



EuroMed Rights
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الأورو-متوسطية للحقوق

Return Mania. Mapping policies and practices in the EuroMed Region



Introduction Chapter

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Acknowledgment

This chapter is part of a wider research work, coordinated by EuroMed Rights, which aims at providing an overview of the current return policies and practices in the Euro-Mediterranean region by sharing testimonies and examples of these policies. It highlights the similar trends adopted across the region and sheds light on the violations of human rights entailed by this “return obsession” and which is shared across Member States, EU institutions and third countries alike.

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I- Introduction of the Research

"When I returned to Syria, I found terrible living conditions, poverty, weapons, fear and much worse things. Day by day, life gets worse. We have not been able to find security and refuge. My children live in fear and are illiterate. There is no education, only the sound of shelling and shootings."

"I cannot do anything here, nothing, not even getting married. My life remained in Madrid."
(29 years old, deportee in Tangier living in Spain since the age of 8)

These are the stories of Abdullah and Yassine, two people forcibly returned to Syria and Morocco. They are two of the hundreds of thousands of victims of the EU and Member States' policies on returns and expulsions happening across the Euro-Mediterranean region. This research work, coordinated by EuroMed Rights, aims at providing an overview of the current return policies and practices in the region by sharing testimonies and examples of these policies. It highlights the similar trends adopted across the region and sheds light on the violations of human rights entailed by this "return obsession" and which is shared across Member States, EU institutions and third countries alike.

In addition to providing an overview of the EU legislative and policy framework on returns, this report covers national return policies and practices in the Mashreq and Maghreb regions, focusing on returns from Turkey and Lebanon to Syria, and on readmission agreements between Italy and Tunisia, Spain and Morocco as well as France and Morocco. The report also looks at Egypt through two main case studies focusing on returns from Germany and Italy.

[a\) Practices inscribed in a restrictive European approach](#)

For 2020, if it appears that the COVID-19 pandemic has in fact decreased or stopped the number of returned people, we can observe that this has *de facto* reinforced the idea of return policies as a pillar of the European strategy. States have used the pretext of the pandemic to increase detention, restrict freedom of movement and reduce access to detention places for civil society organisations. For instance Italy started using quarantine boats, which became the antechamber of expulsions for many Tunisians. In Cyprus, newly arrived migrants were brought to the quarantine section of the Pournara camp, with no vulnerability screening prior to the transfer. Some of them were then fooled with the pretext of a PCR test and returned to Lebanon instead.

At EU level, the New EU Pact on Asylum and Migration, presented by the European Commission in September 2020, turns this increase in returns into an essential variable to be implemented in the policy, introducing the dangerous proposal of 'return sponsorship' as a form of European solidarity while promoting the concept of "safe third countries" and the role of Frontex.

At the same time, parallel tools are used at EU level to strengthen the conditionality between migration management and readmissions and the granting of visa and development aid. The revised Visa Code, for example, legally introduced the possibility to link the level of cooperation on readmissions of a third country with the granting of visa to its citizens. The new 2021-2027 Multiannual Financial Framework (MFF) confirmed this approach: budget allocations for repatriation and border management have been exponentially increased at the expense of resources dedicated to strengthening the common asylum system, legal pathways, integration and relocation. Moreover, Art. 17 of the Neighbourhood, Development and International Cooperation Instrument (NDICI) Regulation proposal provides that indicatively 10% of the budget for the Southern Neighbourhood shall be dedicated to rewarding the progress of partners in a series of thematic areas, including human rights and rule of law, but also migration cooperation. This double conditionality is quite dangerous, and seriously undermines the EU credibility in seeking “mutual beneficial partnerships” and defending human rights worldwide.

b) The lack of transparency

The research shows an absolute **lack of transparency in accessing data/information** on numbers of people returned from expelling countries, on numbers of people detained while waiting to be returned and on the fate of returnees across the Euro-Mediterranean region. There is a complete absence of assistance whatsoever to returnees in terms of support to socio-economic integration and psychological support in the case of Morocco and Tunisia, while there is a total risk of being persecuted, arrested, detained, tortured and/or forcibly disappeared upon return to Syria and Egypt.

Contrary to the demands reiterated for many years both by civil society and by elected European representatives, the research also shows the total **lack of transparency and Parliamentary scrutiny** on readmission agreements between EU/Member States and third countries. Bilateral readmission agreements often take the form of informal arrangements, thus circumventing the competences of the European and national Parliaments in terms of monitoring and scrutiny. This “informality” leads to an increase in returnees’ quotas while disregarding people’s individual needs and vulnerabilities. Recent informal readmission agreements between Spain’s Canary Islands and Morocco as well as between Italy and Tunisia show a clear trend aiming at increasing return quotas, deportation flights and the number of people per flight. The “political agreements” on returns as is the case between Turkey, Lebanon and Syria show the same trend.

The report stresses the need for an effective **return monitoring mechanism**, covering the pre-removal, removal and post-removal phases. It also underlines the dramatic risk in terms of psychological impact, economic and social consequences as well as the risk of forced disappearances and violence once people are returned to their country of origin or transit country, particularly in those that penalise irregular emigration. Thus, it is relevant to underline the range of national authorities’ measures that can involve serious human violations and threats such as fines, imprisonment and physical violence.

c) “Voluntary” forced returns

Another concern relates to the excessive use of “voluntary” departures, or existing coercive returns in disguise, through which the deportation system gains legitimacy and is perpetuated. The EU is pushing for “voluntary” departures, but how much of these departures really are “voluntary” when no other alternative exists? Migrants suffer from discrimination and are the most exposed to labour and sexual exploitation in host countries. Extending detention periods before deportations, as France does for example, can be seen as an attempt to exercise psychological pressure to encourage voluntary returns. In Lebanon, dire socio-economic conditions, unemployment and protection issues (only 20% of Syrians have a legal residence permit), such as deportations, lack of access to information, to legal documentation, to emergency healthcare, in addition to forced evictions are all “push factors” for people to accept “voluntary” returns. In Turkey, examples of migrants being forced to sign “voluntary” return forms, without any interpretation, have been numerous.

d) A massive use of detention

Return practices also entail a massive and often unlawful use of **detention** and information on detention practices in the return process are often missing and unclear. Even though detention should be an exception and a measure of last resort, the deprivation of liberty is systematically used, for example in France, prior to deportation and the use of long-term detention is often used as a penalty against migrants rather than as an effective means to enforce deportation. This abuse of detention periods, as seen for example in France, Italy and Spain, compromises legal safeguards and the right to ask for asylum. Another concern relates to widespread discrimination in the access to the asylum procedure on the basis of nationality and racial profiling in detention and returns.

Many concerns are raised also in relation to the **detention of minors**. For example, France and Morocco signed an agreement that aims at paving the way to return Moroccan unaccompanied children from France. Often relying on questionable minority/majority judgements, French authorities are detaining and expelling **unaccompanied minors**. Regarding the return of minors, in Spain, flagrant violations of the European Convention of Human Rights, including the right to family life, and the Convention on the Rights of the Child have been identified along the return procedure.

e) Migrant women are often invisible

The research attempted to integrate a **gender-sensitive** lens on the issue of returns through all its chapters. However, in the case of Spain, specific data on women returnees is not made available. Women in detention facilities in Spain are made invisible and organisations visiting detention centres find difficulties to communicate with them. In addition, there is a lack of protection of vulnerable groups, particularly concerning the case of victims of human trafficking, who are mostly women. In the case of Turkey, although the majority of deportees are young men, there were also women, but they also remain very difficult to access and therefore to take into account for the research.

In Lebanon, according to the UNHCR, General Security returned 8,827 individuals to Syria in 2019, of which 48% were women (UNHCR Lebanon: 2019). Back in Syria, with the exception of military service staff, Syrian women can also be arrested and detained for the same reasons as men. Importantly, women are also at risk if they merely have male relatives who have participated in revolutionary events, have voiced public opinions against the regime or have lived in opposition-held areas. The UN, for example, has documented how security forces at times arrest women as a means to put pressure on men to come and surrender.

f) Increased refoulement at borders

The research also raises concerns over the wide-spread **pushbacks** along the EU external and internal borders which have significantly increased in the past years. It also assesses Frontex's increasingly broad return mandate alongside risks of human rights violations in that regard. Reliable reports of pushbacks from Greece to Turkey are long-standing and involve detention upon entry without any guarantees, confiscation of the person's belongings (mobile phones and sometimes footwear) and transfer across the Evros River. The unlawful pushbacks from Greece to Turkey also involve Syrians. The Border Violence Monitoring Network (BVMN) [documented](#) almost 50 incidents of illegal and violent pushbacks at the Greek-Turkish border where Syrians, including children and families, were involved, between May 2019 and November 2020.

The pushbacks are allegedly carried out across the Aegean Sea, whereby people having reached the Aegean Islands were re-embarked on a dinghy and towed back to Turkish waters, where they were left adrift. The NGO Mare Liberum [counted](#), in 2020 alone, 321 pushbacks in the Aegean Sea, with some 9,798 people pushed back, where the European Border and Coast Guard Agency Frontex has actively and systematically contributed to these illegal practices. The practice of return in Turkey leaves open the risk of chain refoulement to Syria as a result of Greece's illegal practices at its sea (Aegean islands) and land (Evros region) borders.

In the Eastern Mediterranean, more recent pushbacks started being reported from Cyprus to Lebanon and to Turkey with a high risk of **chain refoulement** to Syria. Furthermore, the Balkan route is notorious for wide-spread chain pushbacks and unprecedented levels of violence, including beating, sexual abuse, robbery and humiliation, have been reported. In the Western Mediterranean, pushbacks from the Spanish enclaves of Ceuta and Melilla towards Morocco are long-standing and include so-called hot pushbacks, whereby people are arrested and returned to Morocco without any identification and access to a lawyer.

Pushback practices are not limited to external borders. In the last years, hundreds of migrants - including minors - have been refused entry and been pushed back at the French-Italy border in Ventimiglia, as well as - as denounced in a recent decision by the Court of Rome - between Italy and Slovenia, with consequent chain refoulement along the Balkan route.

In light of the above-mentioned concerns and challenges in terms of human rights violations, the research provides concrete **recommendations** to decision-makers to change direction and to respect their EU and international obligations. What is needed is a pre-return and post-return monitoring mechanism for fundamental rights violations able to operate across borders in an independent and transparent way.

The involvement of civil society organisations is fundamental as necessary watchdogs and independent actors and the increased criminalisation of solidarity in the Euro-Mediterranean region should be fought back, thus allowing civil society organisations to actively participate in this independent monitoring.

II- Short Summary of Different Chapters

The first chapter provides **a framework of EU policies** when it comes to the “return obsession”. The chapter maps out recent EU legislative and policy measures and some Member States’ adopted or encouraged practices in the field of return/expulsion. The chapter discusses in detail the 2018 proposal to recast the Return Directive and legislative proposals accompanying the 2020 Pact on Asylum and Migration, notably border return procedure and return sponsorship mechanism. The chapter also looks at the cooperation on readmission with third countries and the concept of “safe country” used by the EU and its Member States to swiftly remove people to these countries. Finally, Frontex’s increasingly broad return mandate is assessed, alongside risks of human rights violations in that regard. The chapter points to measures that are not called removals, but which are, in fact, no less coercive. These include “voluntary” departure when no reasonable alternative exists and pushbacks. There is a strong need to monitor these policies to prevent human rights violations.

Chapters 2, 3 and 4 are focused on return policies to Maghreb countries and, in particular, on bilateral cooperation on readmission, return and reintegration between **Spain and France with Morocco** as well as between **Italy and Tunisia**, respectively. These chapters explore the dangerous concepts of safe third countries and safe countries of origin, given the fact that Morocco and Tunisia are considered as such by most EU Member States although neither of them have an asylum law in place nor truly protect migrants, asylum seekers and refugees. The increasing numbers of returnees in readmission agreements, for both Tunisia and Morocco (the Canary Islands return 80 persons to Morocco each week on average), highlight the failure to take into account individual needs and possible vulnerabilities. Violent pushbacks continue to take place at Ceuta and Melilla’s land borders with Morocco. These must be added to the so-called “express refoulement” procedure according to which people are directly returned to Morocco under the 1992 Spain-Morocco agreement.

The Spanish return system in the case of Morocco is framed by “informality”, flexibility and lack of transparency. Spain does not publish transparent, disaggregated or gender sensitive data on deportations, making it difficult to monitor human rights violations during deportation or post deportation processes. In Morocco, Law 02-03 criminalises irregular migration with prison and fines affecting both Moroccan and non-Moroccan deportees. Chapter 3, which deals with returns to Morocco from France, focuses on the deportation of Moroccan nationals from France, taking into account that France is the second EU country that expels the most Moroccan nationals. The French deportation system violates fundamental rights in all stages, both at national borders and within administrative detention facilities as well as during the enforcement of expulsion decisions. Flagrant violations of the European Convention of Human Rights have been identified along the deportation procedure, especially regarding the deportation of minors.

To face the increase of arrivals in the Canary Islands, the EU and Spain negotiated with Morocco a quota of 80 returnees per week. Italy reached a similar agreement with Tunisia after hundreds of Tunisian landings in Lampedusa in the month of August 2020. In both cases, negotiating a quota of returnees per week risks avoiding taking into account personal situations in order to fill such quotas.

With regards to [Italy](#), which recently intensified discussions with [Tunisia](#) to increase the number of returns and, despite the COVID-19-related restrictions, the country resumed repatriation flights as of 10 August 2020. Tunisians are by far the most numerous deportees from Italy. Young Tunisians prefer to brave the Mediterranean Sea to reach Italy and risk being infected by the virus, than return to their country given the level of desperation. From one election to the next, in Tunisia, Italy or at EU level, the migration issue remains a source of electoral mobilisation.

The research then proceeds to look at [Egypt](#) by focusing on two main case studies, the returns from Germany and Italy. Through bilateral readmission agreements, Italy and Germany intensified deportations to Egypt, with a total of 469 Egyptians returned from Italy in 2019 and thus in violation of Article 16 of the International Convention for the Protection of All Persons from Enforced Disappearance and the European Convention of Human Rights. The European Union and its member states absolutely depend on cooperation with President Al-Sisi due to the geographical location of Egypt and the country's importance both as a transit station for refugees and as a country of origin for many of them. Overall, in 2018 Germany was the highest country with operating charter flights and the third in organising scheduled flights. However, deportations from Germany have also decreased dramatically in 2020, due in part to the COVID-19 pandemic.

As for Lebanon, the study maps different return policies and practices at the [Cyprus-Lebanon](#) and [Lebanon-Syria](#) border and analyses their impact on the rights of displaced Syrians to have access to international protection. Returns from Lebanon and smuggling routes to Cyprus both reflect a lack of access to meaningful international protection in Lebanon, where only 20% of Syrians have a legal residence permit. Lebanese authorities are pressuring Syrians to accept return through a series of policies and practices. Syrian refugees who want to return to Syria need to apply for security clearance with the regime's Intelligence Services, and the UN and human rights organisations have documented how refugee returnees have been arrested, detained, tortured and/or forcibly disappeared upon return to Syria. While these returns should be extensively monitored, the UNHCR faces important limits in monitoring returns both before and particularly after return to Syria. Reports from various civil society organisations recently revealed that hundreds of people from Syria were detained across Turkey and coercively returned to Syria and that the Lebanese General Security detained and directly handed refugees to the Syrian government.

Finally, the chapters focusing on return from [Turkey and Lebanon](#) clearly expose why Syria is not a safe country and why refugees should not be returned. The main trends found in Turkey are how the Turkish Government seeks ways to encourage Syrians' return due to the increasing politicisation of refugee policies. Additionally, Turkish state officers use unlawful techniques when collecting signatures on the voluntary return forms. These are then used to manipulate, deny or block appeals made by refugees or organisations who question the degree of free-will exerted during the signature as well as the violation of the non-refoulement principle.

III- Bibliographic Information

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