



EUROPEAN COMMISSION
DIRECTORATE-GENERAL HOME AFFAIRS

Directorate C: Migration and Protection
Unit C.1: Irregular Migration and Return Policy

MIGRAPOL
CG Return Dir 82

CONTACT GROUP “Return Directive” (2008/115/EC)

Subject: Minutes of the 24th meeting of the Contact Group Return Directive

DRAFT Minutes of the of the 24th meeting of the Contact Group Return Directive
(E02232)
Brussels, 14 July 2017

1. Approval of the draft agenda

The draft agenda was approved unchanged. The minutes of the previous meeting of 1-2 June 2017 had already been approved by written procedure.

2. Nature of the meeting

The meeting of the Contact Group Return Directive is a non-public one, with the participation of Member States experts, Schengen Associated countries, other European Union institutions and bodies. Unit HOME C.1 of the European Commission chairs the meeting.

3. List of points discussed

3. Revision of the Return Handbook

Participants discussed the revised draft text of the Return Handbook submitted by the Commission ahead of the meeting. The main purpose of the third and final round of discussion was to address the remaining points of the Handbook in view of finding a common position on content.

The following issued of the revised text were discussed:

Section 1: it was agreed to include additional clarification on the definition of "stateless person" (1.1, 1.2) and on their country of origin (1.3); to look at better clarifying what may be the circumstances related to the illegal entry into the EU that contribute to determining the existence of a risk of absconding; to consider whether "as much as possible" should be added to the paragraph inviting Member States to take into account the needs of vulnerable people other than those explicitly referred to in the Directive (1.8).

Section 5: it was agreed not to include an additional section on good practices concerning apprehension of irregular migrants because not enough information had been provided (5); to leave untouched the paragraph concerning the rules on removal to another Member State (5.4); to add a reference to the ECJ judgment in case C-601/15 *J.N.* concerning the suspension (not withdrawal) of the enforcement of a return decision following a subsequent asylum application (5.6).

Section 6: it was decided to maintain the revised text on the granting and duration of a period for voluntary departure, but only as a Commission recommendation (6); to introduce small editorial change to the paragraph related to the possibility to start preparing the removal process during the period for voluntary departure, as the Directive does not prevent this (6); to add a reference to the extension of a period for voluntary departure for the duration of a school semester and to proposed delete the texts in brackets (6.1).

Section 10: the revised text was agreed, with editorial changes referring to adolescents "below the age of 18" and distinguishing between legally binding obligations to be respected (Article 20 of the UN Convention on the Rights of the Child) and good practices to be looked at.

Section 11: it was agreed that the ECJ judgment of the *Ouhrami* case, expected on 26 July, will be included in the text (11.5).

Section 12: it was agreed to introduce a change in order to use the wording of Article 12 of the UN Convention on the Rights of the Child.

Section 14: it was agreed to establish a clearer link between the *Kadzoev* jurisprudence and the reasonable prospect of removal of stateless returnees.

Section 16: in addition to the revised text, it was agreed to include a reference to the need to involve child-protection bodies when using detention for minors.

3.2 Topics for discussion during the next meetings

Participants exchanged ideas on possible future topics of discussion at the Contact Group.

The following topics were mentioned: return of stateless persons; mutual recognition and alternatives to mutual recognition; link between asylum and return procedures; alternatives to detention and their cost-effectiveness; minimum requirements for individual return decisions; harmonisation of restrictive measures and procedures; sharing facilities between Member States; practical arrangements for the transfer of irregular migrants from a Member State to another in order to go to the consular / diplomatic authority of the country of origin (the last two topics were considered more suitable for a discussion at the EMN – REG group).

The Commission will consider which topic will be addressed during the next meetings of the Contact Group.

3.3 Any other business

FRA presented the main results of the expert meeting on immigration detention of children that took place in Vienna on 27 June 2017, following the publication of the report "European legal and policy framework on immigration detention of children".

The "refu-return" project, that address the situation (including possible return) of recognised refugees who travel to their country of origin, was shortly discussed.

4. Conclusions and next steps

The Commission will launch the necessary procedures for the revision of the Return Handbook taking into account the discussion of the last meetings.

5. Next meeting

The next meeting of the Contact Group will take place during the second half of the year (date to be determined).

6. List of participants

- EU Member States, except UK, IE, HR, FR, EL, EL, CY
- Schengen Associated Countries, except LI, IS and NO
- European Border and Coast Guard Agency
- European Union Agency for Fundamental Rights