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From: Austrian Delegation  
To: Delegations

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Subject: Austrian non-paper for EU Strategy on voluntary return and reintegration -  
Role of Frontex

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The New Pact on Migration and Asylum of the European Commission, which was published on 23 September 2020, aims at building an effective, long-term and sustainable migration and asylum system. To achieve these results, a common EU system for returns is seen as an essential component and constitutes a key element of the new Pact.

Building on this common objective, the first EU Strategy on voluntary return and reintegration was adopted and presented on 27 April 2021 by the European Commission. With the overall aim of enhancing the legal and operational framework for voluntary returns, improving the quality of assisted voluntary return programmes and strengthening the cooperation with partner countries, the way for a common EU system for returns should be paved.

The European Border and Coast Guard Agency (Frontex) as EU Return Agency plays a key role to successfully implement this new strategy. Based on the new EBCG mandate [Regulation 2019/1896], Frontex' return mandate was significantly reinforced and thereby extended the scope of possible support measures. The Agency is now in a position to provide operational and technical support in *all* phases of the return process, including pre-return, voluntary return, return operations and reintegration.

## **Voluntary return and reintegration**

To effectively incentivise voluntary return and promote sustainable reintegration, well-established reintegration programmes are needed. Against this background, the ERRIN take-over by Frontex constitutes big potential but at the same time a major challenge. The set goal of the strategy “*to ensure that the benefits of the Network are extended equally to all Member States and that Frontex can fulfil its return mandate in an effective manner and provide seamless support by organizing tailored return and reintegration assistance to returnees notably through reintegration service providers in third countries*” can only be achieved if the Agency not only takes over the activities agreed in the ERRIN transfer plan, but also at a later stage fully takes over all ERRIN activities. A staged takeover of all activities should take adequate account of the financial and personal resources of the Agency and the necessity to establish the required internal structures. This said, it is crucial that the agreed scope for the transfer in 2022 is not changed substantially as this might affect the phase-out plan in a negative way and decrease the resilience, credibility as well as predictability of the programme. Furthermore, an uninterrupted continuation of the ERRIN activities has to be guaranteed for the transition period and the time following, as agreed upon in the ERRIN transfer plan. When it comes to considerations between Frontex and the European Commission on the scope and frame of Frontex’ reintegration mandate, transparency and an open as well as timely communication are of utmost importance so that Member States can take well-informed decisions and take appropriate preparatory measures.

For Member States to be able to continue their reintegration efforts on the same high level as under the ERRIN structure and to build upon their accomplishments, it is essential to find an expedient solution for the so-called “out of scope activities”. Furthermore, we need a general commitment to incorporate these activities within Frontex in the long term, accompanied by an indicative timetable for the complete take-over.

The core components of ERRIN activities have always been the joint reintegration services. The future JRS set-up should provide Member States with the flexibility needed to identify tailor-made support measures, should ensure consistency when it comes to the content and quality of services and should facilitate the cooperation between the actors involved. Currently the ERRIN-Program is only used by a few Member States. For reasons of harmonization and to utilize the full potential of the support provided, all Member States should be encouraged to use reintegration services provided by Frontex. However, for all Member States to be able to benefit from JRS the following aspects should be considered:

- All reintegration partners and all reintegration measures should build on common high-quality standards as well as achieved results and knowledge of ERRIN. Further knowledge available through IOM (e.g. IOM Reintegration Handbook) should be applied in addition.
- A comprehensive offer of destination countries and target-group specific measures should be made available – to avoid fragmentation and the emergence of parallel structures (e.g. national, bilateral or joint Member States projects) for reintegration activities in third countries. This includes reintegration support for vulnerable groups, unaccompanied minors as well as third-country nationals legally residing in a Member State.
- To lower the administrative and financial burden for Member States regarding reintegration support measures in third countries, Frontex should establish a central administrative function and fully cover, coordinate and finance reintegration measures.
- The administration of the reintegration activities should be based on lessons learned from the ERRIN programme and consider the following aspects:
  - In order to make the reintegration process more efficient, a new financial structure is needed. Member States should not have to establish additional bilateral agreements with different reintegration partners and pre-finance reintegration packages (as is currently the case in ERRIN and Frontex JRS Pilot) as this has been proven inefficient and could hamper MS use of Frontex reintegration offers. Thus, framework contracts (incl. financial modalities) with all reintegration partners should be drafted and concluded by Frontex.
  - Frontex reintegration packages and the Frontex financial contribution respectively should constitute a real incentive for voluntary return and should be aligned with the current ERRIN packages (Frontex financial contribution in the current JRS Pilot is rather low; Member States have the possibility to increase the amount for assistance).
  - The focus should lie on simple and efficient management as well as flexible usage – administrative burden for EU MS and reintegration partners should be reduced to the minimum possible and the procedure for joining different Frontex reintegration projects in third countries should be fast and uncomplicated.

## **Digitalization**

The future interconnection between national return case management systems (RECAMAS) with IRMA is the key factor to guarantee a consistent return process and reduce MS manual workload. Frontex should in accordance with Art. 49 of the Frontex Regulation (“The Agency shall operate and further develop an integrated return management platform...”) grant MS financial and personal support to further develop their national RECAMAS based on gap analysis performed by the Agency. Furthermore, the Reintegration Assistance Tool (RIAT) should be interconnected with IRMA to accomplish a single platform solution for all return activities.

## **Frontex Structure**

The increased responsibilities of Frontex in the field of return were encouragingly reflected in the organizational structure of the Agency. In addition to the establishment of an own return division, one of the three new posts of a Frontex Deputy Executive Director will be dedicated to return. To realize the full potential of the reorganization and to enable needs-based support to Member States, it is necessary to foster a well-informed decision-making process at management level. Therefore, we should dedicate parts of the Management Board to return and ensure that experienced national return authorities are present.

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