



**EMN Ad-Hoc Query on COM REG AHQ on how to return Syrian third-country nationals who want to return**

Requested by Salvatore SOFIA on 9th August 2016

**Return**

Responses from Austria, Belgium, Blocked / Unknown, Bulgaria, Croatia, Czech Republic, Estonia, Finland, France, Germany, Ireland, Italy, Latvia, Lithuania, Luxembourg, Poland, Portugal, Slovak Republic, Slovenia, Sweden, United Kingdom, Norway (22 in total)

Disclaimer:

*The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

### **Background information:**

During the 10th EMN REG meeting on 13th June 2016, some (Member) States reported in connection to the REG Ad Hoc Query on asylum seekers withdrawing their application that an increasing number of Syrian asylum seekers had withdrawn their application, indicating their willingness to return to Syria. This presents a challenge to most (Member) States in view of the difficulties to return third-country nationals to Syria, given the ongoing conflict.



Against this background, the European Commission would like to collect more information on member States' practices and procedures to carry out the return of those Syrians who have expressed a willingness to go back to their country of origin. The result of this Ad-Hoc Query will be discussed during the next REG Meeting scheduled to take place on 13th September 2016.

### **Questions**




1. 1a. What is the scale of the phenomenon, i.e. how many Syrians have since the start of 2016: a) withdrawn their asylum application; and b) indicated that they want to return to their home country?
2. 1b. Can you please further elaborate on whether or not aforementioned numbers have fluctuated or remained stable throughout 2016?
3. 2. Has your Member State so far carried out the return of Syrians to their home country? If not, please explain why not.
4. 3. If so, how has your Member State been able to carry out return to Syria? Can you provide us more information on how the process is implemented in practice? For example: Does your Member State issue a return decision when a Syrian asylum seeker withdraws his/ her application? Are Syrians returned through the 'normal' AVRR programme? Or, is return alternatively organised through other ways than the mainstream programmes? If so, please explain why and how it is organised. Who is in charge of return to Syria (governmental authorities themselves or is the return outsourced to third parties such as IOM and/or other organisations)? Does your Member State implement returns directly to Syria, or do you use any transit countries in this process? If so, do these transit countries (e.g. Lebanon, Turkey) set any requirements (e.g. in terms of visa or cash requirements)? What services are provided to the returnees? Elaborate for example on any counselling provided, in-cash or in-kind assistance etc.





### **Responses**

	Country	Wider Dissemination	Response
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	Austria	No	
	Belgium	Yes	<p><b>1.</b> a) In the current context, most of the return decisions are delivered to Syrians who didn't apply for asylum in Belgium (probably willing to move forward to another EU Member State). In 2016, so far (January to 31 July) 855 return decisions were issued to Syrian nationals (or persons claiming to be from Syria). This number is calculated on the basis of 1 return decision/person/ year. In 2015, this number was 1093 for the entire year. These return decisions were issued after an interception by the Federal Police, or following a negative asylum/residence permit decision. b) Please find below the number of Syrian nationals who did return through the assisted voluntary return program, to a country nearby Syria. 2010: 12 2011: 4 2012: 2 2013: 0 2014: 0 2015: 26 2016: 17 (until the end of July 2016) Regarding independent returns, so without the assistance of the authorities, 11 departures were recorded since 2013, with Lebanon, Qatar, United Arab Emirates, Turkey and Morocco as final destinations. This number only includes persons who left Belgium via Brussels National Airport.</p> <p><b>2.</b> Given the low number, it is impossible to detect trends or patterns for 2016</p> <p><b>3.</b> Syrian nationals can receive return decisions but no forced return is organised for this nationality (group). Fedasil does organise voluntary returns for Syrians, but only via transit countries. Return to Syria as final destination cannot be organised due to security reasons and logistical issues.</p> <p><b>4.</b> - Does your Member State issue a return decision when a Syrian asylum seeker withdraws his/ her application? The same rule is applying for the Syrians or for any other third country nationals: the person can always change his/her mind after having opted for voluntary return, which implies that Fedasil and/or IOM inform the immigration authorities only after the return has effectively taken place. At that point, the asylum application is withdrawn. - Are Syrians returned through the 'normal' AVRR programme? Or, is return alternatively organised through other ways than the mainstream programmes? If so, please explain why and how it is organised; The regular AVR(R) program in Belgium is accessible for all the third country nationals. In the case of Syrians, as IOM does not organise return flights, Fedasil organises the voluntary return</p>

			<p>in own management (pre-departure counselling as usual, but also the reservation of the return ticket and the departure assistance at the airport of Brussels). - Who is in charge of return to Syria (governmental authorities themselves or is the return outsourced to third parties such as IOM and/or other organisations)? Governmental authority only, see above. - Does your Member State implement returns directly to Syria, or do you use any transit countries in this process? If so, do these transit countries (e.g. Lebanon, Turkey) set any requirements (e.g. in terms of visa or cash requirements)? Return for Syrian nationals is always executed to a nearby country. Returnees have to do the administrative formalities by themselves to obtain a transit visa, with the assistance of Fedasil return counsellors if needed. Most of the Syrians returned via Lebanon, some of them via Soudan or Turkey. - What services are provided to the returnees? Elaborate for example on any counselling provided, in-cash or in-kind assistance etc. Like for any other voluntary return from Belgium, the returnee is assisted by a voluntary return counsellor. A return counsellor is in charge of informing the migrant, registering and assessing his application, and organising the actual return. Therefore, his role is to remove all obstacles between the voluntary decision and the actual departure. However, the migrant himself remains responsible for obtaining the travel documents. Regarding the in-cash assistance, an adult is entitled to a 250 EUR grant and an underage child a 125 EUR grant. On top of that, and depending on the needs, an additional amount (ranging from 700 to 2200 Euro) can be added. As in-kind reintegration assistance is not feasible for this target group, Fedasil can provide an in-cash equivalent of the reintegration assistance to the returnee, to the extent necessary.</p>
	Blocked / Unknown	Yes	<ol style="list-style-type: none"> <li>1. 35 Syrian citizens-whose asylum applications were registered in 2016- have withdrawn their asylum applications (explicit withdrawal) in 2016 (until 25th August). We have no statistical data on the number of Syrian citizens, who indicate that they want to return to their home country.</li> <li>2. The number is stable (between 0-12 persons/ month).</li> <li>3. Hungary does not carry out return to Syria, therefore we have no experience on return matters.</li> </ol>

			4. -
	Bulgaria	Yes	<p>1. a) 11 b) No information.</p> <p>2. In 2015 there were 24 withdrawn applications of Syrian citizens without information about their further return country.</p> <p>3. No, according to the UNHCR recommendations.</p> <p>4. NA.</p>
	Croatia	Yes	<p>1. Please refer to the attached document.</p> <p>2. Please refer to the attached document.</p> <p>3. Please refer to the attached document.</p> <p>4. Please refer to the attached document.</p> <p>5. Please refer to the attached document.</p> <p>6. Please refer to the attached document.</p> <p>7. Please refer to the attached document.</p> <p>8. Please refer to the attached document.</p>
	Czech Republic	No	



	Estonia	Yes	<p><b>1.</b> In Estonia the phenomena cannot be considered as significant. Syrians withdrawing their asylum application and expressing a will to return to their home is not a common practice in Estonia. However, there are several cases where apprehended Syrians do not apply asylum.</p> <p><b>2.</b> The situation has remained stable.</p> <p><b>3.</b> Estonia does not carry out forced returns to Syria due to the situation in Syria. If the person wishes to return voluntarily it is possible and we can provide any necessary assistance for that.</p> <p><b>4.</b> If the person end up as an illegally staying third country national we are issuing a return decision for the person. However due to the situation in Syria we postpone the actual removal in those cases. As mentioned before Syrians who wish to return to country of origin is not a common practice in Estonia therefore we solve every case on ad-hoc basis and common practice is not developed for that purpose.</p>
	Finland	Yes	<p><b>1.</b> In Finland this phenomenon is almost non-existent; Only three (3) withdrawals during 2016 and none has indicated willingness to return to Syria (as of 10 August 2016).</p> <p><b>2.</b> Number has remained very low throughout the year 2016.</p> <p><b>3.</b> No. Neither forced nor assisted returns to Syria during 2016. So far, there has been no demand for AVR to Syria. If anyone has returned, he/she has made travel arrangements by himself/herself.</p> <p><b>4.</b> n/a</p>
	France	No	
	Germany	Yes	<p><b>1. a)</b> The statistical data do not separately register the number of withdrawn asylum applications. There is only a category called “other type of settlement (excluding Dublin cases)”, which covers applicant deaths, applicant moves to another country and withdrawn asylum applications.</p>

Between January and July 2016, the number of “other settlements” for asylum applications by Syrians amounted to slightly less than 1,400. b) A survey among the Federal States conducted in mid-2016 showed the number of Syrians who indicated that they wanted to return to their country of origin has been rising in almost all participating states. In addition, return advisory offices reported that the number of Syrians who wanted to return was trending upwards.




**2.** The number of “other settlements” has been rising since the beginning of 2016. It was lowest in January, at just below 100, and rose by roughly 100 in month-on-month terms in May and June. It peaked in June 2016 at about 310.




**3.** In view of the current security situation in Syria and the immediate danger to returnees, Germany does not carry out any enforcement measures or offer return support at the moment. In addition, direct travel to Syria is often impossible due to the continued conflict, and returnees need passports and visa documents for transit purposes. For the reasons mentioned above, the REAG/GARP programme – a joint programme of the federal and state governments to promote voluntary returns which is implemented by the International Organisation for Migration (IOM) – does not support voluntary returns at the moment. Doing so would run counter to the IOM statutes.



**4.** Owing to the situation described above, Syrians who want to return to their country of origin usually have to do so at their own expense, as neither the REAG/GARP programme nor other support programmes offer financial support for travelling to Syria. There is, however, the option of leaving for another third country (in most cases Turkey, Lebanon or Jordan), provided that the returnee has obtained the necessary documents and a visa for a longer-term stay (one year). IOM has supported Syrians’ departure to secure neighbouring countries in 2015 and 2016, but the number of Syrians who availed themselves of this support was extremely small. In 2015, it totalled 13, and during the first half of 2016, it rose to 17. Syrians who want to return to their country of origin can obtain advice from the responsible foreigners’ authority or from other migration advisory offices. However, as there are no support programmes for voluntary returns to Syria and as it is almost impossible to travel directly to Syria, they can only obtain support for their departure to a neighbouring state, provided that the necessary preconditions are met. Deportations to Syria are currently suspended pursuant to Section 60a subs. 1 of the Residence


			<p>Act. This means that no enforcement measures are taken even after an asylum application is withdrawn. Deportation will temporarily suspended, but applicants will not be granted a legal right of residence. As mentioned above, IOM is currently not conducting any return or reintegration programmes for Syria. To the knowledge of the Federal Office, there are no return programmes at the state or local level either. Deportation is regularly enforced by the foreigners' authorities, which can rely on support from the state and federal police. Voluntary returns are in many cases supported and organised by IOM, but there are also support programmes organized by other NGOs. As mentioned above, there is currently no support for returns to Syria, neither from government organisations nor from NGOs. IOM only supports applicants' return to third countries (such as Lebanon or Turkey) if the returnees have obtained the necessary visa for a period of at least one year. Syrian returnees are often granted only short-term visa (for up to two days) for Lebanon, for example, for transit to Syria. This is not equivalent to the applicants' permanent departure within the meaning of the REAG/GARP statutes and is therefore not supported. As there is currently no official support for returns to Syria, returnees can only obtain advice.</p>
	Ireland	No	
	Italy	Yes	<ol style="list-style-type: none"> <li>1. Syrians who have explicitly withdrawn their asylum applications in the period 2014-2016: 0 Syrians who have implicitly withdrawn their asylum applications since the start of 2016 (January-June), since they absconded: 10 Syrians who implicitly withdrew their asylum applications in the year 2015, since they absconded: 220 Syrians who implicitly withdrew their asylum applications in the year 2014, since they absconded: 140</li> <li>2. Aforementioned numbers have fluctuated as follows: Oct. 2015: 35 - Nov. 2015: 145 - Dec. 2015: 5; Jan. 2016: 5 - Feb. 2016: 0 - Mar. 2016: 0 - Apr 2016: 5 - May 2016: 0 - Jun. 2016: 0</li> <li>3. Since the start of 2016, Italy has not carried out the return of Syrians to their home country.</li> <li>4. See answer 2.</li> </ol>



	Latvia	Yes	<p><b>1.</b> In 2016 none of the Syrians have withdrawn their asylum application or indicated that they want to be returned to their home country.</p> <p><b>2.</b> -</p> <p><b>3.</b> In 2016 there were no forced returns nor assisted voluntary returns organized to Syria by Latvia.</p> <p><b>4.</b> In case of withdrawal of asylum application made by the applicant he/she is issued voluntary return decision and in this case returnee makes arrangements related with return by himself/herself. There were 3 citizens of Syria, who after withdrawal voluntarily returned to their home country in 2015. They organized their return by themselves. They returned to Syria via Turkey. Requirements - a valid travel document. In the Republic of Latvia forced returns are organized by the State Border Guard. IOM is in charge of return of foreigners within the AVRR programme and provides all services within the programme to returnee. IOM has not provided AVR for Syrians in 2015 because of the situation in Syria.</p>
	Lithuania	Yes	<p><b>1.</b> No cases were registered in Lithuania.</p> <p><b>2.</b> n/a</p> <p><b>3.</b> Lithuania did not take any return decisions for Syrian third country nationals.</p> <p><b>4.</b> n/a</p>
	Luxembourg	Yes	<p><b>1.</b> See attached document</p> <p><b>2.</b> See attached document</p> <p><b>3.</b> See attached document</p>

			4. See attached document
	Poland	No	
	Portugal	Yes	<p>1. The phenomenon is not relevant once Portugal hasn't registered withdraws of Syrian applicants' for international protection. In that sense Portugal hasn't useful information to provide.</p> <p>2. See answer above.</p> <p>3. -</p> <p>4. -</p>
	Slovak Republic	Yes	<p>1. a) there has been only one Syrian national b) there is no evidence about this</p> <p>2. b. N/A</p> <p>3. No. Neither forced nor assisted voluntary returns to Syria were carried out during 2016 because of the security situation in the country</p> <p>4. N/A</p>
	Slovenia	Yes	<p>1. a.) 103 b.) We deal with some cases of Syrians who indicated that they want to return, but we could not resolve it because of objective reasons (without travel document, demanding conditions for providing transit through Istanbul airport, itd.).</p> <p>2. /</p>

			<p><b>3.</b> We returned one Syrian citizen with transit through Istanbul and Beirut airport, when this was still possible.</p> <p><b>4.</b> Currently Slovenia does not implementing returns directly to Syria.</p>
	Sweden	Yes	<p><b>1.</b> Until 1st of September 2016 a total of 324 Syrians have withdrawn their asylum application during 2016. As the Swedish Migration Agency (SMA) does not assist Syrians with their return to Syria we don't have information on whether they actually returned to Syria or other countries. Many Syrians discuss the possibilities to return to/through Lebanon, especially.</p> <p><b>2.</b> The numbers are steadily decreasing since January this year.</p> <p><b>3.</b> The Swedish Migration Agency (SMA) does not carry out any returns of Syrians in accordance with current case law on Syria due to the ongoing conflict. Those Syrians who wish to return to their home country plans and pays for their departure themselves.</p> <p><b>4.</b> Please see above answer. Further, Syrians who withdraw their asylum applications are issued a formal removal decision to Syria. The only time when the SMA may assist a Syrian with a departure from Sweden is when they can show legal status in another country. Finally, the only service in regard to their return, is the possibility to apply for reestablishment support with a cash grant of 30 000 SEK payed by the SMA.</p>
	United Kingdom	Yes	<p><b>1.</b> a. The UK's national migration statistics, which are published quarterly, show that from January 1 to June 30 2016 65 Syrians (main applicants and dependants) withdrew their applications for asylum. b. We do not publish data on those who have indicated that they want to return, but 24 Syrians returned voluntarily from 1 January to 30 June 2016. Of these, one returned to Syria, 6 to other EU Member States, and 17 to other or unknown destinations.</p> <p><b>2.</b> The UK publishes migration data quarterly and numbers of Syrians returning are small. However: • From January 1 to 31 March 2016 13 Syrians returned voluntarily (only one person had Syria as their known destination – 4 returned to other EU Member States and 8 to other or</p>

			<p>unknown destinations) and 33 withdrew their asylum claim (main applicants and dependants). • From 1 April to 30 June 2016 11 Syrians returned voluntarily (none of whom had Syria as their known destination – 2 returned to other EU Member States and 9 to other or unknown destinations)</p> <p><b>3.</b> The UK did not carry out any enforced returns to Syria during the first half of 2016 (the latest available data). One person is known to have voluntarily departed the UK with Syria as their destination, although this was not an assisted voluntary return. Published Country of Origin Information Guidance states that: “Case law has established that it is likely that a failed asylum seeker or forced returnee would, in general, on return to Syria face a real risk of arrest and detention and of serious mistreatment during that detention as a result of imputed political opinion. It noted that the position might be otherwise for someone perceived as a supporter of the Assad regime. However, since this case law was promulgated in 2012, the situation is now such that actual or perceived Assad supporters may have a well-founded fear of persecution, depending on where they are. The humanitarian crisis, which continues to deteriorate, is such that for most returnees removal would breach Article 3 of the ECHR.” Nor is the UK currently able to carry out voluntary returns to Syria: as there is no direct route of return the UK’s Voluntary Returns Service is not able to assist, even via a transit country.</p> <p><b>4.</b> The UK did not return anyone to Syria during 2016.</p>
	Norway	Yes	<p><b>1.</b> a) In Norway, 502 asylum applications from Syrian citizens were either withdrawn or dropped January-July 2016, compared to 102 in the whole of 2015. b). Norway 54 Syrians have applied for voluntary return January-July 2016 69 Syrians applied for voluntary return in 2015.</p> <p><b>2.</b> Can't provide that breakdown.</p> <p><b>3.</b> No, Norway does not facilitate return of Syrians to Syria. As IOM for the time being does not offer AVR to Syria, return to Syria is not an option that can be offered. NO response from EMN AHQ in April 2016: “Norway does not return Syrians, but we experience obstacles with Syrians who wish to return voluntarily and do not have a valid passport or wish to return to e.g. Turkey where they need a visa. We cannot assist in any way to obtain a travel document or visa. One</p>

			<p>specific Airline (Aeroflot) has also rejected a few Syrians with a flight ticket to Beirut via Moscow.” Comments previously provided but not actually included in EMN AHQ in April: Special for applicants from Syria, is that the Norwegian National Police Immigration Service (PU) cannot take responsibility for returning anyone to Syria or facilitating illegal travel into the surrounding areas. What the police authorities do say is that the asylum seeker has to make all the practical arrangements and buy their tickets, and when they arrive at the departure security check at the airport we will return their passport and travel documents. If they choose, they travel at their own risk.</p> <p><b>4.</b> Norway does not offer or facilitate return to Syria. See response above. N/A</p>
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