

FRONT**X**



EUROPEAN BORDER AND
COAST GUARD AGENCY

FRONT EVALUATION REPORT

RETURNS IN
THE 2ND HALF
OF 2022



European Centre for Returns Division

Warsaw, 02.03.2023
Ref: ECRET/RVR//2023

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INTRODUCTION

The European Border and Coast Guard Agency (Frontex) assists Member States¹ (MS) in implementing effective returns of people who have exhausted all legal avenues to legitimise their stay.

In practice, Frontex offers support in the organisation, implementation and financing of returns organised by Member States, or organises returns on its own initiative. Returns are mainly implemented by air, with charters or scheduled² flights, but also by sea and by land. Airplanes can be chartered by either Member States or

Frontex. In all cases, the Agency is responsible for the coordination at operational level and can provide technical support, also to voluntary returns.

The competent national authorities are solely responsible for issuing return decisions as well as for supporting the migrants who wish to return voluntarily. The Agency does not enter into the merits of such decisions.

The purpose of this report is to provide a comprehensive, comparative analysis

of the results of returns organised or coordinated by Frontex between 01/07/2022 and 31/12/2022 (hereinafter: the 2nd half of 2022), with a view to enhancing the quality, coherence, and effectiveness of future return activities as per Article 50(7) of the European Border and Coast Guard Regulation³ (hereinafter: the Regulation).

This document does not cover returns carried out by Member States at the national level, without the support of the Agency.

Frontex supports the following types of returns by air (by scheduled and charter flights):

Voluntary	Voluntary returns (VR) when non-EU nationals return on a voluntary basis to their country of origin or another country where they have the right to enter, with or without a return decision issued (based on Member States national legislation and procedures).
	Voluntary departures (VD) when non-EU nationals leave within the time-limit fixed for that purpose in the return decision, as described in Art. 7 of the Return Directive.
	Humanitarian voluntary returns (HVR) when non-EU nationals fleeing the war in Ukraine return on a voluntary basis to their countries of origin or non-EU third countries where they choose to return and where they have the right to enter, despite being eligible at the time of the return for legal stay in the respective Member State territory (supported by Frontex on an exceptional basis and in co-operation with the non-EU country diplomatic representations).
Forced	Return operations of unescorted returnees by scheduled flights (DEPU) when, based on the risk assessment performed by the Member State, returnees are returned to their country of origin or another non-EU country without the assistance of forced-return escorts.
	Return operations of escorted returnees by scheduled flights (DEPA) when, based on the risk assessment performed by the Member State, returnees are returned to their country of origin or another non-EU country with the assistance of forced-return escorts.
	Joint return operations by charter flights (JRO) when returnees from two or more Member States are returned to their country of origin or another non-EU country on the same aircraft.
	Frontex organised joint return operations (FX RO) by charter flights when a return operation is organised by Frontex on its own initiative and with the agreement of the Member States concerned and in which the Agency takes over the responsibility for the organisational part of the return operation.
	National return operations by charter flights (NRO) when returnees from a single Member State are returned to their country of origin or another non-EU country, including operations when support is provided by other Member States' resources (e.g. forced-return monitors, forced-return escorts or aircraft provided by another Member State).
	Collecting return operations by charter flights (CRO) when returnees from one or more Member States are returned to their country of origin and the aircraft and forced-return escorts are provided by the country of return, as described in Art. 50(3) of the Regulation.

¹ European Union (EU) Member State and/or Schengen Associated Country (SAC)

² Regular commercial flights

³ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624

1. STATISTICAL OVERVIEW

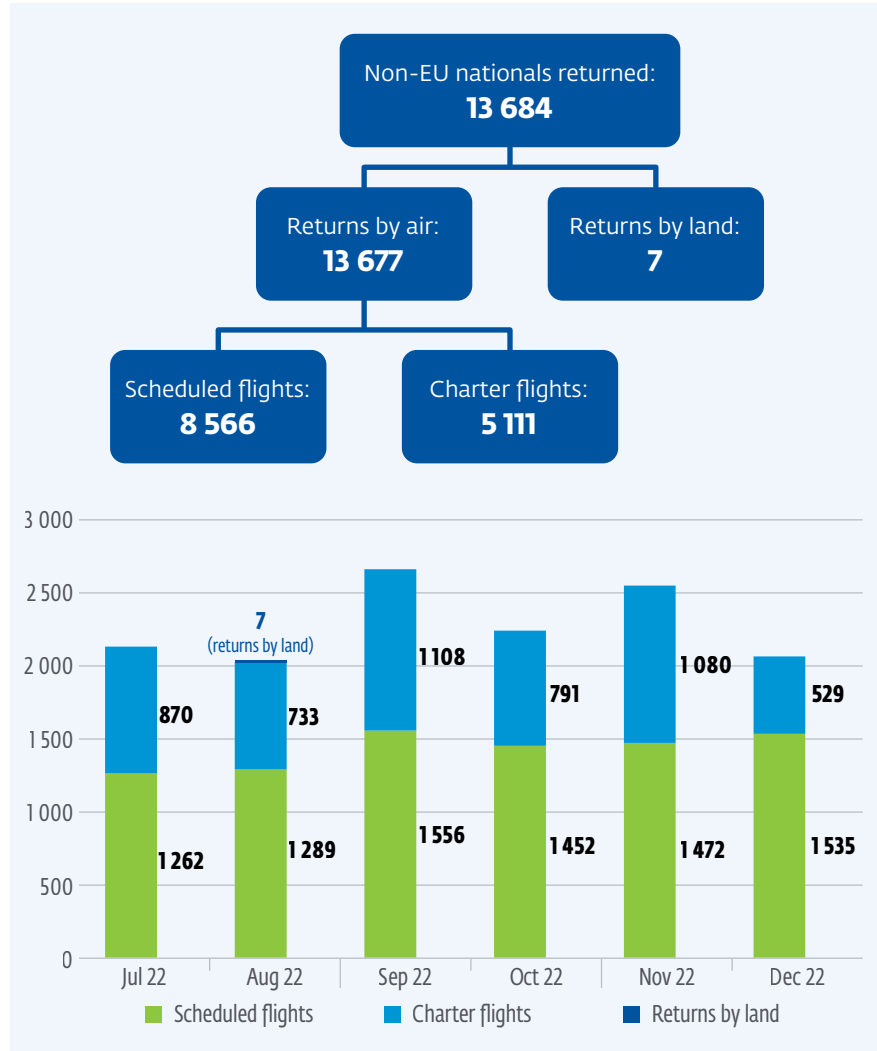
In the 2nd half of 2022, the Member States returned 13 684 non-EU nationals with Frontex support. Almost all of them were returned by air, by the means of scheduled (63%) and charter (37%) flights. In addition to that, Frontex supported Austria in organising 1 return by land (bus), returning a total of 7 non-EU nationals.

Out of all non-EU nationals returned, 60% were forced returns and 40% were returns carried out on a voluntary basis. All returns carried out in the voluntary manner were implemented by scheduled flights.

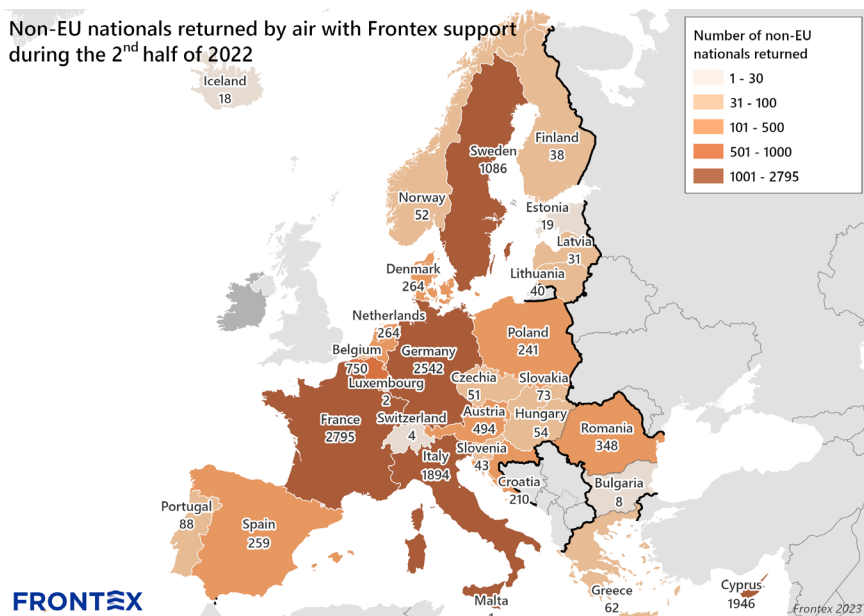
In the 2nd half of 2022, there were 2 incidents which resulted in Serious Incident Reports (SIR): one related to taking pictures during a return operation and another related to a breach of provisions set in the Implementation Plan.

The average number of non-EU nationals returned per month was 2 281 (in comparison to 1 677 reported in the 2nd half of 2021). September with 2 664 returnees was the month with the highest number of non-EU nationals returned in the history of Frontex.

Non-EU nationals returned with Frontex support during the 2nd half of 2022



Non-EU nationals returned by air with Frontex support during the 2nd half of 2022



1.1. RETURNS BY AIR: SCHEDULED FLIGHTS

8 566 non-EU nationals were returned on 4 973 scheduled flights to 106 countries. The average number of returnees per month was 1 428, nearly twice as much as in the corresponding period of 2021.

Most returns, 64%, were carried out in a voluntary manner, while 36% were forced returns.

The growth in the number of returns by scheduled flights was mainly due to the increase of returns implemented on a voluntary basis, which were 113% more than in the corresponding period of 2021.

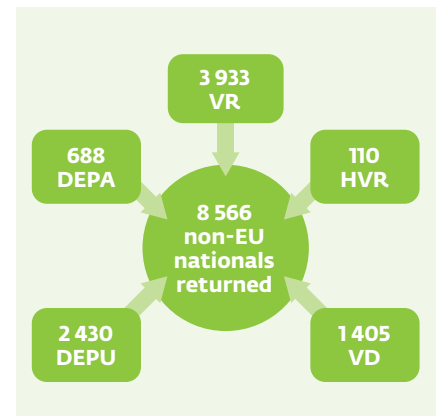
3 new Member States' institutions responsible for the implementation of voluntary returns started to make use of Frontex support during the semes-

ter, while others intensified their involvement. In addition, 110 persons were repatriated by Austria, Germany, and Poland as humanitarian voluntary returns.

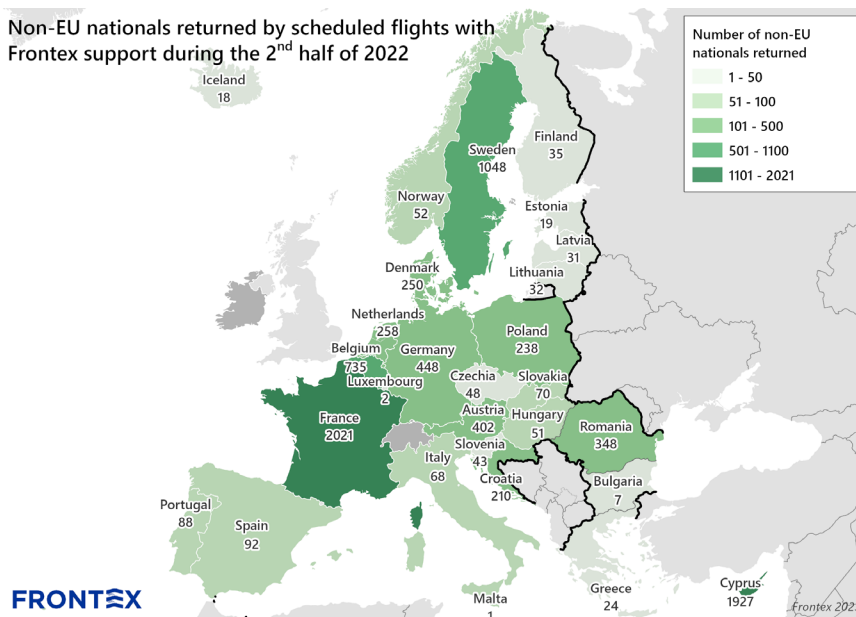
The return of 1 248 non-EU nationals booked into the Frontex dedicated IT system, was cancelled for the following main reasons:

- Lack of travel documents (30%)
- Returnee refused to depart (25%)
- Returnee absconded (24%)
- Returnee applied for asylum (11%)
- COVID-19 (Coronavirus) (10%)

Given the flexibility of the system and possibility to reschedule or cancel free of charge, the financial burden of unsuccessful returns was lowered.



Non-EU nationals returned by scheduled flights with Frontex support during the 2nd half of 2022

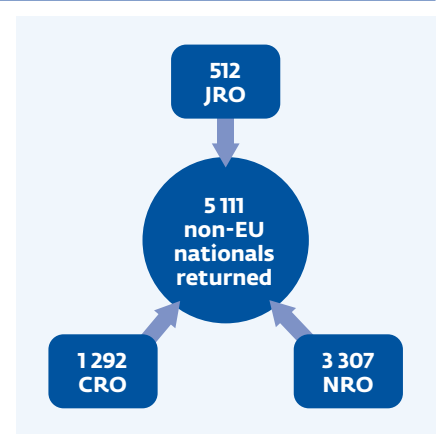


1.2. RETURNS BY AIR: CHARTER FLIGHTS

5 111 non-EU nationals were returned on 151 charter flights to 24 countries:

- 19 joint return operations (512 returnees)
- 95 national return operations (3 307 returnees)
- 37 collecting return operations (1 292 returnees)

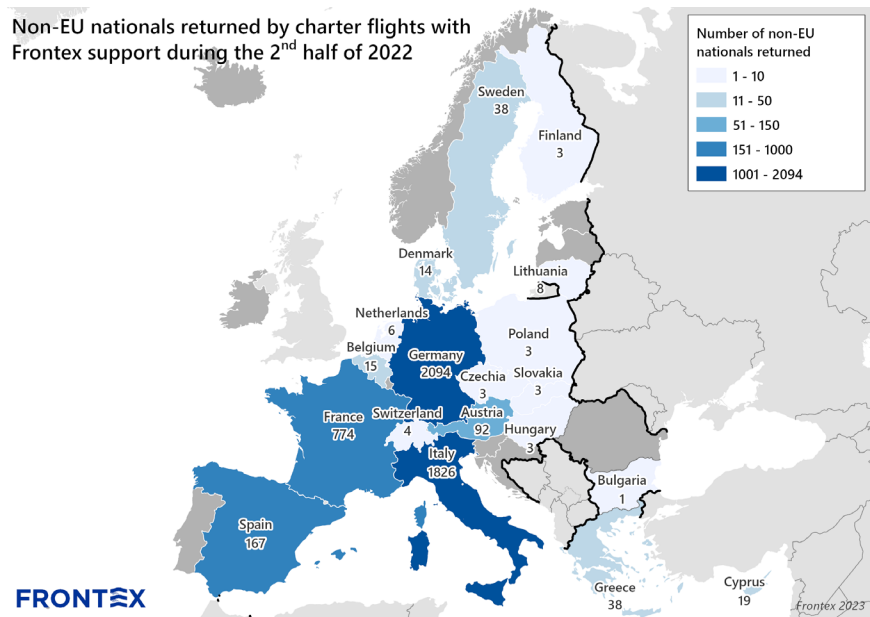
The Agency did not receive any Member States' requests to provide technical assistance to voluntary returns by charter flights.



The map on the right side shows the number of returnees on charter flights from each of the 19 Member States that either organised or participated in those return operations. 1 joint return operation was organised by Frontex.

Frontex chartered 11 aircraft, 2 for joint return operations (1 by Frontex), 5 for national return operations and 4 for connecting flights from participating Member States to the place of departure of main return charters.

Non-EU nationals returned by charter flights with Frontex support during the 2nd half of 2022



1.3. MONITORING OF RETURNS

134 monitors participated in 104 return operations by charter flights coordinated by the Agency⁴. 66% of the monitors were deployed from the Frontex pool, 25% by Member States' monitoring institutions

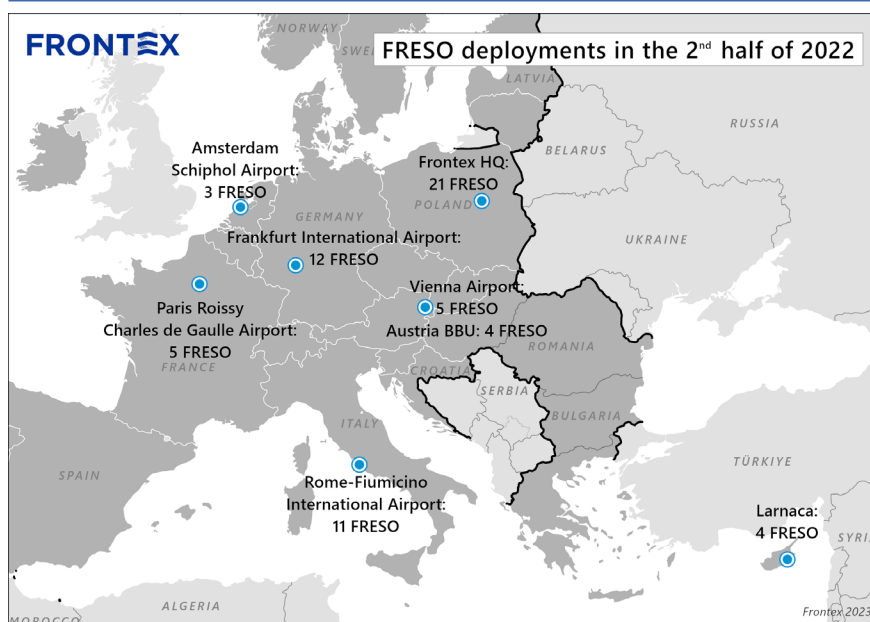
and 9% were Frontex fundamental rights monitors.

Similarly, to the 2nd semester 2021, at least one monitor was present on board of

69% of all Frontex coordinated return operations by charter flights:

- 100% of collecting return operations;
- 89% of joint return operations;
- 53% of national return operations.

1.4. FORCED RETURN ESCORT AND SUPPORT OFFICERS (FRESO)



'Forced Return Escort and Support Officer' (FRESO)⁵ from the European Border and Coast Guard standing corps can be deployed to Member States to support return-related activities. FRESO carry out their tasks in accordance with Member States' national legislation, under their command-and-control structures and in compliance with operational plans agreed between Frontex and the relevant host Member States.

⁴ In some operations there was more than just one monitor deployed by Member States' national monitoring institutions or by Fundamental Rights Officer (FRO).

⁵ Starting from 2023 this standing corps profile has been renamed to 'Frontex Return Escort and Support Officer' (Management Board decision 8/2022 of 26 January 2022 adopting the profiles to be made available to the European Border and Coast Guard standing corps for 2023).

2 new teams of FRESO were deployed in the 2nd half of 2022 to support Austria and Cyprus in the daily handling of departing and transiting returns:

- 4 FRESO from July to the Austrian Federal Agency for Reception and Support Services (BBU) to specifically support voluntary returns;

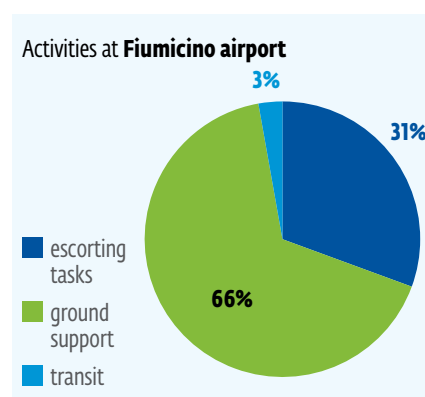
- 4 FRESO from October to the Larnaca Branch of the Cypriot Aliens and Immigration Unit.

All 65 deployed FRESO supported the return of 3 968 non-EU nationals. They reinforced the local authorities' capacity in the implementation of returns by

charter and scheduled flights (including voluntary returns), both departing or transiting from other Member States *en route* to non-EU countries. Upon Member States' request, FRESO also participated as escorts in some return operations coordinated by Frontex.

Main operational results from the FRESO deployments to Member States in the reporting period⁶:

Italy, Rome



Types of return supported: departing and transiting charter and scheduled flights.

Number of non-EU nationals handled: 346 non-EU nationals were provided with ground support.

153 returnees were escorted on 11 Frontex-coordinated charter flights.

Number of supported returns: 152 national returns and 47 Frontex-coordinated flights (18 in transit from other Member States).

Germany, Frankfurt



Types of return supported: departing charter and scheduled flights.

Number of non-EU nationals handled: 668 non-EU nationals were provided with ground support.

278 returnees were escorted on 12 Frontex-coordinated charter flights and 7 Frontex-coordinated scheduled flights.

Number of supported returns: 461 national returns and 19 Frontex-coordinated flights.

The Netherlands, Amsterdam



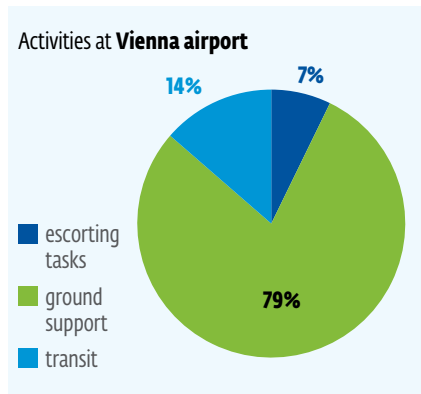
Types of return supported: departing and transiting scheduled flights.

Number of non-EU nationals handled: 164 non-EU nationals were provided with ground support.

4 returnees were escorted on 4 Frontex-coordinated scheduled flights.

Number of supported returns: 62 national returns and 74 Frontex-coordinated flights (69 in transit from other Member States).

⁶ The information in the charts of this section is based on the number of times the operational support was provided by the FRESOs deployed to EU airports and other locations. It is possible that the same non-EU national was supported by the same FRESO team during one operation but in different types of activities, for example, first in ground support and later in escorting. The number of non-EU nationals handled by FRESOs is an important indicator but to provide an accurate picture about their support, the volume of engagement is measured here.

Austria, Vienna

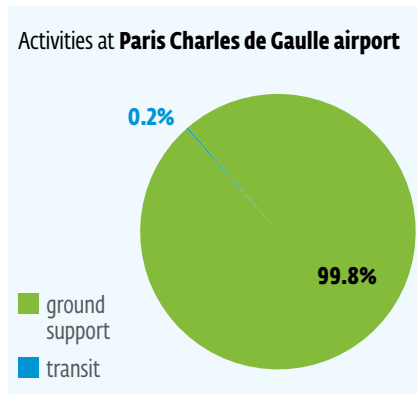
Types of return supported: departing and transiting charter and scheduled flights.

Number of non-EU nationals handled: 334 non-EU nationals were provided with ground support.

26 returnees were escorted on 6 Frontex-coordinated charter flights.

Number of supported returns: 105 national returns and 140 Frontex-coordinated flights (57 in transit from other Member States).

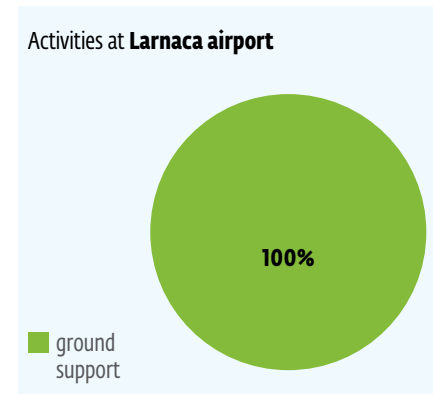
Transfers provided to voluntary returns: 614 non-EU nationals were supported on 394 transfers. These returns were carried out to 44 countries.

France, Paris

Types of return supported: departing and transiting charter and scheduled flights.

Number of non-EU nationals handled: 524 non-EU nationals were provided with ground support. FRESO have not yet provided *ad-hoc* escorting tasks.

Number of supported returns: 369 national returns and 5 Frontex-coordinated flights (4 in transit from other Member States).

Larnaca, Cyprus

Types of return supported: departing scheduled flights.

Number of non-EU nationals handled: 50 non-EU nationals were provided with ground support. FRESO have not yet provided *ad-hoc* escorting tasks.

Number of supported returns: 7 national returns and 15 Frontex-coordinated flights.

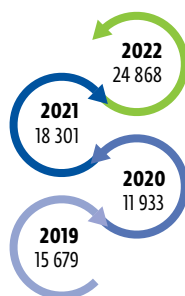
Voluntary returns: 859 non-EU nationals on voluntary returns by 67 scheduled flights. These returns were carried out to 31 countries.

2. EVALUATION OF RETURNS

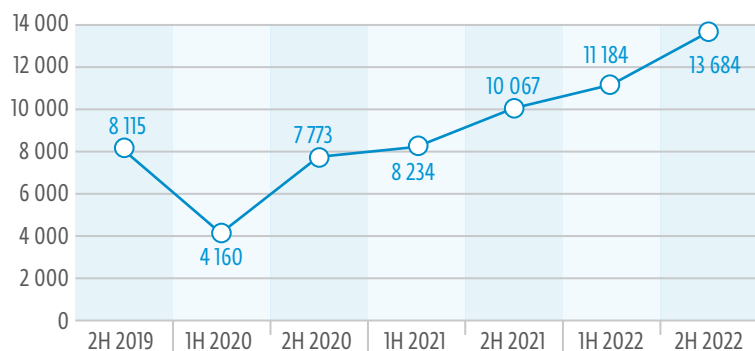
Returns by air

In the 2nd half of 2022 Frontex assisted Member States in returning almost 13 700 non-EU nationals. This represents an increase of 22% compared to the 1st half of 2022 and of 36% compared to the 2nd half of 2021. The upward trend is a result of an increase of returns by scheduled flight, mainly carried out in a voluntary manner.

63% of non-EU nationals were returned by scheduled flights and 37% by charter flights⁷. Both types of returns increased in com-



Non-EU nationals returned with Frontex support Comparison between semesters and years



⁷ In addition, 7 non-EU nationals were returned by land (bus).

parison to the first half of the year, by 34% (scheduled flights) and 6% (charter flights).

In comparison to the corresponding period of 2021, the figures for the scheduled flights increased by almost 78%, the number of returns by charter flights decreased by 3%.

Charter and scheduled flights complemented each other: while scheduled flights allowed Member States to return small groups and single low-risk cases, mostly in a voluntary manner, to a wide range of countries of return, charters were mainly used to return large groups and high risk cases, but only to a limited number of countries that accept this way of implementing returns.

Returns by land

Return by land, though rare among Frontex operations, is common and very cost-effective for Member States which have land borders with non-EU countries. Additionally, when returns cannot be implemented by air because of security concerns (scheduled flights) or when the number of returnees is not sufficient to fill a plane (charter flights), the solution to carry them out by land may be a good alternative when the geographical distance between the countries allows for it. The main challenge in returns by land are generally the long working hours of the escorts.

Recommendations:

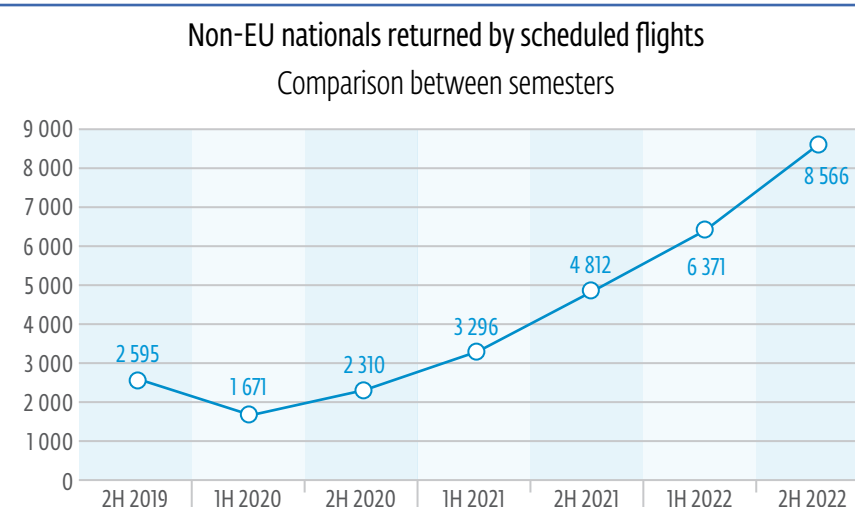
- Member States are encouraged to use Frontex support to implement both forced and voluntary returns, depending on their needs, this includes not only returns by air but also returns by land.
- Member States are encouraged to inform the Agency about their training needs and update their knowledge about the new functions of the module of the Agency's Integrated Return Management Application (IRMA) dedicated to Frontex Assisted Returns (FAR).
- Member States are encouraged to share their good practices and challenges in the dedicated Frontex networks, also to allow the Agency to further tailor its support to respond to their needs.

2.1. RETURNS BY AIR: SCHEDULED FLIGHTS

Scheduled flights are generally the easiest and more immediate solution to implement returns unless the analysis of potential risks or the behaviour of the returnees do not allow them to travel with other regular passengers. Those commercial flights offer to the Member States an alternative to implement returns to same countries of return when the risk of having a low number of returnees on charter flights would not be cost effective.

The wide availability of routes in the Frontex mechanism (106 countries reached in the semester) offered to the Member States a safe and efficient way of returning individuals or small groups, with almost no financial consequences in case of last-minute cancellations, significantly increasing the overall efficiency of such returns.

Returns by scheduled flights are generally more easily accepted by non-EU authorities because they do not require major organisational efforts in ensuring the handover of the persons returned,



and do not draw public attention as it may be the case for charters.

75% of forced returns the returnees travelled unescorted to their countries. Escorted returns were the type of return more heavily impacted by the COVID-19 restrictions in previous years. In the 2nd semester of 2022, their number finally started to grow again, thanks to the progressive decrease in travel restrictions, and almost doubled in compari-

son to the corresponding period of 2021. It also increased by 60% compared to 2019, prior to the pandemic. Such growth was also facilitated by the implementation of a new tool in the Agency's dedicated IT system that also allows the handling of transit requests to other Member States⁸ in one single platform. The introduction of this new system reduced the administrative burden on Member States and with this made it easier to send and approve transit requests.

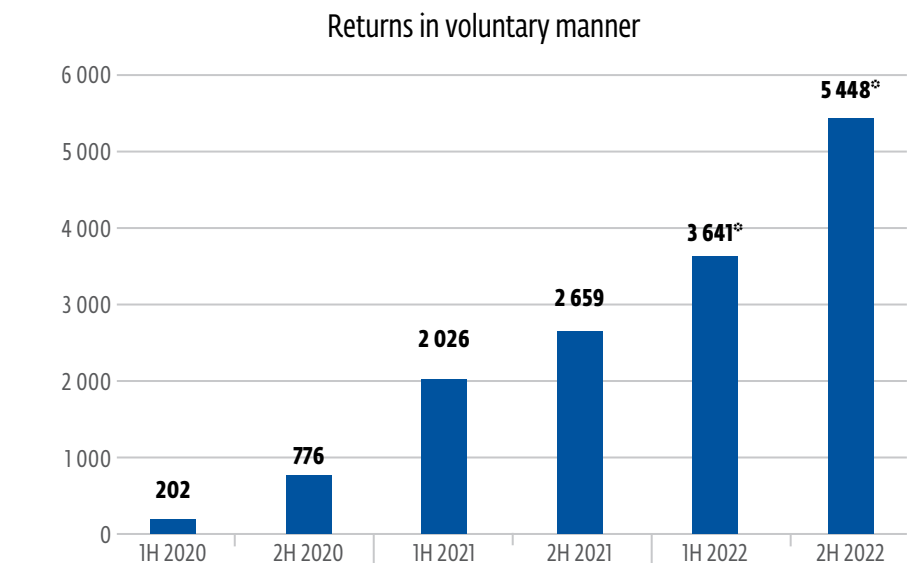
28 Member States used Frontex support, although only three countries (France, Cyprus and Sweden) returned close to the 60% of all the non-EU nationals returned by scheduled flights with Frontex support.

Voluntary returns

In the absence of a legal definition of “voluntary returns” and when looking at the diverse Member States’ national practices, it is not always possible to clearly differentiate such returns from “voluntary departures”⁹, also considering that in both types of return the non-EU nationals travel as regular passengers.

As shown in the chart on the right side, in comparison to the corresponding period of 2021 there was a twofold increase in the number of voluntary returns, and the trend is in constant growth since 2020.

The Agency has been identifying and reaching out to different Member States’ institutions responsible for the organisation and implementation of voluntary returns to proactively promote the available support. More national authorities are expected to start using Frontex assistance in the future. The Voluntary Return Network (VRN) was also established to allow sharing and aligning of good practices.



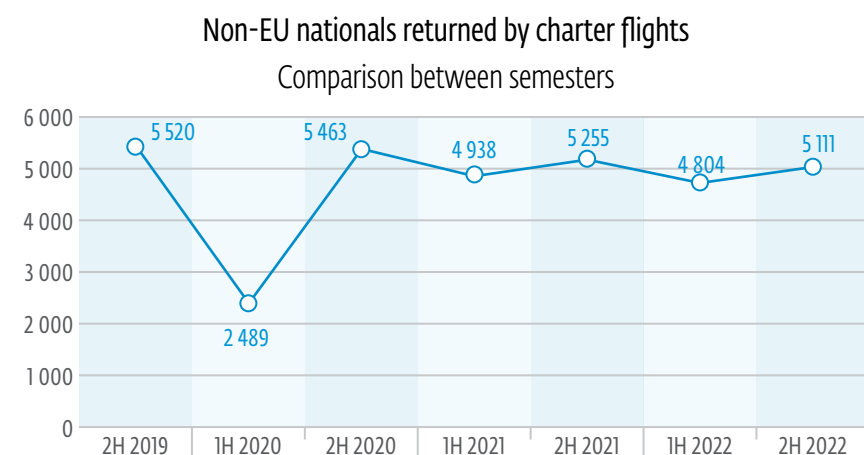
* 2022 figures also include numbers for humanitarian voluntary returns (HVR)

Undertaken actions:

- Frontex has been adding new functionalities, air companies and routes to its scheduled flights mechanism to better meet Member States’ needs. New routes, countries of return and airports are being added to the portfolio.
- Frontex has been actively working towards digitalising processes related to the organisation and implementation of returns to facilitate Member States’ use of the system.
- The Agency has been identifying and reaching out to all Member States’ institutions responsible for the organisation and implementation of voluntary returns, to proactively promote the available support.
- The Agency organised the second meeting of the Voluntary Return Network aimed at sharing and aligning good practices among the different Member States’ institutions.

2.2. RETURNS BY AIR: CHARTER FLIGHTS

The number of non-EU nationals returned by charters increased by 6% in comparison to 1st half of 2022 but decreased by 3% in comparison to the corresponding period of 2021. This decrease was mainly due to the unstable situation in countries such as Afghanistan, Russia and Ukraine to which returns coordinated by Frontex have been suspended (in the 2nd half of 2021, 369 persons were returned by charter to those countries). If returns to these countries were not discontinued in 2022, there would have been rather an increase in the total number of returns by charters in the last semester.



⁹ as defined by Article 7 of the Return Directive

Charter flights are generally used by Member States to return large groups of people and/or high-risk profile of returnees who cannot safely travel on regular scheduled flights.

The operational added value of returns by charters is high: Member States can concentrate their efforts and resources to gather and accompany groups rather than individuals on one flight, which may also imply releasing places in detention centres for other returnees to be identified/returned. Also, the political dimension of the charters is most relevant in implementing the external EU policy on return.

Nevertheless, the overall efficiency of such type of returns is always very much linked to the final number of returnees on board and level of occupancy of the aircraft's seats:

- While cancellations of returns can sometimes happen due to changing personal circumstances or legal status of each person to be returned, significant last-minute drops in the number of returnees can severely impact the cost effectiveness of those flights. Furthermore, the contracts for chartering aircraft always imply high costs for cancellation, that are generally higher the closer to the planned date of the operation.
- Lower number of returnees on a charter than the number agreed and accepted by the non-EU countries of arrival, may send contradicting messages to those non-EU countries on the real dimension of illegal migratory presence in the EU.

There are well-known reasons for last minute reductions in the number of returnees, such as asylum requests, absconding, medical cases or failing for instance to get returnees tested or vaccinated against COVID as required by the non-EU countries. Unfortunately, Member States are not always able to timely replace returnees, especially when returns are organised on a national level, and no other Member State participates. This happens more frequently with those non-EU countries that do not always

ensure a high and timely rate of successful identification of their nationals.

Still, an efficient organisation of charter flights requires shared responsibility between Frontex and Member States in adopting appropriate measures to ensure a constant sound management of EU and national funds. In the 9th Frontex High Level Round Table on Returns on 16 November 2022, the Agency and the Member States agreed to increase their efforts in making sure that the chartered airplanes are used at their maximum capacity. This can be achieved by:

- Whenever possible, opening operations to the participation of other Member States (as joint return operations) as well as by participating in the already available joint flights instead of organising additional ones, on a national level. Furthermore, the higher is the number of Member States jointly participating in a return by charter, the higher the likelihood of replacing returnees no longer able to leave.
- While some national charters implemented based on bilateral agreements between individual Member States and certain non-EU countries have proven to be fully effective, EU agreements with non-EU countries should be more regularly used as they envisage the possibility to organise joint return operations by charter.
- Including in the provisional passengers lists a reasonable number of potential additional returnees ready to replace those who may have last minute impediments to being returned. While this "overbooking" system may require the agreement of the authorities of countries of return, when applied by all the participating Member States it would considerably increase the likelihoods to have on board a final number of returnees that would ensure an overall cost effectiveness of the operations. The level of "overbooking" should be tailored to specific Member States and non-EU countries of returns, based on past experience and statistical data.

- Increasing prevention of returnees' absconding on national territories.
- Planning operations enough in advance (at least 8 weeks ahead) and, whenever possible, negotiate with air-carriers/broker the best possible cancellation policy.

Joint and national return operations

Member States organised almost 5 times as many national return operations as joint ones (19 joint return operations versus 95 national return operations). Despite their low number compared to the national charters, all the 19 joint operations were successful: in total 17 Member States participated (3 or more Member States on each charter).

National return operations by charters are based on bilateral agreements between Member States and non-EU countries, which in most of the cases do not foresee the possible participation of other Member States.

Joint return operations ideally imply same or higher numbers of non-EU nationals returned in a lower number of flights, resulting in improved cost-efficiency, less CO₂ emissions in line with the EU Green Deal and in fostering inter-EU cooperation. They also provide an excellent operational solution for Member States that struggle with a small number of non-EU nationals who cannot be returned by scheduled flights (e.g., due to the risk assessment). Moreover, joining a return charter flight organised by another Member State reduces organisational burden and reinforces the EU approach on return vis-à-vis the non-EU countries concerned.

Sometimes EU and Member States bilateral agreements with non-EU countries set a maximum number of returnees allowed per charter flight, which may be lower than the capacity of the large aircraft required to fly directly from EU to these countries (it is mainly due to fuel capacity, considering that technical stop-over in other non-EU countries are generally not allowed/possible for security reasons). In such cases, the overall effectiveness of operations by charter can be still positively assessed consider-

ing for instance the political relevance of start implementing potential large-scale returns to certain new countries.

Frontex organised return operations

The Frontex organised return operations proved to be effective in taking over from Member States organisational burden, streamlining procedures and fostering the cooperation among various actors on EU and international level. The Agency charters the aircraft, coordinates the participation of Member States in the operation, sets operational and security procedures, provides assistance by deploying FRESO from the European Border and Coast Guard standing corps, and maintains contacts with the non-EU authorities in cooperation with relevant local EU entities.

Frontex organised its second return operation in September 2022, in close cooperation with the European External Action Service (EEAS), the relevant EU delegation and the local European Return Liaison Officer (EURLO). Germany, Italy, Austria and the Netherlands were the participating Member States.

Collecting return operations

After a decrease in the number of collecting return operations (CROs) during the pandemic, in the 2nd half of 2022 Frontex supported 37 collecting return operations with 1,292 returnees, in comparison to 34 collecting return operations with 1,099 returnees in the 1st half of the year. All collecting return operations were organised by France and Germany.

The collecting return operations create fewer operational challenges and result in improved non-EU countries' ownership and cooperation in the return process and sharing good practices. The collecting return operations imply fewer complex procedures to obtain aircraft's landing permits and a more effective interaction with returnees thanks to the presence on board of non-EU escort officers. Additionally, they indirectly contribute to capacity building in non-EU partner countries in implementing returns to other non-EU countries.

Chartering of aircraft

Over the last two years, many airports and airlines have considerably reduced their capacity, mainly with regard to flying crews and staff supporting ground handling. The raising costs of fuel and services and the closure of a wide areal space due to the war in Ukraine, did not help the aviation market to fully recover after the pandemic, and it resulted in a limited availability of aircraft requested on short notice during the 2nd semester of 2022.

In the reporting period, Frontex chartered 11 aircraft for return operations. 15 Member States' requests to charter aircraft could not be fulfilled. In addition, on one occasion, Frontex facilitated the chartering of an aircraft by a MS to support another requesting MS. The risk of unavailability of offers from contractors due to the sudden raise of fuel price no longer in line with the negotiated cost range, will be addressed in future Frontex framework contracts.

Undertaken actions:

- In November, during the 9th High Level Round Table on Returns, Frontex and Member States agreed to increase their efforts in making sure that the chartered airplanes are used at their maximum capacity.
- After the first successful Frontex organised return operation, the Agency implemented a new joint charter in September 2022. The Agency, in consultations with Member States, finalised the concept of Frontex organised flights, and aligned position with the European Commission and European External Action Service to ensure a comprehensive approach at political, diplomatic, and operational levels.
- Due to contractual limitations posed by the challenging situation of the aviation market, the Agency promoted the cooperation between Member States in chartering aircraft for return operational for other Member States and covered related costs.

Recommendations:

- Scheduled flights are available to Member States to implement returns to a large number of non-EU countries. Member States should look at the possibility to return non-EU nationals via scheduled flights when the risk of having a low number of returnees on charter flights due to last minute drops would result into a non-cost effective solution. The numbers of returned persons should be the main guiding factor to assess the overall efficiency of returns, rather than the specific means used or the visibility of operations.
- Whenever possible, the organising Member States should open the return charters to other Member States.
- When organising national operations, Member States should first assess their possible participation in already available operations organised by other countries.
- Stopovers of joint charters to collect returnees from different Member States are encouraged by the Agency. Participating Member States should facilitate it by offering their airports as stopover hubs.
- When feasible, Member States may consider organising return charters to multiple non-EU countries, in order to optimise costs and resources, and limit the possible number of additional return operations to the same or close geographical area.
- When organising returns by charters, Member States should properly estimate the costs of the operations and look into possibilities to negotiate with air-carriers/ and brokers cancellation policies that mitigate risks of high costs of cancellation in cases of last-minute drops in the number of returnees.
- When possible, Frontex and Member States should plan the charter operations well in advance. Member States should inform the Agency in a more timely manner about their needs.

Recommendations:

- A reserve list of returnees should be created and kept updated for each return by charter by all participating Member States.
- For the effective return of non-EU nationals, Member States should also look at possible measures alternative to detention to prevent absconding.
- Member States should request chartering of aircraft at the earliest, in order to allow the Agency to find solutions to the limited availability of aircraft on the market.

2.3. MONITORING OF RETURNS

According to Article 8(6) of Directive 2008/115/EC (hereinafter: the Return Directive), Member States shall provide for an effective forced-return monitoring system. The Agency keeps encouraging Member States to facilitate the physical deployment of forced-return monitors from their respective national monitoring Institutions in all return operations, or to request the Agency to deploy monitors from the Frontex pool of forced-return monitors¹⁰.

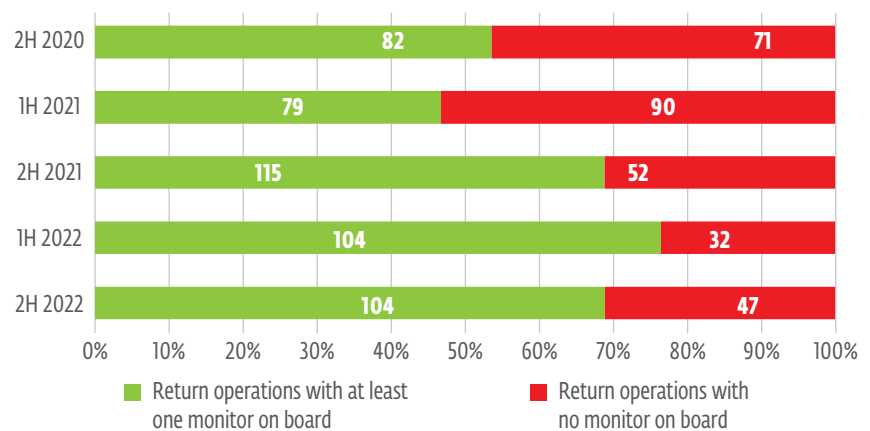
While the Agency contributes to the pool of monitors by nominating fundamental rights monitors (FROMs), the same fundamental rights monitors may be deployed in return operations also based on Article 110 of the Regulation¹¹, depending on to the interest of the Fundamental Rights Officer in gathering information and reporting on fundamental rights compliance. In the reporting period, the participation of FROMs was mainly ensured in return operations where no national monitor was present on board and no request of monitors from the pool was received by the participating Member States.

As the chart above on the right shows, at least one monitor was present on board of 69% of all Frontex coordinated return operations by charter flights.

The Agency is striving to facilitate the participation of forced-return monitors in all charters:

- According to the current EU legal framework, the decision to have a monitor physically present in

Return operations with at least one monitor on board
vs with no monitors on board
Comparison between semesters



a given operation is a solely decision of the Member States' monitoring institutions (only in Collecting Return Operations the presence of a forced-return monitor throughout the operation is a precondition for Frontex to provide its operational and technical support).

- In the absence of Member States' national monitors on board, the Agency has no legal basis to autonomously deploy a monitor from its pool of forced-return monitors; it has to be always requested by at least one Member State.
- Furthermore, the legal deadline of 21 working days ahead of the operation to submit such requests, often prevents the effective deployment of monitors from the pool in case of last minutes needs.

Recommendations:

- Member States' national institutions are encouraged to provide monitors in all operations by charters.
- Member States are encouraged to systematically and timely request the Agency to deploy forced-return monitors from the Frontex pool.
- Member States are encouraged to nominate monitors to the Frontex pool.
- Based on Article 110. of the Regulation, Frontex will continue to engage also fundamental rights monitors from the Fundamental Rights Office in Frontex supported returns, in addition to the scope of the monitoring of forced returns set by the Return Directive.

¹⁰ It is a legal requirement based on Article 51 of the Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624

¹¹ Not in the scope of Article 8(6) of Directive 2008/115/EC and Article 51(2) of the Regulation

2.4. CONTINUATION AND EXPANSION OF FRESO DEPLOYMENTS

The deployments of FRESO in Member States contribute to the overall effectiveness of returns at the EU level, not only in a quantitative but also in a qualitative way.

They support the departure of non-EU nationals to be returned by both charter and scheduled flights, on a voluntary or forced basis. They also support forced returns in transit at Member States' airports. On a need basis, FRESO also support Member States by performing escorting functions in Frontex organised or coordinated return operations.

When deployed in different Member States, FRESO more easily gain and

share experience on different Member States' practices and procedures, which considerably increases the value of their support.

As a result of the high level of integration into the national teams, FRESO can carry out a wide range of tasks, tailored to the specific needs of the hosting authority. All Member States where FRESO are currently deployed have requested to prolong those deployments for the operational year 2023, and some of them also expressed interest in increasing in the future the number of FRESO or in deploying them to additional locations.

Recommendations:

- ♦ Member States are invited to consider the possibility to host FRESO to support the implementation of forced and voluntary returns departing from their airports or in transit from other Member States.
- ♦ *Ad hoc* deployments of FRESO as escorts in Frontex coordinated return operations are available to all Member States. In case such support is needed, Member States should inform the Agency accordingly.
- ♦ Frontex will enhance the sharing of good practices among relevant Member States and the various teams of FRESO deployed in current and future locations.

3. CONCLUSIONS AND OUTLOOK

The increasing number of returns supported by the Agency, almost 13 700 non-EU nationals returned in the 2nd half of 2022 and nearly 25 000 in the whole year, clearly shows that return is steadily among the Agency's core priorities.

The number of charter flights is not expected to increase much in 2023, also considering the still unstable international situation and the agreed Frontex-Member States joint efforts to ensure an efficient planning and implementation of such operations on a more EU perspective. On the other hand, the support of Frontex in the implementation of returns by scheduled flights will certainly continue to grow. The geographical scope of the service is constantly expanding, as well as the number of Member States' national institutions requesting

the Agency's support, also with regard to voluntary returns, in line with the EU strategy on reintegration and voluntary return.

The Agency is fully committed to further alleviate the Member States' administrative and financial burden in implementing returns, as well as to strengthen its operational support in the field: new joint return operations will be directly organised by Frontex, based on Member States' needs, while the Agency's contractual framework will be further strengthened to more easily allow for chartering of aircraft necessary to carry out return operations and voluntary returns. Finally, additional specialised standing corps officers will be made available to Member States to escort returnees and provide ground

support to returns, including those transiting from another Member States.

Safeguarding fundamental rights remains the Agency's guiding principle in supporting Member States' returns. Frontex will continue to make efforts in ensuring the presence of monitors in returns by charters, mainly by promoting and facilitating the full use of its pool of forced-return monitors. At the same time, the parallel participation of the Agency's Fundamental Rights Monitors in return operations will be further enhanced.

Finally, the Agency aims to minimise the impact of returns on the environment by offsetting the carbon footprint, mainly by financially supporting green initiatives already made available by many airlines to compensate the CO₂ emissions.



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FPI 23.0121



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