

EMN - EUROPEAN MIGRATION NETWORK

National Contact Point for Malta

**PROGRAMMES AND STRATEGIES IN
MALTA FOSTERING ASSISTED RETURN
TO AND RE-INTEGRATION IN THIRD
COUNTRIES**

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PROGRAMMES AND STRATEGIES IN MALTA FOSTERING ASSISTED RETURN TO AND RE-INTEGRATION IN THIRD COUNTRIES

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DISCLAIMER

This report has been prepared by the International Organisation for Migration for the National Contact Point of the European Migration Network (NCP) Malta, in co-operation with various relevant entities of the Ministry for Justice and Home Affairs and others participating in this activity. However, this report does not necessarily reflect the views of the Ministry for Justice and Home Affairs.

EXECUTIVE SUMMARY

Malta has shifted from being a country of emigration to a country of immigration, as the number of migrants arriving at Malta's borders has multiplied, in particular over the past nine years.

In this study, the current state-of-play of Assisted Return in Malta is being explored and examined within the larger picture of Maltese migration management. It has to be noted that, due to the embryonic nature of assisted return in Malta, research and documentation on this topic with a local focus remains rather limited.

During the period under review, 2004-2008, only two Assisted Voluntary Return (AVR) projects were implemented in Malta. However, during the year 2009, a further two projects were implemented and, at the time of drafting this report, one was still ongoing. Over the last four years an increasing number of migrants chose to return home under an assisted return programme. The data provided shows that since the year 2005 and the end of July 2009 a total of 180 people had opted to return to their country of origin under separate AVR schemes. To date, the assisted voluntary return programmes in Malta were specifically targeted towards rejected asylum seekers who lack a basis for legal stay, mainly from Sub-Saharan Africa.

The political and legal framework surrounding assisted return remains rather scant and Maltese legislation makes no reference to assisted return per se. Only an indirect reference is made to this in the Immigration Act.

Regarding the influence of European policy, legislation and funding, the provisions of DIRECTIVE 2008/115/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals¹ (hereinafter referred to as the Return Directive) have not yet been transposed into national legislation and therefore the full impact of the Directive cannot be measured at this stage. Information gathered during the drafting of this report indicates that the process to transpose the Directive into Maltese law has started. Among the discrepancies between the law as currently applied and the provisions of the Return Directive, is the setting of an appropriate period of time for persons to return voluntarily. However, in terms of project funding of directly applicable mechanisms, a number of AVR projects have already been funded under the Return Fund in Malta (namely the DAR1 and RESTART projects) together with related initiatives.

The Maltese Government is aware of the potential that Assisted Voluntary Return provides for the management of the sharp increase in the number of migrants arriving in Malta especially in relation to the impact of these arrivals on Government resources. Beyond this however, a more dignified way of reaching the goal of partially relieving the burden of the numbers of irregular migrants in Malta is preferred by the Maltese Government. Furthermore, the sustainability of assisted return programmes and the associated longer term benefit for the development of Countries of Origin is another motive. Understandably Maltese authorities realise the potential that this combination of factors has in making Assisted Voluntary Return a 'win-win' solution for migrants and authorities alike..

¹ Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF>

However, the motives and perception of voluntary return among the addressed migrant population are very diverse. Within the Sub-Saharan African population residing in Malta, the desire to return is rather weak and seems to correlate with the poor conditions in certain African countries of origin which is one of the main reasons that spurs African nationals to migrate in the first place. Furthermore, since for various reasons Malta is not perceived as the final destination for most migrants, the planning for immediate or eventual return has more to do with the long term strategies related to development in countries of origin than the immediacy of circumstances in Malta in terms of employment and other opportunities.

Several obstacles are observed regarding the effective implementation of assisted return programmes in Malta. These include, among others, the importance of gaining the trust of potential returnees and the lack of availability of confidential space in the closed centres. A further obstacle in taking the decision to return is also the fact that Malta is not the intended final destination for migrants. The island is seen as a transit point to mainland Europe for most of the migrants and this aspect plays against assisted voluntary return being perceived as a desirable return option. Furthermore, the limited diplomatic relations with the countries of origin and the lack of Sub-Saharan embassies in Malta pose difficulties in the identification and resultant issuing of documents to returnees. This obstacle hinders the organization of the return.

Regarding the organization of assisted return measures, the manner and procedures on how assisted return has been conducted differ from project to project and from the different implementing agencies. However, common features include out-reach activities such as awareness-raising through distribution of leaflets and informing and contacting prospective returnees in the residential centres. Furthermore, individual return counselling takes place either at offices of the implementing entities, or by return counsellors visiting residential centres. The return counselling consists of an explanation of the return procedures, the acquisition of travel documents and the consent of the prospective returnee as well as the discussion of future plans and an assessment of the skills for reintegration purposes. The setting up of business set-up plans and job training opportunities are conducted prior to or after return in countries of origin, in joint cooperation between NGOs and IOs. The timing of return counselling is determined mainly by the prospective returnees themselves but is also conditioned, to some extent, on the time to obtain travel documents, which can be time consuming due to the afore-mentioned limited consular presence in Malta.

Regarding the reintegration and sustainability of assisted voluntary return, all projects have benefited to a certain degree from the presence of IOM in the country of return where airport assistance and re-integration assistance has been offered. As part of the general approach, different return packages may be offered that can include, according to need, a prior assessment, the setting up of a business plan, the facilitation of financial assistance and verification and monitoring visits by the IOM mission in the country of return. Financial re-integration assistance in the different projects is paid '*in kind*' or '*in cash*' upon verification of purchases made.

I. INTRODUCTION: PURPOSE AND METHODOLOGY FOLLOWED

Over the last decade, Malta has experienced a rapid shift from being a country of emigration to a country of immigration, in particular as the number of migrants arriving irregularly at Malta's border, rose sharply. The phenomenon was accompanied with developments in related legislation. The year 2002 saw the enactment of the Refugee Act, and the setting up of the Office of the Refugee Commissioner to process asylum claims as well as amendments to the Immigration Act. Moreover, in 2004, Malta's membership in the European Union contributed extensively to the development of its legislative and policy framework through the transposition of various migration related regulations and directives. Furthermore, over the past years, due largely to its position at the crossroads of the Mediterranean and at the southern-most external border of the European Union, Malta registered unprecedented mixed migratory in flows in particular from the North African coast. . The vast majority of people arriving in Malta through irregular channels have sought asylum. Malta grants protection (Refugee Status or subsidiary protection) to over 50% of asylum seekers².

The relatively new phenomenon of Sub-Saharan Africans in small boats has received extensive attention in public and political discourse. This is contrasted with the situation of other migrants originating from Eastern Europe, Asia and North Africa who despite presenting various challenges for the Government in terms of migration management, have not featured quite as prominently in public discourse.

As such, the last few years have seen the further development of legislation, policies and an institutional framework dealing with issues of migration. These have included, *inter alia*, the setting up of detention services as well as the setting up of an office of the International Organization for Migration (IOM), the United Nations High Commission for Refugees (UNHCR) and the Agency for the Welfare of Asylum Seekers (AWAS). IOM was the first organisation to introduce the idea of assisted voluntary return in Malta and has played a crucial role within the setting up and implementation of assisted voluntary return in Malta.

The purpose of this study is to explore the current state-of-play of assisted return in Malta and how this fits in within the larger picture of Maltese migration management. It is hoped that the results of this study will also contribute to a more comprehensive overview of the situation in Member States³. More specifically, the study will include:

- A comprehensive overview of programmes and strategies for assisted return in Malta
- An analysis of strategies on how assisted return is promoted and barriers to return are overcome in Malta, as well as ways and experiences on fostering the sustainability of assisted return
- An analysis of incentives and motivations to participate in assisted return and re-integration programmes
- An evaluation of assisted return programmes and their effectiveness/sustainability

² Press release UNHCR Malta, 9th of January 2009
<http://www.timesofmalta.com/articles/view/20090109/local/60-of-asylum-seekers-in-malta-need-protection-unhcr>

³ This will be reached through a Synthesis Report that includes all the respective National EMN Reports on AVR. The opportunity to draw comparisons is therefore given.

The aim of the present study is to:

- Inform policy development in the area of assisted return within the broader remit of return policies
- Identify existing gaps in the legislative, policy, institutional and practical frameworks
- Assist in the re-structuring of existing and forthcoming funding mechanisms in order to ensure that return is effected in the most cost-effective way possible whilst ensuring a dignified return in line with Malta's international obligations
- Identify the requirements for effective AVR projects in line with minimum standards
- Identify best practices
- Identify the best ways to ensure policy cohesion between migration, asylum⁴, return and development policies
- Provide a compilation of information which allows a comparative analysis with other EU Member States

In view of the above, the report is of interest both at the national and the international level. It is likely to be most useful for relevant ministries (in particular the Ministry for Justice and Home Affairs and the Ministry of Foreign Affairs), policy makers at different levels, non-governmental organizations working in the field, international organizations operating in Malta and other countries of origin, transit and destination, the EU and its agencies, most notably the Fundamental Rights Agency and FRONTEX, as well as governments of countries of origin and transit.

1.1 METHODOLOGY

The methodology adopted in the drafting of the present report is a desk research. It includes an overview of projects related to assisted return implemented in Malta since 2005⁵, data from reports and statistics published in Malta, an overview of the transposition of the Returns Directive as well as other legislation. The compilation of the report was supported by the Third Country Nationals Unit within the Ministry of Justice and Home Affairs (MHJA) who was able to provide information on the MJHA policy approach and statistics. Input has also been provided by IOM staff working on implementation of AVR in Malta, and the Ministry of Foreign Affairs (MFA) project leader on DAR, a former Maltese AVR project⁶.

Due to the embryonic nature of assisted return in Malta, research and documentation remains rather limited.

⁴ An effective return policy is the hallmark for effective asylum policies.

⁵ The first AVR project coordinated in Malta was implemented in 2006.

⁶ The DAR project was developed by the Ministry of Foreign Affairs of Malta (Lead Partner) in collaboration with the International Centre for Migration Policy Development (ICMPD), SOS Malta and Med Europe (Italy) and selected under the EU funded Return programme. The project commenced in August 2007 and concluded in May 2009. The main objective of the DAR project was to contribute to the development of a comprehensive voluntary return programme with special emphasis on reintegration aspects. For more information, please also see chapter 2.3.1.

2. DEFINITIONS, CATEGORIES OF RETURNEES AND AVAILABLE DATA

2.1 DEFINITIONS OF ASSISTED RETURN

International cooperation is central to any policy that addresses migration in all its complexities: strengthened operational cooperation amongst EU Member States and with countries of origin and transit countries is pivotal. Due to its small size, Malta has limited consular presence. Therefore possibilities for exchange and mutual understanding with Sub-Saharan African countries are rather limited. The existing gaps in operational cooperation with African countries often creates difficulties in the processing of a number of issues related to the migrant population residing in Malta as well as problems in the functioning of important elements of migration management, such as a well defined Assisted Voluntary Return & Reintegration (AVR-R) policy. The latter is considered essential to any credible migration and asylum policy and is an important component of the fight against irregular migration. Thus, particularly in the case of Malta, given its limited land and high population density, AVR-R has proven to be of vital importance in migration management. It can be said that assisted voluntary return allows for a better upholding of migrants' rights. In an effort to address these contextualized limitations, over the time frame in review (2004-2008), the MJHA, together with IOM, taking advantage of IOM's operational presence in countries of origin, has developed and implemented five projects related to AVR-R in Malta (which will be described in greater detail throughout the report). Throughout, the definition of assisted return adopted by Maltese policy makers is that of IOM, and hence the working definition adopted in this research:

Return

'Refers broadly to the act or process of going back. This could be within the territorial boundaries of a country, as in the case of returning Internally Displaced Persons (IDPs) and demobilized combatants; or from a host country (either transit or destination) to the country of origin, as in the case of refugees, asylum seekers, and qualified nationals. There are subcategories of return which can describe the way the return is implemented, e.g. voluntary, forced, assisted and spontaneous return; as well as subcategories which describe who is participating in the return, e.g. repatriation (for refugees).'⁷

Voluntary Return

According to the EMN definition also given in the template for this report, voluntary return means the following:

'Defined as the assisted or independent return to the country of Origin, transit or third country, based on the free will of the returnee. (...)

⁷ International Organization for Migration (IOM) (ed.), 2004. *International Migration Law. Glossary on Migration*. Page 56.

The types of persons returning without the assistance of the State include those who:

- Would be under no legal obligation to do so. As stated in the definition, it is entirely their decision as to whether they return or not.
- Are illegally-resident and have not (yet) been apprehended/detected (e.g. overstayed) by the authorities, but who decide to return anyway.
- ‘Have applied for stay (e.g. asylum applicant, person applying for protection) and whose application has not yet been finalized, but decides to return anyway.’⁸

Assisted Voluntary Return,

The definition of AVR adopted in the Maltese context and used in this research refers to the IOM definition namely:

‘Logistical and financial support to rejected asylum seekers, trafficked migrants, stranded students, qualified nationals and other migrants unable or unwilling to remain in the host country who volunteer to return to their countries of origin.’⁹

2.2 CATEGORIZATION OF RETURNING MIGRANTS

The following section outlines the various categories of third country nationals with regard to return policies and the official categories of people in Malta considered liable to return on various grounds. In general, Malta provides the AVR option mostly to Sub-Saharan asylum seekers (SSA) who have had their asylum claim rejected, although there have been AVR cases to other areas, such as North Africa. AVR may also be offered to other categories of migrants on humanitarian grounds. Such cases are assessed on a case-by-case basis.

The overarching category of migrants that is looked at in this study and those availing of assisted voluntary return support are: asylum seekers, rejected asylum seekers, stranded migrants, victims of trafficking, overstayers (*prohibited migrants*) and people enjoying protection.

Asylum seekers

Maltese law defines the term asylum seeker as an ‘*applicant for asylum*’ who is ‘*a third country national or stateless person who has made an application for asylum in respect of which a final decision has not yet been taken by the Commissioner or the Refugee Appeals Board*’.¹⁰

⁸ EMN glossary based on IOM definition as defined in template for EMN report on AVR 1(d)

⁹ International Organization for Migration (IOM) (ed.), 2004. *International Migration Law. Glossary on Migration*. Page 7.

¹⁰ Refugee Act Part1, 2. Chapter 420 of the Laws of Malta, 2001.

People enjoying protection:

Under Maltese law, these are people enjoying refugee status, subsidiary protection or temporary humanitarian protection, defined as:

Refugees:

Maltese Law applies the same definition of the Geneva Convention with regards to a refugee: 'A person may apply to the Commissioner, in the prescribed form, and shall be granted refugee protection, where it is established that he faces a well-founded fear of persecution in his country of origin or habitual residence in terms of the convention.'¹¹

Subsidiary protection:

'Upon the recommendation of the Commissioner of Refugees, the Minister shall declare that subsidiary protection status be granted to an applicant for asylum whose application has been dismissed but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his country of origin, or in the case of a stateless person, to his country of former habitual residence, would face a real risk of suffering serious harm, and the Commissioner shall continue to be able to make such a recommendation in cases where the real risk of suffering serious harm arises even after a decision not to grant subsidiary protection has been taken'.¹²

Temporary Humanitarian protection:

Temporary Humanitarian Protection is a national form of protection granted to applicants who do not satisfy the conditions for Refugee status or Subsidiary Protection as laid down in the Qualification Directive and the corresponding provisions of the Refugees Act and Procedural Standards Regulations, but who nonetheless should not be returned in view of humanitarian considerations.

Victims of Trafficking:

'Trafficking of human beings' covers those cases provided for in Sub-title VIII Bis of Title VIII of the Criminal Code.¹³ A victim of human trafficking has been recruited, transported, or transferred by the means of violence or threats, including abduction; deceit or fraud; misuse of authority, influence or pressure; the giving or receiving of payments or benefits to achieve the consent of the person having control over another person for the purpose of exploitation in the production of goods or provision of services or of exploitation in prostitution or in

¹¹ Refugees Act, Part IV, 8. (1) 2001.

¹² Refugees Act, Part III, 17. (1) 2001.

¹³ **SUBSIDIARY LEGISLATION 217.07**

PERMISSION TO RESIDE FOR VICTIMS OF TRAFFICKING OR ILLEGAL IMMIGRATION WHO CO-OPERATE WITH THE MALTESE AUTHORITIES REGULATIONS, 2. 6th July, 2007
LEGAL NOTICE

pornographic performances or in the production of pornographic material or of exploitation in the removal of any organ of the body.¹⁴

The main categories of third country nationals that have so far benefited from or have been targeted by an IOM-AVR project in Malta, are:

- Sub Saharan African Rejected Asylum Seekers who have no legal basis to remain in Malta
- Sub Saharan Africans enjoying protection in Malta
- Non-Sub Saharan migrants

Prohibited Immigrants

Article 5 of the Immigration Act (Cap 217) of the Laws of Malta, considers the following as '*prohibited immigrants*':

- persons whose stay in Malta breaches the conditions of entry and stay such as not being in possession of valid travel documents or documents substantiating the purpose and the conditions of the visit to Malta and have insufficient means of support themselves and their dependants
- persons who entered Malta through legal channels and are detected to be overstaying
- persons who entered Malta irregularly (which may include failed asylum seekers who do not or no longer fulfil the conditions of stay).

2.3 DATA ON ASSISTED RETURN

During the time period under review, 2004-2008, only two AVR projects were implemented in Malta. During 2009, a further two projects were implemented. In order to provide a more concise picture of AVR in Malta, and given the embryonic nature of AVR on the island, the statistics will be based on the time frame from 2006 to date and broken down into the different projects implemented.

First, an overview of all the assisted return projects which have been implemented in Malta since 2004 will be provided. Secondly, data on the age, gender and status of the returnees will be provided as well as available data on the education the returnees have undertaken through the project and the employment or business venture taken up upon return. Thirdly, data on countries of return will be provided in comparison with the total numbers of forced return to these countries.

¹⁴ Sub-title VIII Bis of Title VIII of the Criminal Code, 248A-E.

2.3.1 Overview on assisted voluntary return projects in Malta

Pilot initiative to foster assisted voluntary return in Malta¹⁵

The first AVR project in Malta was implemented by the International Organization for Migration (IOM) in 2006. Funded under the ERF II 2005, the objective of the project was to introduce the schemes necessary for establishing and offering the assisted voluntary return option to all those potentially interested among ERF beneficiaries, i.e. asylum seekers, rejected asylum seekers, refugees and other beneficiaries of protection. This measure intended to contribute to lessening the burden that significant numbers of arrivals and prolonged permanence of migrants on the territory posed on the increasingly overstretched reception capacities in Malta, while granting the dignity and well-being of all involved people.

In order to attain the above-mentioned aim, a series of concrete actions were identified and applied:

- To set up and implement adequate modalities for the provision of information concerning AVR and voluntary return related facilities and opportunities, so as to ensure that the target group in Malta is aware of the available assistance
- To familiarize, by means of training-information sessions, Maltese counterparts with all possible tools related to the IOM AVR schemes and relevant measures as applied elsewhere
- To provide individual or group counselling on the voluntary return option to the target group
- To facilitate and implement the voluntary return of those beneficiaries who apply for such assistance

The project itself resulted in one AVR to Somalia, a single man. However the implementation of the project was positively assessed based on a number of constructive outcomes. Most particularly in the introduction of the AVR option in Malta, and in the setting up of an efficient interagency referral and cooperation system which proved to be effective not only with reference to the limited scope of the project, but also to the broader context of migration and asylum management.

Ad-hoc AVR assistance¹⁶

Upon completion of the aforementioned project, the Government of Malta continued to offer ad-hoc assistance to enable a small number of migrants to return home voluntarily.

Comprehensive Return Programme Including Re-Integration – DAR¹⁷

The DAR project¹⁸ was developed by the Ministry of Foreign Affairs of Malta (Lead Partner) in collaboration with the International Centre for Migration Policy Development (ICMPD), SOS Malta and Med Europe (Italy)

¹⁵ Project Report on 'Pilot initiative to foster assisted voluntary return in Malta' 2006 (implementation phase: 1 June – 31 December 2006).

¹⁶ Implementation phase ongoing.

¹⁷ Implementation phase: August 2007 – May 2009).

¹⁸ Data on the DAR project was provided by the Ministry of Foreign Affairs.

and selected under the EU funded Return programme. The project commenced in August 2007 and concluded in May 2009. The main objective of the DAR project was to contribute to the development of a comprehensive voluntary return programme with special emphasis on reintegration. In particular, the project aimed to:

- Develop and implement a sustainable voluntary return and re-integration programme for irregular migrants and rejected asylum seekers who are irregularly residing in Malta
- Improve the administrative procedures on return by focusing on cooperation with countries of origin, other EU Member States as well as among the public authorities and other relevant stakeholders in Malta

The approach adopted by the project was to:

- Base its activities on the concrete requirements of both public authorities and stakeholders involved in return procedures as well as migrants subject to return measures
- Base its activities on results and lessons learned from past and ongoing activities and projects implemented by governmental bodies and NGOs in Malta, other EU Member States and countries of origin as well as international organizations
- Increase the group of stakeholders and establish sustainable working relations between them
- Keep activities flexible to allow for the adaptation to changing circumstances such as arrivals of new migrant groups and categories or the political situation in countries of origin
- Ensure the sustainability of project activities and results

The main target groups of this project were rejected asylum seekers and third country nationals irregularly residing in Malta. The DAR programme initially assisted the return of 70 migrants. The project was then extended resulting in the return of another 100 migrants. A breakdown of returns is provided below.

Aside from the successful number of returns (the project initially had a target of 50 returns),¹⁹ the project also reported to have benefited from exchanges with return experts from other EU Member States in evaluating the ‘philosophy behind AVR’ and in enhancing cooperation. Lessons learnt from the DAR project led to the conclusion that there is no ‘one-size-fits-all’ model that may be applied in the development and implementation of AVR, and that the ‘scope, institutional setups and procedural arrangements need to be adapted in accordance with the national situation’.

Enhancement of cooperation avenues with African countries: Enhancement²⁰

Coordinated by the International Organization for Migration (IOM) together with MJHA and the Malta Police Force, Enhancement aimed at promoting and supporting consultations on assisted voluntary return and

¹⁹ DAR – Comprehensive Return Programme Including Re-integration. Catalogue of Good Practices and Policy Options. January 2009.

²⁰ Implementation phase: November 2008 – December 2008.

reintegration matters between Maltese Officials and representatives from African countries of origin through the organization of an exchange visit to Malta of diplomatic officials from different African countries. Between December 3rd and 5th 2008, 11 diplomats visited Malta from the following countries: two from Ghana, Guinea, Mali, Sudan and one each from Sierra Leone, Senegal and Nigeria. The aim was to contribute to the establishment of networks to support practical cooperation on voluntary returns. In view of this amongst the main subjects addressed during the consultations, one finds: information on countries of origin relevant to return and reintegration, assessment of push factors, documentation/identification issues, reintegration possibilities, and development aid related programmes and projects.

Voluntary Return and Sustainable Reintegration in the Country of Origin – RESTART²¹

The project RESTART, funded under the Return Fund 2008-2013, commenced in January 2009 and at the time of drafting this report, was still in implementation. The twelve month project aims to provide AVRR for up to 25 migrants. In addition, the project aims to support the efforts of the Maltese authorities to improve its integrated return management by facilitating voluntary return and sustainable reintegration for migrants in need of return assistance, thereby contributing to address the issues of overstretched migration systems in Malta.

The project addresses the following target groups:

1. All TCNs (this is how it was worded in the application in practice AVRs are mostly provided to SSA Nationals) who have not yet received a final negative decision in relation to their request for international protection and who may make use of voluntary return
2. All TCNs enjoying a form of international protection within the meaning of the Directive 2004/83/EC or temporary protection within the meaning of the Directive 2001/55/EC and who choose to make use of voluntary return assistance
3. All TCNs who do not or no longer fulfil the conditions for entry-or stay in Malta

Integrated Approach regarding Information on Return and Reintegration in Countries of Origin: IRRiCO II project²²

The project entitled IRRiCO is an 18-month trans-national IOM-project financed by the EU Return Fund which has been implemented in Malta since 2009 and aims to gather and consolidate return and reintegration information on countries of origin in order to provide migrants considering the AVR option to return home with reliable and up-to-date information on education, health care, housing, employment possibilities, transportation, social security, etc. This is done via the provision of country sheets available to return counsellors and migrants considering returning home, as well as supplying contacts within IOM missions in countries of origin on the situation back home, via the internet.²³ This project does not implement AVR in itself, but facilitates the improvement of return and reintegration measures.

²¹ Implementation phase: January 2009 – December 2009.

²² Implementation phase: November 2008 – April 2010.

²³ Available at: www.iom.int/irrico

2.3.2 Data of Returnees

The following statistics provide an overview of AVRRs implemented up to July 2009. At the time of drafting this report, IOM was processing an additional 25 AVRR requests under the RESTART programme. To provide an overview of the returnees, data of the returnees are broken down according to defined asylum status, gender and age.

Information on Asylum Status upon Return

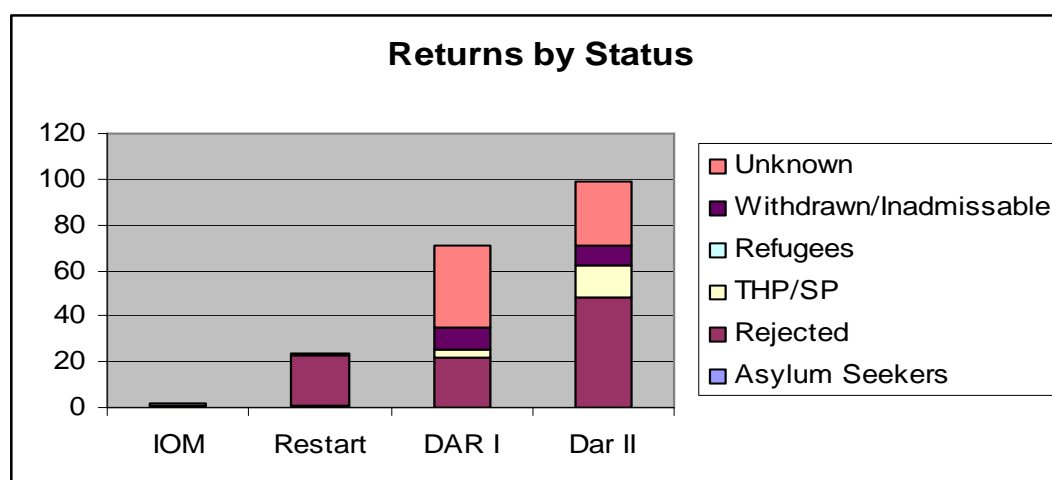
In terms of status of returnees under AVR schemes, data is not readily available for all projects. However, from the data we have at hand, the majority of the cases (11) are rejected asylum seekers. These migrants participated in the RESTART AVR until July 2009 (this project is ongoing and therefore statistics related to this project cannot be finalised before the end of 2009). Only one person- who had been granted Temporary Humanitarian Protection - availed himself of AVR under the Pilot Initiative to provide AVR in Malta.

Returned by Status

Table 1: Assisted returnees by AVR scheme 2005 -2009 (August 09) – Frequency Distribution by status

	Asylum Seekers	Rejected	THP/SP	Refugees	Withdrawn/ Inadmissable	Unknown	Total
IOM	0	0	1	0	1	0	2
RESTART (IOM)	2	17	0	1	4	0	24
DAR I	1	33	4	0	23	10	71
Dar II	0	54	11	0	28	6	99
Total	3	104	16	1	56	16	196

Figure 1: Frequency Distribution - Stack Column Bar Chart - Assisted return by Status



Returned by Gender

Table 2: Assisted Returnees by Scheme - Distribution by Gender

Gender	Pilot Initiative to provide AVR in Malta	Case by Case GoM Provision	DAR 1 01.08.07- 31.01.09	DAR 2 01.02.09- 25.05.09	RESTART 01.01.09- 31.12.09	Total by Gender
Male	1	1	65	97	19	183
Female	0	0	6	4	5	11
Total	1	1	71	99	24	196

Returned by Age

Table 3: Assisted Returnees by AVR Scheme - Age distribution.

Age	Pilot Initiative to provide AVR in Malta	Case by Case Govt. of Malta (GoM) Provision	DAR 1 01.08.07- 31.01.09	DAR 2 01.02.09- 25.05.09	RESTART 01.01.09- 31.12.09	Total by Age
Below 21	-	-	16	12	6	28
21-25 years	-	-	12	23	7	39
26-30 years	-	-	21	33	6	59
31-40 years	-	-	15	28	2	45
Above 40	1	1	7	5	3	13
Total	1	1	71	99	24	196

Returned by Educational background

On education, the only data available is from the RESTART project, hence, contributing to the limited data available in the table. Nevertheless, MFA Malta stated that an extremely limited number of the returnees under the DAR- programmes had any ‘meaningful education’²⁴:

²⁴ Statistics applied by Ministry of Foreign Affairs, 5th of August 2009.

Table 4; Assisted Returnees by AVR Scheme – Distribution by educational background

Education	Pilot Initiative to provide AVR in Malta	Case by Case GoM Provision	DAR 1 01.08.07- 31.01.09	DAR 2 01.02.09- 25.05.09	RESTART 01.01.09- 31.12.09	Total by Qualification
No schooling	-	-	-	-	7 ²⁵	-
Elementary school	-	-	-	-	15	-
Secondary School	-	-	-	-	2	-
Vocational Education	-	-	-	-	0	-
Tertiary	-	-	-	-	0	-
Total	1	1	71	99	24	196

Returned by employment set up

On the type of employment obtained after returning, the only data available is from the RESTART project and from the IOM country reports²⁶ that assisted returned nationals with the DAR project:

Table 5; Assisted Returnees by AVR Scheme – Distribution by employment Set-up in Col

Employment	Pilot Initiative to provide AVR in Malta	Case by Case GoM Provision	DAR 1 01.08.07- 31.01.09	DAR 2 01.02.09- 25.05.09	RESTART 01.01.09- 31.12.09	Total by Qualification
Agriculture/ farmer	-	-	-	-	4	-
Driving and Transport	-	-	4	-	8	-
Shop-owner	-	-	7	-	8	-

²⁵ Including 4 children under age of compulsory education

²⁶ IOM Sudan and IOM Ghana report on reintegration assistance given. The – sign indicates missing data.

2.3.3 Numbers of Returns to Country of Origin

Table 6; Distribution of Assisted Returnees by Country of Return Destination

Returnees were returned to the following countries:

Country of Return ²⁷	Pilot Initiative to provide AVR in Malta	Case by Case GoM Provision	DAR 1 01.08.07- 31.01.09	DAR 2 01.02.09- 25.05.09	RESTART 01.01.09- 31.12.09	Total by Nationality
Algeria	0	0	0	0	1	1
Cameroon	0	0	1	0	0	1
Ethiopia	0	0	0	1	2	3
Gambia	0	0	0	0	1	1
Ghana	0	0	34	42	5	81
Kyrgyzstan	0	0	3	0	0	3
Mali	0	0	3	5	2	10
Morocco	0	0	0	0	5	5
Niger	0	1	1	0	0	2
Nigeria	0	0	21	16	6	43
Senegal	0	0	0	3	1	4
Somalia	1	0	0	0	0	1
Sudan	0	0	8	32	1	41
Total	1	1	71	99	24	196

In order to give an indication of the status of returns, the figures for assisted returns and forced returns are included in the following tables.²⁸ Statistics indicate that a high number of forced returns are implemented to countries of origin that are not targeted by AVR projects and thus the figures of forced return exceed the figures of assisted returns. However, countries of origin that are targeted by AVR projects (so far mainly Sub-Saharan countries) have mostly a considerable higher number of assisted returns than forced returns.

²⁷ Please note that in all projects the nationality, country of origin as well as country of return are the same.

²⁸ Please note that the data is from 2004 until August 30th 2009. Data separation for 2001-2005 is not available.

Table 7: Assisted returns in comparison to Forced returns - related Countries of Return (for reference period 2004 till 30th August 2009)

Country of Return	Total no. of Assisted Return	Total no. of Forced Return
Algeria	1	32
Cameroon	1	3
Ethiopia	3	0
Gambia	1	0
Ghana	81	52
Kyrgyzstan	3	4
Mali	10	16
Morocco	5	157
Niger	2	0
Nigeria	43	45
Senegal	4	1
Somalia	1	6
Sudan	41	2
Total	196	318

The following grid (Table 8), indicates the numbers of forced returns since 2004. The chart (figure 2) indicates that further to a peak in forced returns in 2005, the number of such returns has since dropped.

Table 8: Forced and assisted Returns totals 2004 – 2009 (August '09)

Year	2004	2005	2006	2007	2008	2009	Total
Total of Forced Return	704	955	780	338	261	270	3308
Total of Assisted Return	0	- ²⁹	1	(1)- ³⁰	51 ³¹	143 ³²	196

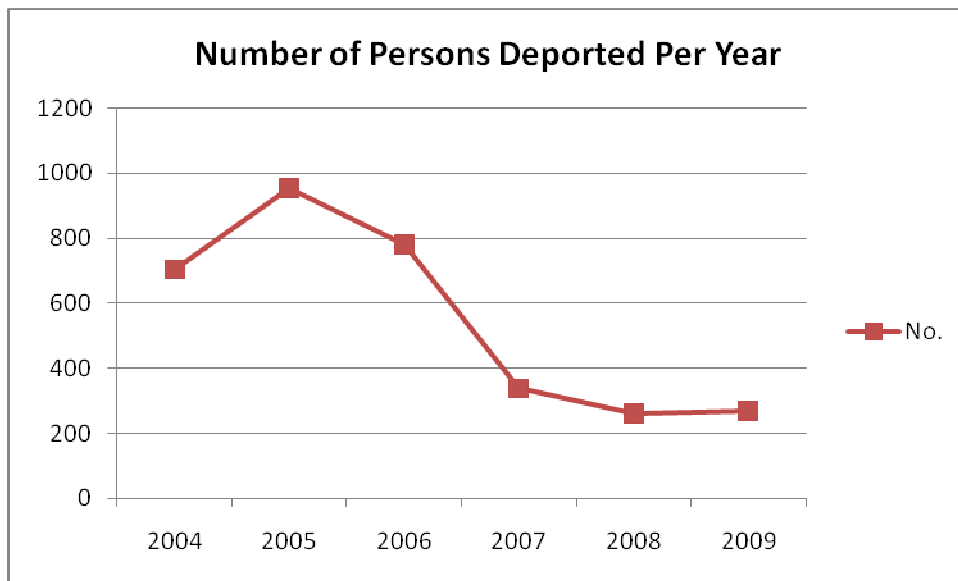
²⁹ No Data available.

³⁰ No exact Data available, 1 person under Case by Case GoM Provision.

³¹ Dar I, please note that some of the respective returnees already might have returned end of 2007.

³² Dar II and RESTART.

Figure 2: Forced returns - Yearly total distribution



* figures for the year 2009 are correct till 30th August 2009

A more detailed table providing the disaggregation of returns according to Countries of Return is provided in Appendix 1.

3. THE POLITICAL AND LEGAL FRAMEWORK

3.1 THE POLITICAL AND LEGAL FRAMEWORK IN MALTA

The political and legal framework surrounding assisted voluntary return remains rather scant, presumably due to this issue being relatively new for Malta. In fact, Maltese legislation makes no reference to assisted voluntary return per se.

The Immigration Act³³ which forms the backbone of Maltese Immigration Legislation only makes an indirect reference to voluntary return (not assisted) in stating that the provisions of the act relating to the issuance of a removal order, allowing for a person to be held in custody pending deportation, do not 'affect the obligation of any person who does not fulfil or who no longer fulfils the conditions of entry, residence or free movement to leave Malta voluntarily without delay'³⁴. It is therefore clear that the law assumes that a person, whose legal stay in Malta has come to an end, should make his own arrangements to leave. Failing this, it provides for the framework to enforce this return.

This is done through the issuance of a removal order, which is issued by the Principal Immigration Officer if he considers that a person is liable to removal as a prohibited migrant³⁵ under the act³⁶. A person is therefore under an obligation to leave as soon as his legal right to stay has expired. If he is considered to be in that situation, or is otherwise subject to expulsion the Principle Immigration Officer may order his removal (removal order).

A deportation order, on the other hand, refers to the right of the Minister to issue an order to someone to leave Malta. The latter would apply, for instance to a legal migrant who has valid documents but who has become a threat to Malta. It is to the authors understanding that this procedure is rarely implemented by authorities.

There is therefore a distinction to be drawn between four categories of persons. The first is those persons with a legal right to stay in Malta but who, for whatever reason, opt to leave Malta and benefit from Assisted Return. This would be, in reality, the only true type of voluntary return. The second are those people who do not have a legal right to be in Malta but who have, for whatever reason, not been apprehended by the police. These are under a legal obligation to leave Malta even if no explicit order is made. The third category refers to those who are subject to a deportation order, which is a direct order for them to leave the island. Finally there are those who are subject to a removal order. This order means that they are to be forcefully removed from Malta. In practice, a removal order is handed down to all boat people upon landing. It is however suspended as soon as a person applies for asylum and is only re-activated when a final decision (rejection also by the Refugee Appeals Board) is given.

³³ Immigration ACT Cap 217 Article 14 paragraph (3).

³⁴ Immigration ACT Cap 217 Article 14 paragraph (3).

³⁵ Defined in Article 5 of the Immigration Act.

³⁶ Immigration ACR CAP 217 Article 14 (1)

As yet, the law does not stipulate a minimum period in which the individual is to make his/her return arrangements (and therefore technically, a removal order can be issued as soon as the person's legal right to stay expires, without allowing the time for the individual to leave at his/her own free will). This falls short of the requirement established in Article 7 of the Returns Directive³⁷ which stipulates that, without prejudice to particular circumstances, 'a return decision shall provide for an appropriate period for voluntary departure of between seven and thirty days'.

The only direct reference that Maltese law makes to voluntary return is within the 'Agency for the welfare of asylum seekers regulations' promulgated through Legal Notice 205 of 2009³⁸. The regulations stipulate that one of the functions of the Agency shall be that of promoting 'the Government's policy and schemes regarding resettlement and Assisted Voluntary Returns'³⁹.

On a political level, 'the expeditious return in safety and dignity is the preferred response'⁴⁰ and this is reflected both in political discourses by politicians and written policy. The Policy Document 'Irregular Migration, Refugees and Integration' published in 2005 by the Ministry of Justice and Home Affairs and the Ministry for the Family and Social Solidarity (now the Ministry for Social Policy) states that 'Irregular immigrants who are not eligible for refugee or humanitarian protection status shall be required to leave Malta. However, for humanitarian reasons, voluntary return will always be preferred to forced return.'⁴¹

3.2 THE INFLUENCE OF EUROPEAN POLICY, LEGISLATION AND FUNDING

European Law on the issue of returns has yet to be implemented in Maltese legislation and therefore the full impact of the transposition cannot be measured. Information gathered during the drafting of this report indicates that the process to transpose into Maltese law the provisions of the Return Directive has started. In the meantime, there may be certain inconsistencies between the law as currently applied and the provisions of the Directive and therefore one may anticipate the introduction of certain amendments to the present legal framework. The main one of relevance to assisted voluntary return is the setting of an appropriate period of time for persons to return voluntarily. This is not the case at the present moment where the procedure which is followed does not seem to allow this space.

³⁷ European Union, *Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals*, 16 December 2008, 2008/115/EC, available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF> [accessed 29 July 2009]

³⁸ Available at: <http://docs.justice.gov.mt/lom/Legislation/English/SubLeg/217/11.pdf>

³⁹ Article 6(e)

⁴⁰ St. John, Delicata, Azzopardi: *The Organization of Asylum and Migration Policies in Malta*, National Report 2008; National Contact Point of the European Migration Network in Malta.

⁴¹ Page 15 of the Policy Document.

All assisted return measures have been funded under European Union Funding programmes initially under the European Refugee Fund and more recently under the European Return Fund. As such, the European Funding programmes have given the stimulus for the development of the various AVR projects outlined in this report and provided Malta with the experience of managing these programmes which will impact the amendment and hopefully improve the existing legal and policy regime. The funding instruments within the EU have been instrumental in allowing Malta to carry out activities which due to its lack of resources, would be hard to implement. In addition, they have allowed Maltese authorities to take part in trans-national cooperation, particularly with other EU and African states in order to facilitate issues of return in Malta.

4. OVERVIEW OF ASSISTED RETURN MEASURES

Generally speaking, it is observed that printed information regarding assisted voluntary return in Malta remains lacking. The current research is to the authors' knowledge only the second study currently available on the issue in Malta.

In terms of assisted return, the involvement of countries of origin is crucial. In this regard, countries of origin may tend to look more favourably on return schemes which are coupled with development policies, rather than those focussed solely on forced return.

4.1 MOTIVES FOR (AND PERCEPTIONS OF) ASSISTED RETURN

The motivations of the Maltese government for promoting assisted voluntary return measures for Sub-Saharan African migrants are various. The primary motivation of enhancing a return policy in Malta, including assisted voluntary return, seems to be in relation to the large number of migrant arrivals by boat and the effect this has had on the country's resources. In fact, the main political speech on AVR, given by Foreign Minister Hon. Tonio Borg stated that: 'Amongst the options available to alleviate the burden we are carrying, there is the voluntary return of irregular migrants who are under obligation to leave Malta. This alternative is Assisted Voluntary Return (AVR).'⁴²

The same speech delves into some of the advantages of assisted voluntary return vis-à-vis forced return, including that it allows for a dignified return, supported through 'advice and assistance which allows returning migrants to rebuild their lives in their countries of origin'.⁴³

Other reasons given in official documents published by the government, for which AVR is considered to be the preferred option, are 'humanitarian reasons'⁴⁴ and the fact that AVR allows for a more expeditious return in safety and dignity.⁴⁵ Another reason is the fact that, by supporting individuals in all the various stages of Return, return is made 'more respectful and responsive to the dignity and integrity of the returnees, increase the degree of sustainability of return measures and, last but not least, make return processes more cost effective.'⁴⁶

⁴² Speech by the Hon. Dr. Tonio Borg, Deputy Prime Minister and Minister of Foreign Affairs, at the closing seminar of DAR project – Valletta – 29 January 2009. Available at:

http://www.doi.gov.mt/EN/press_releases/2009/01/pr0136.asp

⁴³ Speech by the Hon. Dr. Tonio Borg, Deputy Prime Minister and Minister of Foreign Affairs, at the closing seminar of DAR project – Valletta – 29 January 2009. Available at:

http://www.doi.gov.mt/EN/press_releases/2009/01/pr0136.asp

⁴⁴ Policy Document *Irregular Immigrants, Refugees and Integration*; MJHA and MFSS; Malta 2005.

⁴⁵ St, John, J., Delicata, M., Azzopardi, M. 2008. National Contact Point of the European Migration Network Malta. *The Organization of Asylum and Migration Policies in Malta*. National Report.

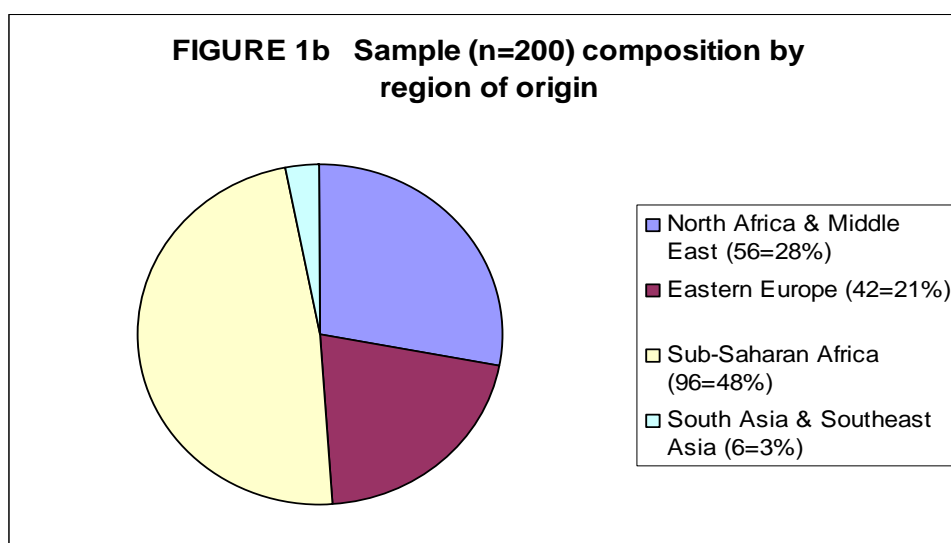
⁴⁶ Speech by the Hon. Dr. Tonio Borg, Deputy Prime Minister and Minister of Foreign Affairs at DAR seminar- Valletta- 9th of October 2008, Available at:

Whilst these motivations vary and allow for different perspectives, they are also complementary and can therefore be seen as part of a continuum. It is clear that the government’s primary intention is to relieve the burden of the numbers of migrants in Malta in as cost effective way as possible, however, still offering to safeguard the humanitarian element and offering a more dignified way of reaching this goal. Regarding the motives for, and perception of assisted return among potential returnees, two research exercises have been carried out amongst the targeted population.

Return Policy in the Mediterranean Region: RE.POL.MED – IOM

The Repolmed Study, conducted by IOM Rome and Malta in 2006-7 was part of a broader project managed by the Italian Ministry of Interior and implemented together with the Maltese Ministry for Justice and Home Affairs. The study provides data on the viability of assisted voluntary return for Malta. The sample studied for the purpose of the research was made up of a number of cross-cutting types. It sought to be representative of the mixed population of irregular migrants in Malta including both economic and forced migrants, as these differences eventually produce important distinctions between various kinds of returnees.⁴⁷ Of the 200 people interviewed, the composition of the sample studied can be grouped into 4 broad categories and the statistics of each are provided in the chart below. The categories included North Africans and people originating from the Middle-East, sub Saharan Africans, Eastern Europeans and people coming from South and South East Asia.

Figure 3: Regional distribution of Sample Population of Repolmed study



When asked whether they wished to return to their country, 43% of respondents answered that they did not desire to return at all⁴⁸, 37% said that they wished to ‘eventually return’ with only two respondents indicating a

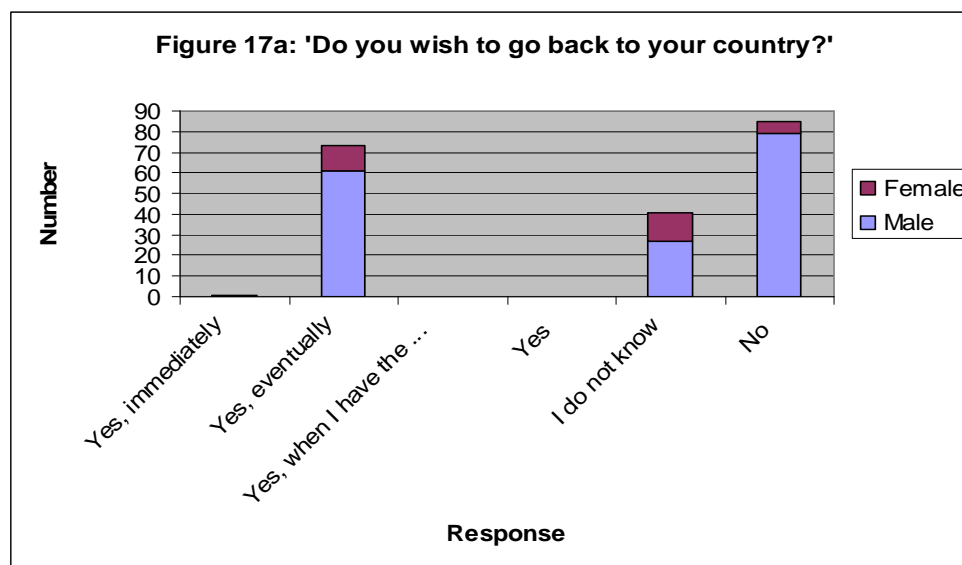
<http://www.foreign.gov.mt/default.aspx?MDIS=21&NWID=89>

⁴⁷ See Cassarino in Falzon, M.-A. 2007. *Return Policy in the Mediterranean Region*. Report of Survey Among Irregular Migrants in Malta (Cassarino, J.-P. 2004. Theorising Return Migration: The conceptual approach to return migrants revisited. *International Journal on Multicultural Societies* (IJMS), 6 (2), 53-79).

⁴⁸ The research noted a possible bias in favour of the ‘No’ response, as respondents wanted to make it clear that irrespective of any future projects, their current desire was to be able to stay in Malta (or migrate northwards).

short term strategy in this regard⁴⁹. The rest put an eventual return as being dependent on changing circumstances in the country of return, whereby safety and freedom were the most desirable attributes. The research found that women expressed a stronger desire for eventual return, whilst highlighting that ‘this can be explained with reference to the fact that women were well represented in the Eastern European and South & Southeast Asian categories, both of which again tend to exhibit better planned and structured migratory trajectories’⁵⁰. Only one person responded affirmatively for wishing to immediately return back home, and none for ‘Yes, when I have the documents’ or an unqualified ‘Yes’. It has to be noted that a substantial proportion of respondents stated that they were unsure as to whether or not they desired eventually to return⁵¹.

Figure 4: Frequency Distribution - Desire to return – Repolmed study 2007



The correlation between the desire to return and the region of origin is also interesting. The research found that respondents hailing from North Africa and the Middle East were least desiring to return⁵². On the other end of the spectrum, one finds over 80% of respondents from South and Southeast Asia expressing the desire to ‘eventually return’. The greatest degree of uncertainty was felt by the Eastern Europeans with 44% expressing uncertainty and just under 30% opting for ‘eventual return’. Though desire not to return was strong among sub-Saharan Africans, 54% of respondents from this category were in fact ‘open to some form of return’, 41% who said that they would eventually return, 13% who said they were unsure and one who expressed the desire to return immediately⁵³.

⁴⁹ The research noted that both of these were 50 year-old labour migrants from the Philippines, which suggests a very ordered and well-planned strategy for this group.

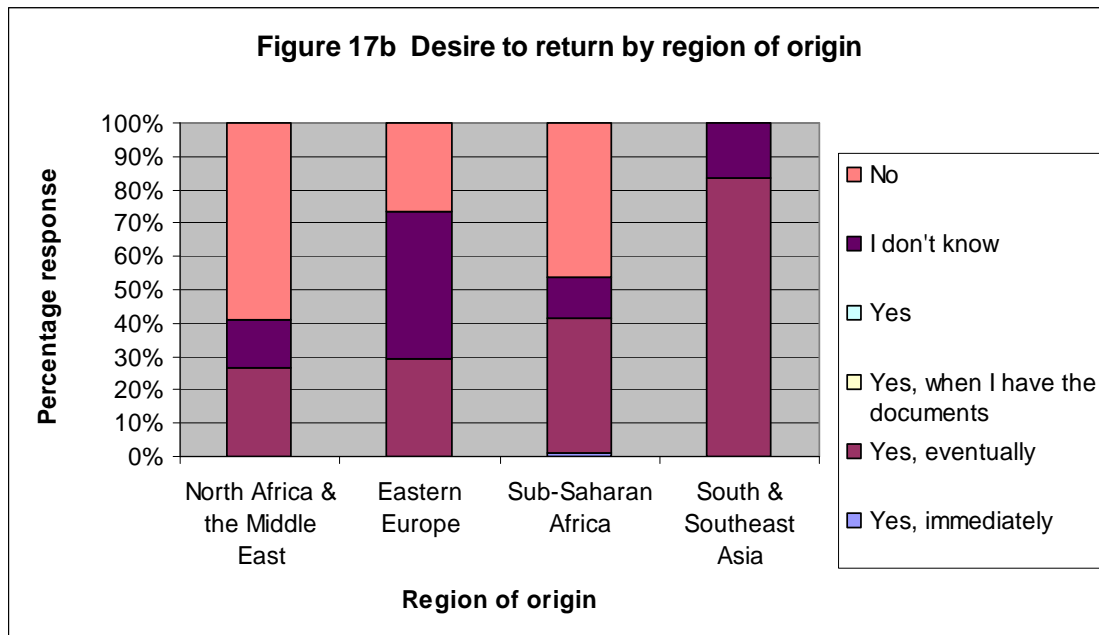
⁵⁰ Falzon, M.-A. 2007. *Return Policy in the Mediterranean Region*. Report of Survey Among Irregular Migrants in Malta. Page 48.

⁵¹ Falzon, M.-A. 2007. *Return Policy in the Mediterranean Region*. Report of Survey Among Irregular Migrants in Malta. Page 48.

⁵² The research notes that this may be linked to the fact that ‘people in this group would be aware that they are the likeliest candidates for forced repatriation’ due to better diplomatic relations between Malta and countries of origin (Falzon, M.-A. 2007. *Return Policy in the Mediterranean Region*. Report of Survey Among Irregular Migrants in Malta. Page 49).

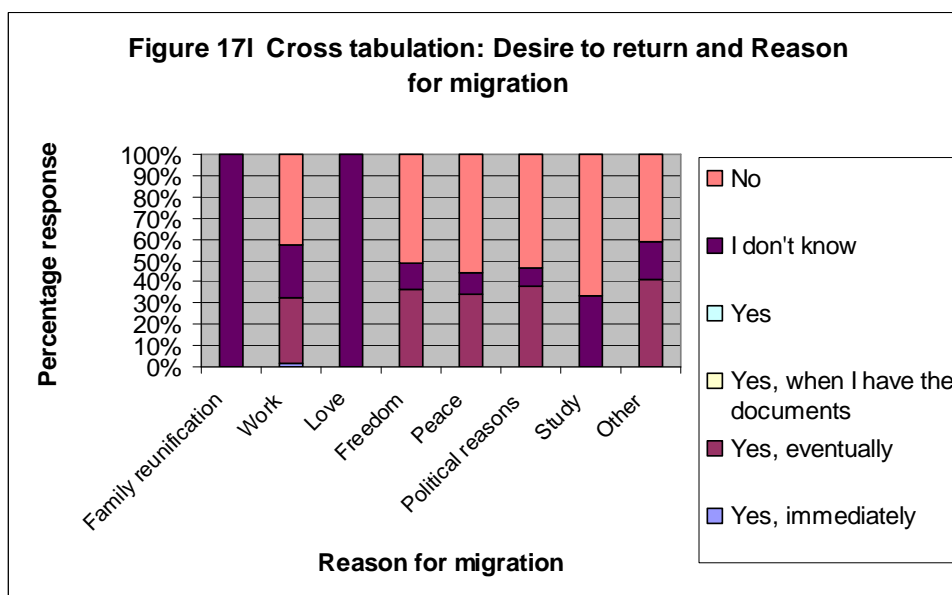
⁵³ Falzon, M.-A. 2007. *Return Policy in the Mediterranean Region*. Report of Survey Among Irregular Migrants in Malta.

Figure 5: Frequency Distribution - Desire to return by region of origin – Repolmed study 2007



The report also cross tabulated ‘desire to return’ with ‘reason for migration’ (Figure 6) and drew some interesting conclusions from this. It found that ‘response rates were strikingly consistent across the ‘Freedom’, ‘Peace’, and ‘Political reasons’ groups, with just over 50% responding in the negative (for all these groups) and 33-8% opting for desire eventually to return⁵⁴.

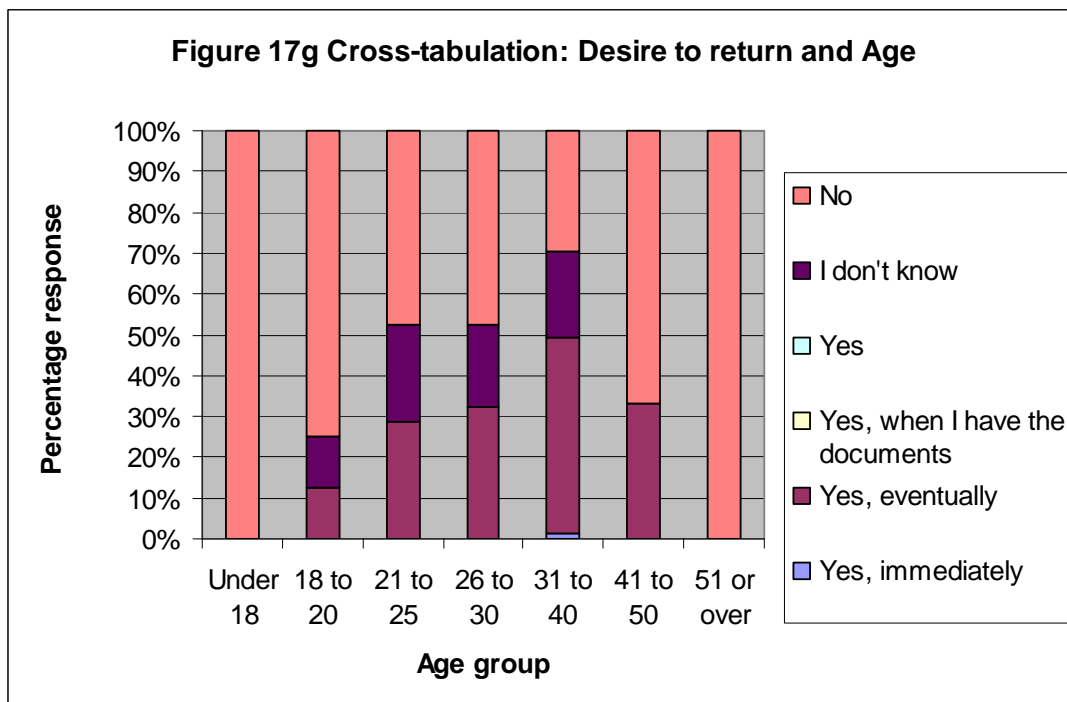
Figure 6: Frequency Distribution - Desire to return by Reason for migration – Repolmed study 2007



Interestingly, there were similarities with the categories representing the reason for departure from countries of origin to seek employment elsewhere and ‘other’ reasons; however, negative responses were slightly lower (41-2%) for these categories. The research identified three categories as producing very different results namely ‘Family reunification’, ‘Love’, and ‘Study’⁵⁵. The research concludes that ‘This cross tabulation ‘per se’ indicates that reason/s for migration might not be a good differentiator for purposes of AVR, since desire to return proved to be consistent across categories.’⁵⁶

The research also cross-tabulated desire to return with age (Figure 7) concluding that ‘desire to eventually return tended to increase with age, from 13% in the case of 18 to 20 year olds to 49% for 31 to 40 year olds’⁵⁷. Finally, ‘This profile makes sense when one considers two things. First, that home and roots in general tend to mean more to people as they grow older; second, that the percentage of economic migrants looking towards a ‘fresh start’ tends to be higher in the lower age categories’⁵⁸.

Figure 7: Frequency Distribution - Desire to return by Age – Repolmed study 2007



⁵⁵ The research acknowledges that ‘these categories represent very few informants, too few for generalizable profiles to emerge’.

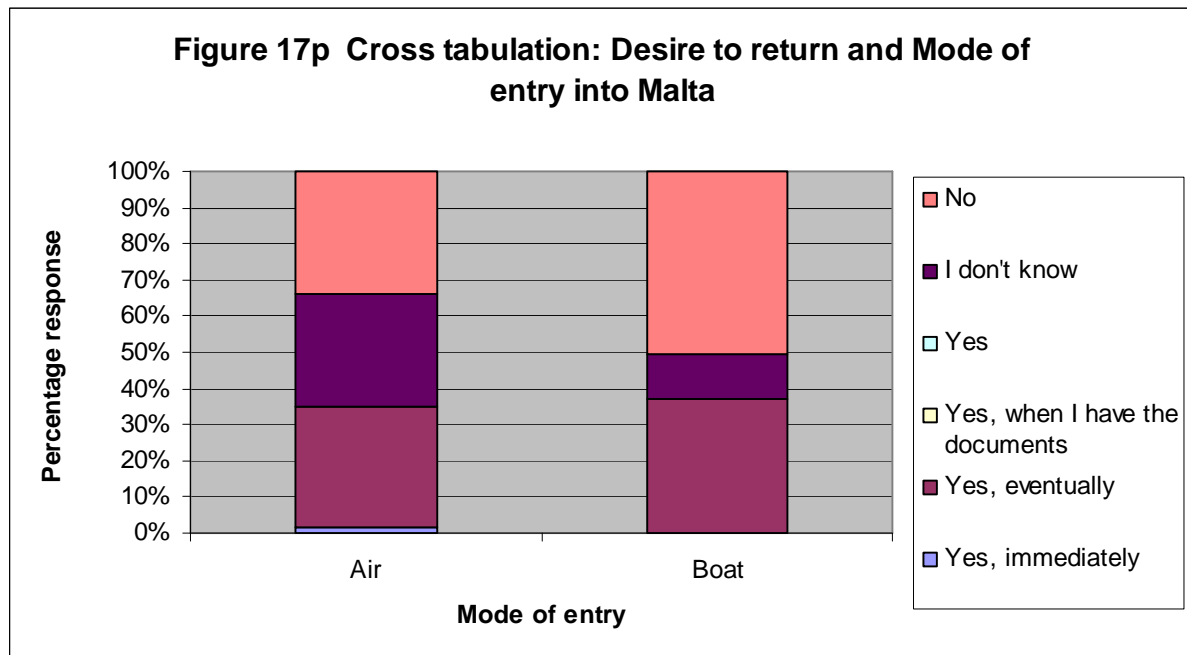
⁵⁶ Falzon, M.-A. 2007. *Return Policy in the Mediterranean Region*. Report of Survey Among Irregular Migrants in Malta. Page 54.

⁵⁷ Falzon, M.-A. 2007. *Return Policy in the Mediterranean Region*. Report of Survey Among Irregular Migrants in Malta. Page 53.

⁵⁸ Falzon, M.-A. 2007. *Return Policy in the Mediterranean Region*. Report of Survey Among Irregular Migrants in Malta. Page 54.

Interesting conclusions can also be drawn from the cross tabulation between desire to return and mode of entry into Malta (Figure 6) undertaken by the Repolmed study. It found that negative responses (not wanting to go back home) were stronger (51% over 34%) among migrants who arrived by boat (as opposed to arrivals by air), whilst desire ‘eventually to return’ was very slightly stronger (38% over 35%) among this group⁵⁹.

Figure 8: Frequency Distribution - Desire to return by type of Entry into Malta– Repolmed study 2007

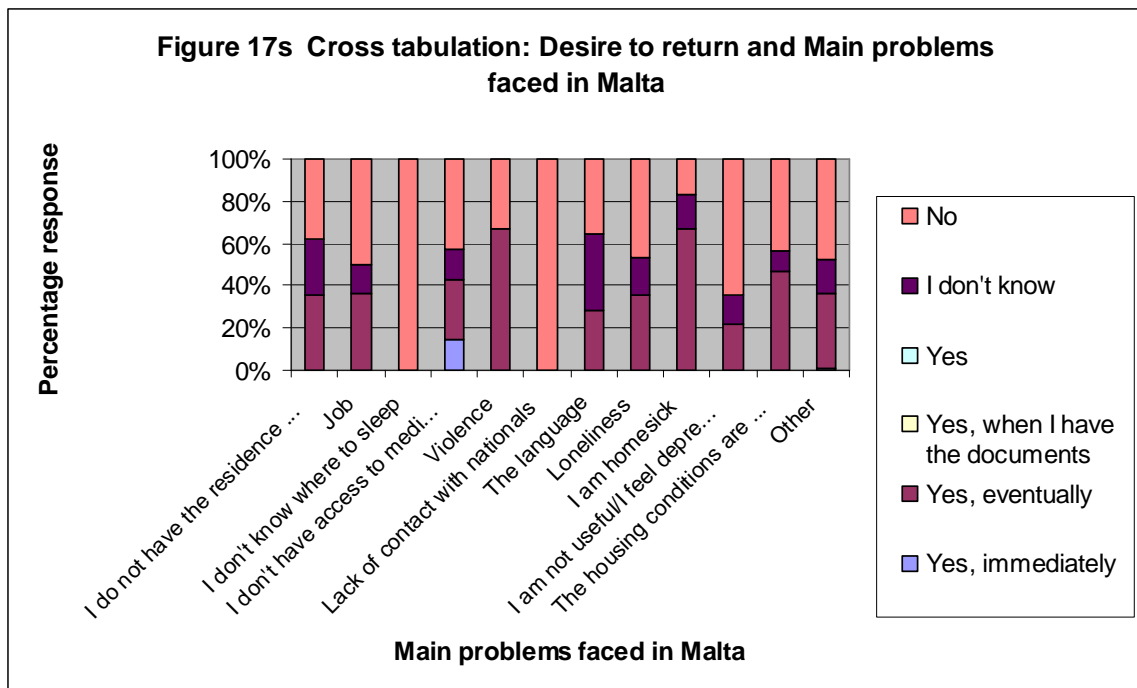


Based on the cross tabulation (figure 7) between desire to return and problems faced by the migrant population in Malta, the research concluded that one cannot identify any clear profiles of potential returnees in this regard. The findings ‘indicate that plans for immediate or eventual return (and therefore the success or otherwise of AVR) have more to do with long-term strategies of migration than the immediacy of circumstances in Malta’⁶⁰ and this is also affected by the fact that for many migrants Malta was not considered to be the final country of destination. Consequently, the report concludes: ‘conditions in Malta are likely to be seen as a temporary setback rather than the unsuccessful final outcome of a project of migration’.

⁵⁹ The research acknowledges that these findings are somewhat ambiguous highlighting that this ‘is due to the fact that a third of respondents who arrived by air were unsure if they wished to return.’ (Falzon, M.-A. 2007. *Return Policy in the Mediterranean Region*. Report of Survey Among Irregular Migrants in Malta. Page 61).

⁶⁰ Falzon, M.-A. 2007. *Return Policy in the Mediterranean Region*. Report of Survey Among Irregular Migrants in Malta. Page 65.

Figure 9: Frequency Distribution - Desire to return by circumstances – Repolmed study 2007



DAR project – SOS Malta and MFA

In line with the DAR project,⁶¹ SOS Malta carried out a preliminary study on potential voluntary returnees from selected countries of origin in 2007.⁶² The study discusses various topics related to return and AVR with three focus groups, one with the Sudanese community (6 people), one with migrants coming from Eritrea (7 people) and one with migrants from countries of the West coast of Africa living in closed facilities (8 people). The outcomes indicate that the interest and readiness to return were expressed by some West Africans and Sudanese (not from Darfur) but by no Eritreans. This is similar to the findings of the Repolmed study which indicates a correlation between the desire to return and the country of origin as well as a correlation between the reasons to migrate for peace, safety and political reasons and the desire not to return.

In the DAR study, the reasons to return seem to correlate strongly with the situation in Malta, including frustration, the lack of employment and education opportunities and detention conditions, which is similar to the findings of the Repolmed report where, for example, more than 60% of the people stated violence in Malta and about 35% stated job opportunities as the main problems they face in Malta and expressed the interest to eventually return. The DAR study also found that another strong reason to return is family reunification, which may be comparable to the high correlation of prospective returnees feeling homesick and wanting eventually to return in the Repolmed study. Issues of trust regarding their own governments back home, the Maltese government, financial problems and considerations and issues regarding the own security were also strong findings of the DAR study which seem to influence the motives to return and their perception of assisted return programmes.

⁶¹ See the chapter 2.3 'Data on Assisted Return' for an overview.

⁶² Information in following paragraph from Powerpoint- presentation by SOS Malta on DAR project closing seminar 29th of January 2009.

4.2 OBSTACLES TO ASSISTED RETURN

Several obstacles have been observed regarding undertaking Assisted Return programmes in Malta.

Obstacles for migrants and potential returnees

Trust and willingness to return

Generally speaking, one can say that the basic concerns when implementing an AVR project are related to winning the trust of potential returnees and obtaining their consent to take up AVR, as well as their collaboration for the identification as citizens of a particular country.⁶³ The decision is not easy and it implies a long period of time for the returnee to come to the final decision to return. The factors that have to be taken into account include the socio-economic and political conditions in the countries of origin, villages, communities, existing family ties, housing and employment situation in Malta and the investment made by themselves and their families in the attempt to migrate irregularly.⁶⁴

Sense of failure and detention

The existence of administrative closed centres plays a big role in the decision to return as rejected asylum seekers have to stay in the centres for up to 18 months unless their case is decided on before. The psychological aspect of 'failing' contributes to their hesitance to apply for return out of detention. In many cases, migrants are hesitant to directly return from detention as they have never as yet left the centre and have had no opportunity to experience life in Europe. The findings of the DAR project 'made it clear that gaining the trust of the potential returnees and getting information to and from them, are main challenges in AVR. Thus, it is vital to provide concise, accurate, streamlined and non-conflicting information to migrants.'⁶⁵ The Former Head of IOM's Return Migration Management states that 'return interventions begin at the point of entry through the provision of timely and accurate information about options and consequences, not when weeks or months later a decision on return is eventually taken'⁶⁶.

Privacy in closed centres

The lack of confidential and private space in closed (Detention) centres is an operational issue hindering the assisted Voluntary return outreach.. It is difficult to engage detained migrants, who are interested in return, in a private discussion in a closed centre. Detainees exploring Assisted Voluntary return lack the physical space they require to accord them the privacy to discuss their plans with a person that organizes assisted voluntary returns. Furthermore a detainee should have the possibility to privately discuss information and obtain informed views

⁶³ DAR – Comprehensive Return Programme Including Re-Integration. *Guidelines on Standard Operating Procedures on Assisted Voluntary Return*. January 2009.

⁶⁴ Project Report on 'Pilot initiative to foster assisted voluntary return in Malta' 2006 (implementation phase: 1 June – 31 December 2006).

⁶⁵ DAR – Comprehensive Return Programme Including Re-Integration. *Guidelines on Standard Operating Procedures on Assisted Voluntary Return*. January 2009.

⁶⁶ Nicoletta Giordano, Former Head, Return Migration Management, IOM in *World Migration 2008*. Managing Labour Mobility in the evolving global economy. International Organization for Migration (IOM). Geneva 2008. Page 225.

without the bear discomfort and fear associated with having to ask for information about AVR in front of strangers with whom a detainee has to spend his or her forced time. Peer pressure and the fear of admitting to having ‘failed’ in reaching mainland Europe, may have a significant bearing on considering return options.

Ineligible cases

The Pilot Initiative to Foster Assisted Voluntary Return in Malta outlines the most challenging component as being related to the actual organisation of return assistance. Among the difficulties mentioned, were the nationalities of the beneficiaries (the only returnee originally came from a country at risk) and their legal status (having protection meant that they did not belong to the project’s original target group).⁶⁷

Malta as a transit country

The Repolmed report identified Malta as not being the intended final destination and thus not a long-term destination country for migrants.⁶⁸ The island is just seen as a transit point to mainland Europe for most of the migrants. This aspect plays a vital role in the final decision taken by people in relation to assisted return. Following discussions with stakeholders and interlocutors working in the field, as part of the report for the Pilot Initiative to Foster Assisted Voluntary Return in Malta project, it emerged that there could be an increase in the inclination to return for the people who were not successful in their attempt to migrate to mainland Europe.⁶⁹

Lack of Diplomatic relations

From different experiences in implementing AVR projects and the respective project reports, it appears that the diplomatic relations with the countries of origin are sometimes seen as problematic. The lack of presence of resident diplomatic representations in Malta, particularly from the African continent, was slowing down the organization of the returns. There are no Sub-Saharan African embassies in Malta. In order to obtain travel documents, one has therefore to liaise with the next diplomatic representations, most of which are in Tripoli or Rome. This problem also exists with regard to the enforcement of compulsory returns⁷⁰ and is one of the reasons for the delayed expulsion of rejected asylum seekers from Malta. As a result of these findings and as an outcome of the Pilot Initiative to Foster Assisted Voluntary Return in Malta, IOM has been constantly seeking cooperation through its IOM offices with main countries of origin to set up swift documentation procedures even without having direct contact with the beneficiaries in Malta⁷¹. Further, the “Enhancement” project (for more details see above) also allowed for authorities in Malta to get more acquainted with the AVR-R schemes.

Lack of documentation

⁶⁷ Project Report on ‘Pilot initiative to foster assisted voluntary return in Malta’ 2006 (implementation phase: 1 June – 31 December 2006).

⁶⁸ Falzon, M.-A. 2007. Return Policy in the Mediterranean Region. Report of Survey Among Irregular Migrants in Malta. Page 9; Project Report on ‘Pilot initiative to foster assisted voluntary return in Malta’ 2006 (implementation phase: 1 June – 31 December 2006).

⁶⁹ Project Report on ‘Pilot initiative to foster assisted voluntary return in Malta’ 2006 (implementation phase: 1 June – 31 December 2006).

⁷⁰ Project Report on ‘Pilot initiative to foster assisted voluntary return in Malta’ 2006 (implementation phase: 1 June – 31 December 2006).

⁷¹ Project Report on ‘Pilot initiative to foster assisted voluntary return in Malta’ 2006 (implementation phase: 1 June – 31 December 2006).

The report on the DAR project remarked that one of the major problems in returning migrants is the lack of travel or identity documents. It thus stresses the importance of good professional and personal relations at both governmental and project-management level with the relevant embassies, as well as the importance in agreeing on the duration of validity of the travel documents with issuing authorities in the country of origin before the document is issued, in order to increase the flexibility in the timing of the AVR procedure. According to those implementing the DAR project, persons who have previously worked in the countries of origin, such as former diplomats, can contribute with their expertise to the delivery of travel documents.⁷² Generally speaking, one can say that 'return programmes are best developed in partnership between countries of origin and destination'⁷³. The Enhancement project attempted to address this problem by setting up various meetings and contacts between Maltese authorities and African diplomats. The IRRICO II project will also work on this area, by working to set up diplomatic relations with African nations in order to facilitate the communication and documentation of potential returnees.

Variety in types and amounts of Reintegration assistance

A further aspect regarding assisted voluntary return results from the differences between the projects. As part of the DAR project, the majority of returnees received a reintegration assistance of EUR 5000 in cash prior to their departure from Malta. Returnees under IOM's AVR project RESTART receive EUR 2400 which however is not paid in cash, but mainly given as reintegration assistance upon arrival in the country of origin to purchase products, services and education to set up a micro-business. Both projects were overlapping until the end of May 2009. It becomes evident that a reintegration assistance paid in cash is a better incentive to convince people to return (this could also be of relevance considering some people still having to pay back debts)⁷⁴ whereas a reintegration assistance paid upon verification of invoices for items purchased, is better at promoting an effective and sustainable reintegration, focussed on development in countries of origin.

⁷² DAR – Comprehensive Return Programme Including Re-Integration. *Guidelines on Standard Operating Procedures on Assisted Voluntary Return*. January 2009..

⁷³ Nicoletta Giordano, Former Head, Return Migration Management, IOM in *World Migration 2008*. Managing Labour Mobility in the evolving global economy. International Organization for Migration (IOM). Geneva 2008. Page 225.

⁷⁴ Falzon, M.-A. 2007. Return Policy in the Mediterranean Region. Report of Survey Among Irregular Migrants in Malta.

4.3 ORGANIZATION OF ASSISTED RETURN MEASURES

As noted, AVR in Malta has been carried out within the frame of different projects and provided by different stakeholders, even though the involvement of the Ministry for Justice and Home Affairs remains ongoing. Therefore, the character and procedures on how assisted return has been carried out differ from project to project. Nevertheless, similar process stages have been identified which will be elaborated and compared within the different projects in subsections.⁷⁵

Awareness raising, Informing and Contacting prospective Returnees

The pilot project on AVR, carried out by IOM in 2006, expressed as one of its objective that: ‘Asylum seekers, rejected asylum seekers & refugees, persons holding temporary humanitarian status as well as other people hosted in Malta [are] made aware of the return process and counselled on their concerns’⁷⁶. This counselling took place during an initial informative session with some seven potential beneficiaries that was held by IOM representatives on July 19, 2006 at the Safi closed centre. Furthermore, the project report states that ‘Following the selection of the IOM focal point (in force as of August 1st, 2006) counselling and information sessions were carried out on a regular basis in the following centres and Institutions for migrants: Marsa Open Centre, Half Far Open Centre, “The Tent Village”, Hal Far, Dar Qawsalla, and Dar is-Sliem, the Emigrants Commission, Jesuit Refugee Service as well as on an outreach basis within the community. Informative sessions were carried out in Safi, Lyster Barracks, Half Far and Ta’ Kandja closed centres. IOM regularly entered the residential areas of those centres to make direct contact with potential returnees.’⁷⁷

Furthermore, information leaflets in Arabic, English, French and Hausa were distributed. Counselling in this respect meant making people aware of the option of assisted voluntary return and telling them about the procedures in case they expressed an interest to return. The first pilot-project carried out counselling and awareness-raising as a ‘go-structure’, where staff involved in the AVR programme visited centres where migrants resided in order to inform them of the programme, by working together with social workers. Awareness-raising on return was carried out among third country nationals who applied for asylum. Furthermore, the pilot project also aimed to raise awareness and give out information to all stakeholders working in the field of migration. This is described in the expected results of the project: ‘Maltese authorities’ capacity and tools to address Assisted Voluntary Return (AVR) schemes will be enhanced; information related to counselling techniques and logistical approach disseminated, including on how to address those who are not

⁷⁵ The following information, if not stated differently, is taken from two project publications: Project Report on ‘Pilot initiative to foster assisted voluntary return in Malta’ 2006 (implementation phase: 1 June – 31 December 2006), and DAR – Comprehensive Return Programme Including Re-Integration. *Guidelines on Standard Operating Procedures on Assisted Voluntary Return*. January 2009. As some AVR projects have been completed they are described in past tense as ongoing AVR- projects are described in present tense. Chapter 2.3 provides an overview of AVR projects in Malta.

⁷⁶ Project Report on ‘Pilot initiative to foster assisted voluntary return in Malta’ 2006 (implementation phase: 1 June – 31 December 2006).

⁷⁷ Project Report on ‘Pilot initiative to foster assisted voluntary return in Malta’ 2006 (implementation phase: 1 June – 31 December 2006).

in a position or do not wish to return to their country of origin.’ This was done via two information and training sessions, in July and November 2006, where the stakeholders were invited to obtain information on the project, on AVR and on how to counsel people wanting to return.⁷⁸

Within the DAR 1 and 2 projects, multilingual information leaflets and posters were also distributed in the residential centres to inform possible returnees of the project. The NGO Solidarity Overseas Service Malta (SOS Malta) administered the awareness raising campaign and counselling within the DAR1 project, being envisaged as ‘comprehensive pre-return information and counselling’.⁷⁹ Furthermore, information dissemination included providing information to all stakeholders concerned with migration and providing special training on return counselling and AVR to staff members in various organizations working with migrants. The clear timing objective given within the DAR project has to be noted, stating that information should be provided ‘As soon as possible after arrival in Malta’.⁸⁰ The structure was a mixed go-and-come structure as staff regularly visited open and closed centres to contact and inform migrants and a contact point for potential returnees was present at SOS Malta facilities. This was also the focus point for the project for the stakeholders.⁸¹

During the RESTART project, multilingual information leaflets and posters have been distributed widely in the centres and among the stakeholders. As part of the IRRICO seminar, RESTART was also discussed and presented to inform stakeholders about the AVR project as well as to introduce them to the use of a database providing information about countries of origin, to be used during return counselling processes. Interested persons in the AVR project visit the IOM office if they wish to obtain more information and to discuss their case. Information on AVR is not actively promoted in closed centres, however if a case is referred by an NGO, the cultural mediator follows up the case through a visit to the centre. In general, however, the information dissemination can be described as a ‘come-structure’, where potential returnees make the first contact with the AVR staff at the office.

Individual return counselling

Within the pilot project, ‘Interviews and contacts with potential returnees have been regularly carried out by the IOM focal point, and IOM Rome staff, present on the island at least once a month, since the project’s inception. More than 50 cases were handled by IOM, including in some circumstances with filling in of the AVR request form.’⁸²

Within the DAR project, the carrying-out of the return counselling procedure has not been described in detail in the reports. However, the process included interviewing potential returnees. Upon their decision to return home,

⁷⁸ Project Report on ‘Pilot initiative to foster assisted voluntary return in Malta’ 2006 (implementation phase: 1 June – 31 December 2006).

⁷⁹ DAR – Comprehensive Return Programme Including Re-Integration. *Guidelines on Standard Operating Procedures on Assisted Voluntary Return*. January 2009.

⁸⁰ DAR – Comprehensive Return Programme Including Re-Integration. *Guidelines on Standard Operating Procedures on Assisted Voluntary Return*. January 2009.

⁸¹ DAR – Comprehensive Return Programme Including Re-Integration. *Guidelines on Standard Operating Procedures on Assisted Voluntary Return*. January 2009.

⁸² Project Report on ‘Pilot initiative to foster assisted voluntary return in Malta’ 2006 (implementation phase: 1 June – 31 December 2006).

the AVR request form was filled in to be able to continue with the administrative process. The agreement to return involved provision of information on all the elements of the individual AVR procedure: the reintegration package (pre-departure training, subsistence after arrival, business set up, job placement etc.), securing of travel documents, payment modalities and the expected time frame for departure. Furthermore, continued liaison with potential returnees on all issues and concerns from their side on the process and the return procedure were carried out by the contact person, including the referral for counselling to UNHCR in case of persons enjoying humanitarian status or other forms of protection. If the prospective returnee expressed his/her voluntary decision to return to country of origin, the elements of the agreement were explained, the signature of the prospective returnee obtained and all documents forwarded to the contact point. Emphasis had been put on giving the prospective returnee enough time to consider the decision. In general it required several meetings to address all the concerns of the prospective returnees. In addition, timelines had to be explained clearly for people to make sure that the process was carried out in a timely manner; for example the amount of time required to obtain a travel document. During the agreement on the reintegration package, individual return and reintegration plans for each returnee were discussed together. This included examination of health issues, assessment of the returnee's education, skills and abilities and set up of business plans according to the abilities of the returnee as well as the situation in the country of origin. After agreement on and drafting of the reintegration package, the development of a business plan and eventual pre-departure training followed. This included the discussion of, and agreement on, a business plan tailor-made to the needs of the prospective returnee, identification of training providers and supervision of training. Both aimed at involving the returnee as strongly as possible in order to make him/her economically independent after return.⁸³

Within the RESTART project, actual return counselling is in general provided within the office premises of IOM. Often, the prospective returnees come several times to the office to obtain more information and discuss open questions. The return counsellor tries to find out as much as possible about the background of the prospective returnee in order to tailor the procedure to the situation and needs and to discuss what business or other endeavour would be most financially sound once the person returns home. Once a person agrees to return, the return counsellor starts the administrative process to obtain travel documents and liaise with Maltese authorities and IOM offices in the country of return who will follow up on the returnees, support them in finalising their business plan and disbursing the remaining reintegration assistance upon invoice verification. During the whole process, it is made sure that the returnee is updated on the proceedings of the administrative process and that the option to cancel the return still exists for the returnee up until the departure. Often, the returnee and counsellor try to contact family or friends in the country of origin in order to prepare for the return and discuss ways in which the reintegration can be possibly used to support them as well..

⁸³ DAR – Comprehensive Return Programme Including Re-Integration. *Guidelines on Standard Operating Procedures on Assisted Voluntary Return*. January 2009.

Return counsellors

Return counselling is primarily done by return counsellors employed in each project. Within the DAR project, these were people trained in the subject and appointed within SOS Malta, and later the MFA as contact persons and AVR focal points. Within the RESTART project, a cultural mediator is the contact person for all AVR processes.

It is important to mention that AVR counselling in general has been conducted by international organizations such as IOM, or by NGOs such as SOS Malta. For the prospective returnees, these organizations might constitute a more neutral and trustworthy actor that is especially able to assist them in making the right decision, due to their experience and neutral stand on the issue. Nevertheless, these entities also depend on other actors such as social workers from state organizations, other International Organizations like UNHCR and staff from different local NGOs, such as the Jesuit Refugee Service and others, working with migrants who often submit referrals of potential returnees and support AVR processes with their expertise on the special needs which some prospective returnees might have.⁸⁴

The timing and duration of the counselling

To a large extent, the timing of the return counselling is determined by the prospective returnee himself, based on the questions and issues that have to be discussed.

The decision is often not an easy one to take, and the process can take a long time. However, once the decision is taken, the returnees often want to return as soon as possible. This might make discussions concerning reintegration agreement, business set-up plans and pre-departure (job-) training difficult. Furthermore, the AVR process is also influenced by the timeframe needed to obtain travel documents from embassies, usually situated in Rome or Tripoli.

Within the DAR project, information on AVR was envisaged to be given to prospective returnees as soon as possible after arrival in Malta. The agreement to return followed the prospective returnees' declared consent to participate in the AVR programme. The discussion and agreement of the reintegration package took place usually within 2-3 weeks after obtaining written consent by the returnees and the discussion of the business plan and pre-departure training took place as soon as possible after this. As soon as the decision to return had been agreed upon, the process to obtain the travel documents was also initiated. Preparations for the actual logistics related to the return started after the timelines for obtaining travel documents and reintegration assistance were confirmed.⁸⁵ However, a major problem that occurred was the urgency with which immigrants wanted to return

⁸⁴ DAR – Comprehensive Return Programme Including Re-Integration. *Guidelines on Standard Operating Procedures on Assisted Voluntary Return*. January 2009.

⁸⁵ DAR – Comprehensive Return Programme Including Re-Integration. *Guidelines on Standard Operating Procedures on Assisted Voluntary Return*. January 2009.

home. At first, it often took them several months to make up their minds, but once they decided to leave, they wanted to leave immediately. The organization of training modules in the way it was intended was therefore difficult. The project had a relatively short time span and one of the expressed criticisms is that such projects should have a longer life so that training programmes can be organised on a continuous basis.⁸⁶ A suggestion to this issue relates to the possibility that AVR schemes be available in a systematic manner, that is, they become incorporated into the various options available to migrants arriving in Malta, in terms of ongoing projects and activities, rather than time-constrained projects.

Within the RESTART project⁸⁷, information for prospective returnees is provided consciously via the stakeholders in the field and in residential centres. The process of giving prospective returnees more in-depth information and discussing with them their concerns and future plans can be very time consuming, as it takes time to build up credibility and trust. This counts especially for ensuring that reintegration assistance is given by IOM offices in the returnee's respective home countries. In general, every returnee meets with the contact person around 5-10 times, for about 4-5 hours of return counselling in total. This might be prolonged especially in the case of returnees with mental health issues, as the health care service and quality in the country of origin has to be assessed, family care and support for the returnee has to be established and confirmed, and a close working relationship of all the stakeholders has to be ensured. After the agreement, it takes a minimum of three weeks to obtain the travel documents. This can take longer at times, depending on how much time it takes the respective embassies to process the documents. As soon as the travel documents arrive, the flights can be booked. This also depends on the duration of the validity of the travel documents, available flights and pre-departure preparation. As in the DAR project, reintegration plans are drawn up and discussed with IOM officers in the country of origin who will be responsible for disbursing the reintegration assistance, since the actual set up of business plans as well as eventual job training takes place in the country of return.

Incentives and assistance provided during the return process

Since AVR programmes are based on the voluntary decision to return, the first and foremost incentive to return is/should be **the wish to return** to their country or origin, which cannot be provided by any project or programme implemented. As the focus of this report is on the AVR operations carried out in the respective countries, this section will concentrate on the assistance given in the return process, which can also be seen as an incentive.

All programmes implemented to date include the offer of return counselling, the application for, payment and delivery of travel documents and the booking and payment of the travel to the respective country of return. Both of the main programmes, DAR and RESTART, also offer(ed) some form of Re-integration assistance. Within the DAR programme the Re-integration assistance given in cash was 5000 Euros prior to departure from Malta, while in RESTART, the Re-integration assistance consists of 2400 Euros on returning to country of origin, paid

⁸⁶ Communication with DAR spokesperson, August 2009.

⁸⁷ Conversation with Vincent Butaye, cultural mediator with IOM Malta and responsible for the RESTART programme on 4th of August 2009.

upon receipts and invoices on products and services that have been bought to create self sufficiency. Further, as described in 2.3 and above, set up of business plan and re-integration counselling and eventual job training form part of the reintegration assistance given within the projects. The problems regarding the kind of assistance given are discussed above in Chapter 4.2. The assistance given with setting up a business plan and job training (be it prior to departure as envisaged by DAR, or after return as envisaged by RESTART) does not seem to be a very strong incentive. As mentioned before, as soon the returnees made up their mind to return, they wanted to return immediately, without taking eventual job-training into account. On the other hand, the given assistance with business start-ups and eventual training by the respective IOM offices in the countries of return prove to be an incentive as the returnees are reassured that they would be receiving individual follow up and support on return should they encounter problems during their reintegration process.

5. RE-INTEGRATION AND SUSTAINABILITY OF RETURN

To date, all three projects have benefited to some degree from the presence of IOM in the country of return. The IOM missions and sub-offices in the countries of origin and transit offer various services, amongst them airport assistance, transit assistance and final arrival airport assistance as well as re-integration assistance for the returnees. Pre-departure, transportation and post-arrival assistance is provided to rejected asylum seekers, migrants in an irregular situation, migrants stranded in transit, stranded students and other persons under similar circumstances. Assistance offered by IOM offices in transit and destination countries typically provides information, referral, arrangement of travel to the country of origin and support towards reinsertion into their home societies. AVRR assistance includes information and counselling to potential returnees, medical assistance, reception and longer-term reintegration assistance in countries of origin.⁸⁸

As part of the general approach, different return packages are offered that can include, according to each migrant's needs, a prior assessment, the setting up of a business plan, the facilitation of payment and verification and monitoring visits by the IOM mission in the country of return. An assessment prior to the arrival of the returnee aims to ensure that the business plan is sustainable. Once the returnee arrives in the country of return, the IOM mission in this country assists him/her in drafting a business plan and in setting up the business. The facilitation of payment includes the finalization of the agreement between the beneficiary, the supplier of goods, and IOM, whereby a special emphasis is put on verifying invoices from different suppliers. Furthermore, the verification of the initial business includes checking, through 'on site' visits or phone calls, whether the returnee started the business and received the purchased items from the supplier. Finally, the monitoring visits serve to monitor and evaluate the reintegration activity on site at various intervals and for different durations of time, depending on the activity being undertaken by the returnee as well as the requirements of the project itself. A report on this activity is sent to the sending IOM mission and shared with the mission's donors.

The main goal of AVRR is to enable returnees to regain a source of sustainable livelihood and thereby discourage any further irregular migration. The IOM AVR programme promotes sustainable return and reintegration and supports the returnee in setting up a business through well-thought out plans and monitoring. With the reintegration assistance paid in kind, as envisaged by IOM's AVR programme, the returnee invests in the future. On the other hand, a reintegration assistance paid in cash, as envisaged by the DAR project, may be an attractive offer for many migrants. However, the possibility of not re-investing in the country of origin through a business plan is higher and therefore may be less sustainable in the long-term

⁸⁸ Available at: <http://www.iom.int/jahia/Jahia/pid/393> and <http://www.iom.int/jahia/Jahia/activities/africa-and-middle-east/east-africa/sudan>

6. CONCLUSIONS AND RECOMMENDATIONS

The findings of this report have highlighted the potential of Assisted Voluntary Return as a means of on the one hand providing a dignified return and on the other addressing the concern relating to the number of irregularly residing third country nationals in Malta. The report has highlighted the legal framework as well as the profile of actual and prospective returnees. The availability of the Assisted Voluntary Return option in Malta is relatively recent and perhaps this explains the fluid nature of existing structures. The overview of programmes and strategies for assisted return in Malta outlined in this study has led to the identification a number of recommendations namely:

1. Enhance the existing legal framework ensuring that AVR becomes an integral part of the migration process in Malta. The legal structure should be such as to encourage persons to undertake assisted return.
2. Return Packages should be such as to provide for a dignified and sustainable return. The migrants' perception of Malta's particular position as a country of transit should be considered when deciding on such packages. Ongoing monitoring and evaluation, informed by potential returnees themselves, is recommended in this regard.
3. The provision of timely, accurate information about programmes as well as situations in countries of origin is pivotal. The raising of unrealistic expectations should be avoided.
4. Psycho-social assistance should be provided to prospective returnees. The particular situation and needs of vulnerable groups should be taken into account. Moreover, the voluntary nature of the return should be continually assured.
5. Ensure that adequate data is compiled with regards to potential and actual returnees. This can be used in the development of further projects, in order to ensure that the actual needs and aspirations are met.
6. Re-integration strategies need to be developed, if and when, possible with contacts in the countries of origin. This will increase the likelihood of a more realistic and informed package.
7. Parties involved in the implementation of AVR programmes, and especially return counsellors, should be provided with training and updated information.

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APPENDIX 1:

Table 9: Yearly distribution of forced returns by Country of Origin (2002 – 2009 August)

Country	2004	2005	2006	2007	2008	2009
Afghanistan	0	0	0	0	0	0
Albania	4	0	0	1	0	0
Algeria	4	8	7	5	4	4
Armenia	0	0	0	0	0	0
Australia	1	1	0	1	1	0
Bangladesh	0	0	0	0	0	0
Belarus	3	0	0	0	0	0
Belgium	0	0	0	0	0	0
Bosnia	1	1	0	1	0	0
Brazil	0	0	0	0	1	0
British	0	0	0	0	0	0
Bulgaria	49	22	9	0	0	0
Cameroon	0	1	1	1	0	0
Canada	0	0	0	0	0	0
Chad	0	0	0	0	0	0
China	57	17	8	3	9	11
Columbia	1	2	0	0	0	0
Croatia	1	103	0	1	5	0
Czech Republic	0	0	0	0	0	0
Ecuador	0	1	0	0	0	0
Egypt	212	426	309	3	23	46
Eritrea	0	0	0	0	0	0
Estonian (Aliens)	0	2	0	0	0	0
Ethiopia	0	0	0	0	0	0
France	0	0	0	0	0	0
Ghana	0	0	0	2	1	49
Georgia	0	3	13	10	2	0
Germany	0	0	0	0	0	0
India	0	0	1	2	0	17
Israel	0	0	0	2	0	0
Italy	0	0	0	0	0	0
Jordan	3	0	1	6	2	0
Kyrgyzstan	0	3	0	0	1	0
Latvia	0	0	0	0	0	0
Lebanon	0	0	0	0	0	0
Libya	190	233	232	187	133	57
Macedonia	0	0	0	4	0	1
Mali	0	0	0	0	16	0
Mauritania	0	0	0	0	0	0
Moldova	3	3	11	1	0	0
Mongolia	0	0	0	0	0	0
Morocco	4	22	120	5	3	3
Nigeria	7	5	3	20	2	8
Pakistan	0	1	1	0	3	0
Panama	0	0	0	0	0	1

Peru	0	0	0	0	0	0
Philippines	1	1	0	5	2	3
Portugal	0	0	0	0	0	0
Romania	5	15	6	0	0	0
Russia	15	20	2	10	7	2
Senegal	0	0	0	0	1	0
Serbia	8	1	1	2	12	8
Sierra Leone	0	0	0	0	1	0
Singapore	0	1	0	0	0	0
Slovakia	0	0	0	0	0	0
Somalia	6	0	0	0	0	0
South Africa	0	0	0	0	0	0
Sri Lanka	0	0	0	0	0	0
Sudan	0	1	0	0	1	0
Switzerland	0	0	0	0	0	0
Syria	17	14	13	20	10	5
Thailand	1	0	0	0	0	0
Togo	0	1	0	0	0	0
Tunisia	5	27	15	5	2	77
Turkey	7	3	1	4	3	4
Ukraine	73	10	10	11	9	1
USA	0	0	0	0	0	0
Uzbekistan	2	0	1	8	3	4
Venezuela	0	0	0	0	0	1
Yugoslavia	23	7	15	18	4	2
Zimbabwe	1	0	0	0	0	0
Total	704	955	780	338	261	305

Source: Immigration (Malta) 2009