



Ad-Hoc Query on returns of rejected asylum seekers to the Democratic Republic of the Congo

Requested by SK EMN NCP on 9th April 2014

Compilation produced on 6th August 2014

Responses from Austria, Belgium, Bulgaria, Estonia, Finland, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovak Republic, Slovenia, Sweden, United Kingdom plus Norway (21 in Total)

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1. Background Information





The Migration Office of the Ministry of Interior of the Slovak Republic is currently considering its policy regarding asylum seekers from the Democratic Republic of the Congo. Due to the fact that the website of Eurostat provides only data for the category “third country nationals returned following an order to leave” which includes both forced and voluntary returns and not all the Member States’ data are available for the year 2013, we would highly appreciate information from Member States regarding their return policy concerning rejected asylum seekers from the Democratic Republic of the Congo.

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1. Does your Member State carry out voluntary or forced returns of rejected asylum seekers to the Democratic Republic of the Congo?
2. If yes:
 - a) What was the total number of voluntary returns of rejected asylum seekers to the Democratic Republic of the Congo in 2013 (and if available in the first 3 months of 2014)?
 - b) What was the total number of forced returns of rejected asylum seekers to the Democratic Republic of the Congo in 2013 (and if available in the first 3 months of 2014)?
 - c) In case the data in a) or b) is not available, please provide the total number of returns of rejected asylum seekers to the Democratic Republic of the Congo in 2013 (and if available in the first 3 months of 2014).
3. What is your current return policy towards rejected asylum seekers to the Democratic Republic of the Congo who applied for international protection on political grounds, i.e. as members or sympathizers of opposition political parties (e.g. UDPS - Union for Democracy and Social Progress (*Union pour la Démocratie et le Progrès Social*) etc.)?






We would appreciate your response by **May 9, 2014**.

2. Responses

		Wider Dissemination?	
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Belgium	Yes	<ol style="list-style-type: none"> 1. Yes 2. a) AVR (2013): 11 rejected asylum seekers (+ 12 other irregular – non-asylum seekers – citizens of DR Congo) b) Forced returns (2013): 72 (rejected asylum seekers + other irregular migrants from DR Congo) 3. If the Commissioner General for Refugees issues a negative decision on the asylum application, the Immigration Department will consider that a return is possible (whatever the invoked ground for international protection). Bel authorities only execute forced removals to the capital Kinshasa.
	Bulgaria	Yes	There are no cases of returned TCNs to the Democratic Republic of the Congo in 2013 including rejected asylum seekers.
	Estonia	Yes	1. No, because we haven't had cases of asylum seekers of the Democratic Republic of Congo in 2014.






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			<p>2. a) 0 b) 0 c) 0</p> <p>3. N/A</p>
	Finland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Germany	Yes	<p>1. Yes.</p> <p>2. a) 8. b) 5. Statistics on forced return do not distinguish between various categories of residence.</p> <p>3. Not available.</p>
	Greece	Yes	<p>Concerning the response to the query about the rejected asylum seekers originating from the Democratic Republic of Congo, we did not have any case of voluntary return of rejected asylum seeker to the Democratic Republic of Congo neither in 2013, nor in the first three months of 2014. Also, we did not have any case of forced return of rejected asylum seeker from the above country in 2013, as well as in the first three months of 2014.</p> <p>Furthermore, our return policy is the following: The asylum applications of the detainees originating from the Democratic Republic of Congo are examined according to the accelerated process. If the application results in a negative answer and has been finally judged in all stages, then the return process begins, aiming to obtain travel document for the certain detainee. According to the current status quo, if a detainee is recognised as citizen of the above nationality and he wishes to return to his country, the honorary Consul issues travel document for him and our Service shall complete the return process.</p>
	Hungary	Yes	<p>1. Hungary did not carry out voluntary or forced returns of rejected asylum seekers to the Democratic Republic of the Congo during the reference period of 2013 (nor in the first 3 months of 2014).</p> <p>2. N/A</p> <p>3. Currently, considering the number of asylum seekers from the Democratic Republic of the Congo (which was 102 in 2013 and 18 in the first 3 months of 2014), Hungary does not have a specific return policy with regard to rejected asylum seekers from the Democratic Republic of the Congo.</p>
	Ireland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.

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	Latvia	Yes	<p>1. Yes.</p> <p>2. a) 1 in 2013 b) 0 c) –</p> <p>3. Our current return policy regarding rejected asylum seekers from the Democratic Republic of the Congo is the same as to other African countries to which return policy applies. There is no additional specification.</p>
	Lithuania	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Luxembourg	Yes	<p>1. Voluntary return is always possible. In the last 3 years, Luxembourg has not carried out forced returns to the Democratic Republic of the Congo.</p> <p>2. a. 0 b. 0 c. 0</p> <p>3. In Luxembourg there is no specific return policy. Each application is analysed on a case by case basis.</p>
	Malta	Yes	<p>1. MT does not have experience with forced or assisted voluntary return to the Democratic Republic of Congo.</p> <p>2. N/A</p> <p>3. 3)N/A</p>
	Netherlands	Yes	<p>1. Yes.</p> <p>2. a) According to the International Organization for Migration in the Netherlands 10 aliens of Congolese (DRC) nationality returned voluntarily in 2013. In the first quarter of 2014 the number of voluntary returns was 1. b) In 2013, the Dutch Repatriation and Departure Service (R&DS) forcibly returned less than 5 aliens of Congolese (DRC) nationality to the Democratic Republic of the Congo. In the first quarter of 2014 there have been no forced returns. c) The data of the IOM and the R&DS include rejected asylum seekers as well as other aliens without legal stay in the Netherlands. Since a possible asylum background is not registered in the return procedure, data on the return of rejected asylum seekers are not available.</p>

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			3. There is currently no special return policy regarding aliens from the Democratic Republic of the Congo.
	Portugal	Yes	<p>1. No.</p> <p>2. a) not available b) not available c) not available</p> <p>3. We are currently considering the policy</p>
	Romania	Yes	<p>1. Does your Member State carry out voluntary or forced returns of rejected asylum seekers to the Democratic Republic of the Congo? Yes</p> <p>2. If yes: a) What was the total number of voluntary returns of rejected asylum seekers to the Democratic Republic of the Congo in 2013 (and if available in the first 3 months of 2014)? 2013 – 1 voluntary (IOM) 2014 - 0 b) What was the total number of forced returns of rejected asylum seekers to the Democratic Republic of the Congo in 2013 (and if available in the first 3 months of 2014)? 2013 – 0 2014 - 0 c) In case the data in a) or b) is not available, please provide the total number of returns of rejected asylum seekers to the Democratic Republic of the Congo in 2013 (and if available in the first 3 months of 2014). 2013 – 1 voluntary (IOM) 2014 – 0</p> <p>3. What is your current return policy regarding rejected asylum seekers from the Democratic Republic of the Congo who applied for international protection on political grounds, i.e. as members or sympathizers of opposition political parties (e.g. UDPS - Union for Democracy and Social Progress (<i>Union pour la Démocratie et le Progrès Social</i>) etc.)? The return policy is generally applied in cases of all rejected asylum seekers, irrespective of their grounds of application. Removal from the territory is forbidden in cases when there are well founded fears that his/her life is endangered, or he/she will be subject to torture, inhumane or degrading treatment in the country of return.</p>

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	Slovak Republic	Yes	<p>1. Yes.</p> <p>2. a) 0 b) 0 c) 0</p> <p>3. We are currently considering the policy.</p>
	Slovenia	Yes	<p>1. Yes.</p> <p>2. a) 0 b) 0 c) 0</p> <p>3. We have no special policy in this regard.</p>
	Sweden	Yes	<p>1. Yes.</p> <p>2. a) 4 b) 6 c) 0</p> <p>3. Temporary suspension is in place to North and South Kivu, internal flight alternative can be considered on case by case basis. There is no other policy which precludes the enforced return to the DRC of failed asylum seekers who have no legal basis of stay in the Sweden.</p> <p>The Swedish Migration Board obtains help from the Swedish Embassy in Kinshasa regarding voluntarily returnees to Democratic Republic of Congo that are in need of a travel document. An official letter with information (such as name and contact information to family or friends in Congo that can confirm the returnee's identity, last known address etc.) regarding the returnee is sent by the Migration Board together with fingerprints, photo and identity documents (if there is any) to the Swedish Embassy. The Swedish Embassy forwards the given information to DGM – Direction Générale de Migration in Kinshasa with a request of issuing Sauf-Conduit (travel document). In the cases where there is no identity documents DGM conduct telephone interview with the concerned persons.</p>
	United Kingdom	Yes	<p>1. Yes. All asylum and human rights claims are carefully considered on their individual merits in accordance with the UK's obligations under the 1951 United Nations Convention Relating to the Status of Refugees and the European Convention on Human Rights. We closely monitor developments in all countries of return and take decisions on a case-by-case basis in the light of our international obligations and the latest available country information.</p>

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			<p>Where a decision has been made that a person does not require international protection, and there are no remaining rights of appeal or obstacles to their return, the UK expects unsuccessful asylum seekers to return voluntarily to their home country. Return and reintegration assistance is available to enable returnees to rebuild their lives in their country of origin.</p> <p>If an individual does not leave the UK voluntarily, then it will become necessary to enforce their removal. We do not remove an individual unless it is safe to do so, with a safe route of return.</p> <p>2.</p> <p>a) The total number of voluntary returns of rejected asylum seekers to the Democratic Republic of the Congo was 9 in 2013, and 4 in the first quarter of 2014.</p> <p>b) The total number of enforced returns of rejected asylum seekers to the Democratic Republic of Congo was 11 in 2013, and 0 in the first quarter of 2014.</p> <p>c) n/a</p> <p>3. The UK continues to return any individual who has no lawful basis to remain in the UK on a case by case basis. This would include asylum seekers once all rights of appeal are exhausted.</p>											
	<p>Norway</p>	<p>Yes</p>	<table border="1"> <thead> <tr> <th data-bbox="609 759 851 799"></th> <th data-bbox="851 759 1070 799">Assisted return</th> <th data-bbox="1070 759 1272 799">Forced return</th> </tr> </thead> <tbody> <tr> <td data-bbox="609 799 851 842">2013</td> <td data-bbox="851 799 1070 842">9</td> <td data-bbox="1070 799 1272 842">20</td> </tr> <tr> <td data-bbox="609 842 851 885">2014, 1st quarter</td> <td data-bbox="851 842 1070 885">2</td> <td data-bbox="1070 842 1272 885">5</td> </tr> </tbody> </table>				Assisted return	Forced return	2013	9	20	2014, 1st quarter	2	5
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