	67	36	31	4	11	15	3	1	4	3	5	17	38	67	0				
Lebanon	63	43	20	1	13	26	5	2	9	12	15	10	17	63	0				
Pakistan	53	46	7	0	13	24	6	8	4	5	14	10	20	53	0				
Ukraine	52	26	26	3	14	13	9	7	1	10	10	15	16	39	13				
Bosnia-Herzegovina	50	23	27	1	7	11	5	12	3	1	8	6	32	19	31				
India	48	47	1	0	20	23	5	0	7	1	11	11	18	48	0				
Nigeria	45	38	7	3	14	22	5	0	5	4	15	13	8	45	0				
Algeria	41	29	12	3	12	16	4	0	14	0	7	8	12	41	0				
Other	572	313	259	41	202	168	63	16	122	62	142	98	148	508	64				
<b>Total</b>	<b>3,437</b>	<b>2,129</b>	<b>1,308</b>	<b>245</b>	<b>922</b>	<b>1,092</b>	<b>397</b>	<b>144</b>	<b>416</b>	<b>289</b>	<b>655</b>	<b>655</b>	<b>1,422</b>	<b>3,111</b>	<b>326</b>				

Source: IOM/BAMIF



Table 7.2.15: Departures under REAG/GARP by citizenship, gender, age, duration of stay and travel route, 2008

Citizenship	Persons		Gender		Agegroup										Duration of stay in Germany					Travel route	
	male	female	0-12	13-18	19-30	31-45	46-60	over 60	0 - 6 months	6 - 12 months	12 months - 3 years	3 years - 5 years	over 5 years	over 5 years (in %)	by air	by land					
Iraq	302	45	30	20	107	116	24	5	70	25	24	8	175	57.9	299	3					
Russia	286	139	78	24	61	72	35	16	32	21	55	62	116	40.6	277	9					
Turkey	220	85	47	23	59	66	16	9	17	8	38	16	141	64.1	219	1					
Kosovo	194	72	30	16	75	36	20	17	67	23	35	11	58	29.9	167	27					
Armenia	138	65	36	14	31	30	24	3	3	12	26	26	71	51.4	135	3					
Vietnam	135	41	7	3	38	59	25	3	9	9	29	31	57	42.2	135	0					
Azerbaijan	122	48	28	18	26	32	16	2	9	6	23	37	47	38.5	119	3					
Iran	116	27	6	3	34	47	24	2	22	3	13	14	64	55.2	116	0					
Serbia	95	43	23	11	24	21	12	4	13	14	15	14	39	41.1	39	56					
China	93	27	2	0	16	53	21	1	2	1	6	18	66	71.0	93	0					
Lebanon	90	23	22	3	29	30	6	0	9	15	19	13	34	37.8	90	0					
Ukraine	62	35	14	2	12	17	8	9	3	11	15	6	27	43.5	50	12					
Afghanistan	59	16	9	2	17	19	8	4	4	2	8	4	41	69.5	59	0					
India	50	4	0	1	18	22	9	0	2	1	9	13	25	50.0	50	0					
Pakistan	47	12	8	1	5	18	11	4	4	5	5	13	20	42.6	47	0					
Jordan	46	15	13	4	8	18	3	0	4	2	5	3	32	69.6	46	0					
Serbia (incl. Kosovo)	41	10	2	2	21	10	5	1	9	8	6	5	13	31.7	25	16					
Bosnia-Herzegovina	40	14	9	4	8	9	4	6	11	4	6	3	16	40.0	17	23					
Syria	40	10	5	0	17	14	1	3	14	4	4	8	10	25.0	40	0					
Georgia	39	15	13	0	9	12	5	0	4	6	5	8	16	41.0	37	2					
Other	584	255	96	26	178	186	68	30	117	52	112	93	210	36.0	536	48					
<b>Total</b>	<b>2,799</b>	<b>1,798</b>	<b>478</b>	<b>177</b>	<b>793</b>	<b>887</b>	<b>345</b>	<b>119</b>	<b>425</b>	<b>232</b>	<b>458</b>	<b>406</b>	<b>1,278</b>	<b>45.7</b>	<b>2,596</b>	<b>203</b>					

Source: IOM/BAMF



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