



Council of the European Union
General Secretariat

Brussels, 22 January 2025

WK 789/2025 INIT

LIMITE

**JAI
MIGR
RELEX
COMIX
FRONT
VISA
ASILE**

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Integration, Migration and Expulsion (IMEX Expulsion)
Subject:	Working Party on Integration, Migration and Expulsion (IMEX Expulsion) - presentation

Delegations will find enclosed the presentation given by the European Commission (item 2 on agenda) during the meeting of the Working Party on Integration, Migration and Expulsion (Expulsion) held on 21 January 2024.



Thematic Schengen Evaluation 2024

Bridging national gaps: towards an effective EU return system through common solutions and innovative practices

Recommendations

21 January 2025

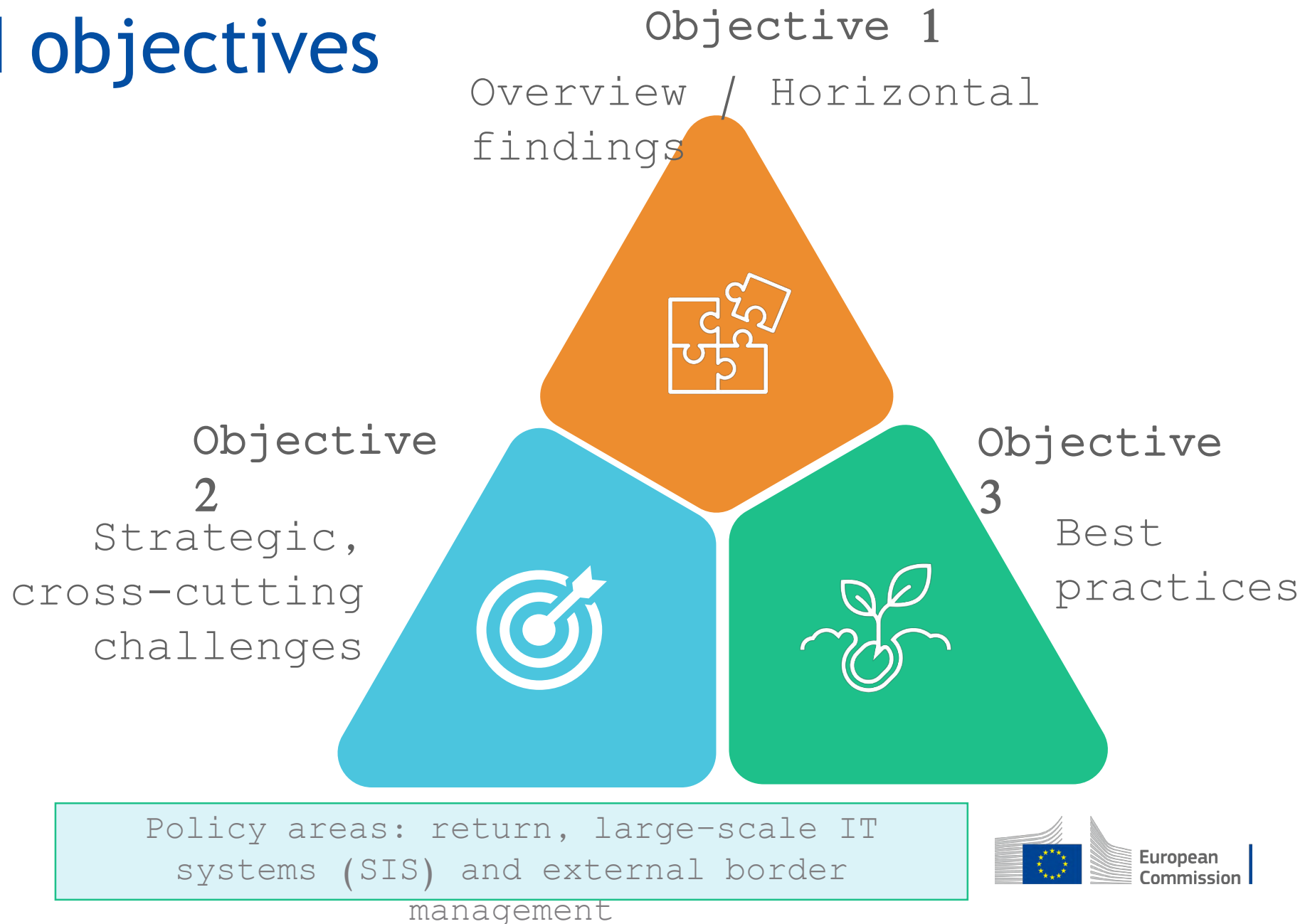
Scope and objectives

Scope

Address common obstacles and challenges

Common EU solutions, coordination, innovative practices

Ensure a well-functioning Schengen area.



Methodology – How did we get to this stage?

Methodology (December - March)

- December 2023 – Establishment of dedicated **evaluation team**
 - 15 Member States (Austria, Belgium, Czechia, Denmark, Estonia, Finland, Italy, Latvia, Liechtenstein, Lithuania, Norway, Poland, Portugal, Slovenia, Spain, Sweden and Switzerland), as well as 2 Commission experts and 2 observers (FRA and Frontex)
- January to March 2024 – elaboration and consultation on **dedicated questionnaire**
 - Meetings with MS on 16 February and written comments taken on board:
 - Schengen Committee endorsed questionnaire - launched on 21 March



Methodology (March - June)

- **Analysing existing sources**, including past periodic evaluations and setting up method for analysis of responses to questionnaire
- **5 Focus Group discussions with Frontex**
- **Responses to questionnaire** received on 21 June – evaluation team meeting on 24-26 June



Methodology (July - October)

- Selection of Member States for visits:

- Italy
- Norway
- The Netherlands



- Videoconferences on specific aspects:

- Austria
- Denmark

- Evaluation Team drafting meeting on 15-18 October



- Presentation of draft report for comments on 28 October

Methodology (November - December)

- Feedback to written comments provided to Member States on 11 November
 - Specific drafting suggestions taken on board and clarification on methodology pursued
 - Enhanced attention by evaluation Team to ensure recommendations were clearer and linked to legal base to aid implementation
- Speedy Commission inter service consultation due to European Council Conclusions and adoption planned before December European Council
- In total the evaluation team had 12 online meetings, 3 in person meetings (2-3 days each), as well as attending the 7 videoconferences (with Frontex and Member States), and travelling to attend the 3 visits (4 days each).

Recommendations stemming from the Thematic Schengen Evaluation

Thematic Schengen Evaluation - towards an effective EU Return system



- 1. Well functioning Schengen system requires effective returns**
- 2. Ensuring effectiveness at key stages of the Return Process between national authorities**
- 3. Maximising national efficiency through stronger European Cooperation**

Well functioning Schengen system requires effective returns

1. Situational picture
2. Return as a key part of Schengen governance
 - a) National Schengen governance
 - b) Intelligence-based decisions
 - c) Preparedness of the return systems



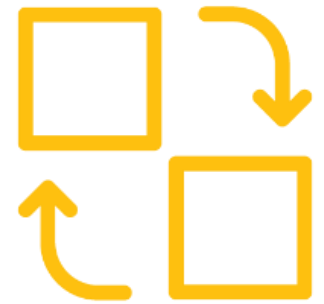
Recommendations 1 and 2

- effective implementation of return as an integral part of national EIBM strategies
- regularly updated capability development and contingency planning based on the outcome of risk analysis

Ensuring effectiveness at key stages of the Return Process between national authorities

1. Effectively initiating the return process – end of legal stay and the return process

- a) Effectively initiating and managing return procedures
- b) Ensuring effective access to rights, while preventing abuses



Recommendations 3, 4 and 5

- return decision issued without delay, considering possibility of joint decisions (return together with end of legal stay)
- Assess national appeal system for return decisions to ensure prompt procedures while ensuring respect of fundamental rights
- Taking measures to swiftly deal with applications for international protection with no new facts, lodged to hamper return



Ensuring effectiveness at key stages of the Return Process between national authorities

2. Digital Return Case Management System to ensure coordination between authorities (including large-scale IT systems)

Recommendations 6 - Develop and further improve the national return case management system in light of the reference model for national return case management systems (RECAMAS)

3. Identification of third-country nationals, including through the use of large-scale IT systems supporting the application of the Schengen acquis

Recommendations 7 – use all available tools and incentives to facilitate identification of third-country national subject to return



Ensuring effectiveness at key stages of the Return Process between national authorities

4. Credible return systems: coherence between voluntary and forced returns
 - a) Voluntary return and reintegration
 - b) Monitoring compliance with return decisions through the Schengen Information System

Recommendations 8, 9 and 10

- promote the possibilities for dignified return by providing systematic return counselling and enhanced return assistance
- Establish appropriate mechanism to monitor the compliance with an obligation to return
- Ensure the exit of third-country nationals is systematically and swiftly registered in the SIS through effective exit checks at the external borders

Ensuring effectiveness at key stages of the Return Process between national authorities

5. Prioritised return of criminals and those who pose a security threat
 - a) Issuing and enforcing return decisions for third country nationals serving a prison sentence
 - b) Return of persons with no right to stay who pose a security threat



Recommendations 11, 12, and 13

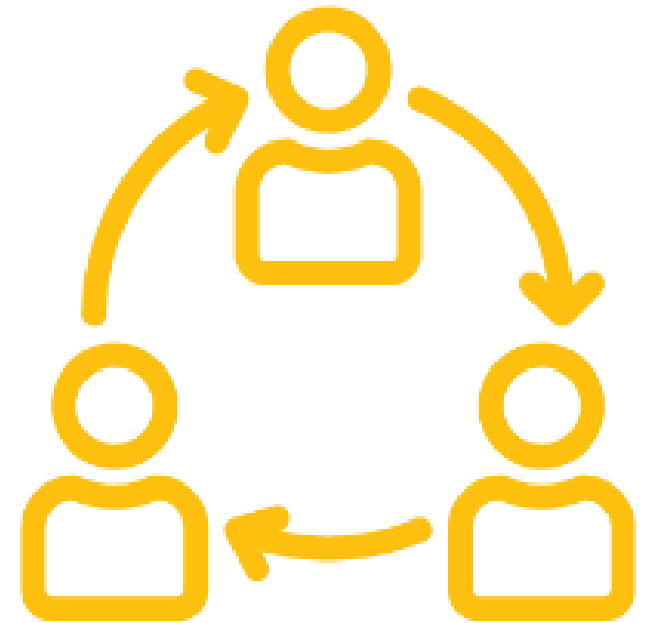
- Take all necessary measures to return third-country nationals subject to return who are serving a prison sentence
- Include systematically in SIS alerts on return any indications on the threat posed by an illegally staying third-country national subject to return
- Ensure full use of possibilities under the return directive in these cases, concerning the voluntary departure period and entry bans

Maximising national efficiency through stronger European Cooperation

1. Enhancing the exchange of information for more efficient and effective decision-making – use of SIS in return procedures

Recommendations 14, 15, 16:

- Full access to SIS for competent authorities and the full right to search
- Swift national procedures to insert alerts on return in SIS without delay
- Ensure available biometric data is included in alerts on return



Maximising national efficiency through stronger European Cooperation

2. Enhancing trust towards a common European system – mutual recognition

No recommendation.

3. Operational support through Frontex

Recommendations 17 and 18:

- Fully utilise support available through Frontex (adapting national systems and removing obstacles)
- Use operational support available through Frontex to deploy return teams to respond to the lack of human resources that hinder effective and speedy enforcement of returns.

Timeline and political context

- First presentation of the recommendations in the Council to IMEX
- Schengen Matters Working Party discussion planned
- Schengen Council and European Council calls for determined action



Thank you !



© European Union 2020



Reuse of this presentation authorised
under the CC BY 4.0 license.