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COMMISSION STAFF WORKING DOCUMENT

The EU framework on return counselling and the Reintegration Assistance Tool

Accompanying the document

**COMMUNICATION OF THE COMMISSION TO THE EUROPEAN PARLIAMENT
AND THE COUNCIL**

The EU strategy on voluntary return and reintegration

{COM(2021) 120 final}

This staff working document presents the EU Framework on return counselling and the Reintegration Assistance Tool, as referred to in the EU strategy on voluntary return and reintegration.

Section I outlines good practice in setting up, developing and maintaining return counselling structures, largely based on a series of expert workshops organised under the European Migration Network.

Section II describes the Commission-owned Reintegration Assistance Tool (RIAT) that enables the secure flow of information between return counsellors and reintegration service providers and is instrumental in implementing the EU strategy on voluntary return and reintegration.

Section I

EU FRAMEWORK ON RETURN COUNSELLING

The EU Framework on return counselling is a deliverable under the EU strategy on voluntary return and reintegration.

The EU Framework on return counselling provides guidance mainly to national authorities responsible for setting up, managing and developing return counselling structures in the Member States. In particular, it is designed to guide national policymakers and management, but can equally be useful to EU agencies, non-state bodies as well as other stakeholders involved in providing return counselling services.

The Framework first outlines the EU policy context for return counselling, and identifies the multiple aspects and challenges of counselling that should be covered when developing return counselling programmes or more permanent structures. It also describes practices that the Commission services and experts regard as good practice that may be useful to Member State policymakers and other bodies involved in counselling. This is based on an assessment of available evidence on the effectiveness of counselling services and complementary activities.

The Framework can also be used as a reference for creating or running return counselling programmes by Member State authorities responsible for national programmes under the Asylum, Migration and Integration Fund or by the entities that apply for funding to provide these services. The Framework will in future be translated into more operational training tools and guidelines on the practical implementation of return counselling by both state and non-state bodies. This includes work carried out by the European Return and Reintegration Network in cooperation with the International Centre for Migration Policy Development and the European Border and Coast Guard Agency (Frontex) and it includes the future return curriculum.

The EU Framework is based to a large extent on information collected in the context of the European Migration Network (Return Expert Group).

1. Policy framework

Voluntary return is a more cost-effective process, is less problematic when it comes to readmission and is also preferred by third countries. Moreover, it enables a more dignified return, and when coupled with appropriate support for the returnees, may contribute to the development of the countries of origin. Migrants, including asylum seekers, need to be informed of the option of assisted voluntary return at an early stage and throughout the immigration procedures. Including information on assisted voluntary return in the asylum process was identified as a clear mid-term action in the EU Action Plans on return¹ that call on Member States, with the support of the Commission, to take a coherent approach to general practices to incentivise return.

Directive 2008/115/EC (the Return Directive) is the main piece of legislation governing the return of irregular migrants. It does not impose an obligation on Member States to set up

¹ COM(2015) 453 final, COM(2017) 200 final.

assisted voluntary return programmes or to provide return counselling to illegally staying third-country nationals. The Return Directive does, however, underscore that in order to promote voluntary return, Member States should provide for enhanced return assistance and counselling and make best use of the funding available. The Commission has also recommended² that Member States take action to improve their processes for disseminating information on voluntary return and assisted voluntary return programmes to illegally staying third-country nationals, in cooperation with national education, social and health services, non-governmental organisations and other bodies. Following the Commission's proposal for a recast of the Return Directive³, Member States would have an obligation to establish programmes for supporting the return of third-country nationals with logistical, financial or other material or in-kind assistance.

The willingness to return voluntarily depends on multiple factors, including the prospect and consequences of staying illegally in the Member States, the availability of legal remedies, the likelihood of forced return, the (family) situation in the country of origin and the support available in the country of return. Providing migrants with up-to-date and accurate information is therefore key to encourage informed decision-making on return, to prepare all returnees for departure and to identify suitable support for reintegration in the country of return.

2. Definition and purpose

Return counselling is a key component of the return process and a crucial aspect to assist third-country nationals in obtaining correct information about their legal options to remain in Europe, as well as on their opportunities to return and reintegrate in their country of origin. In addition to providing up-to-date and reliable information, the purpose of return counselling is to support migrants in accessing assistance and in planning their return and reintegration. Return counselling should not be considered a stand-alone activity as it is a part of the broader approach to migration management that respects the dignity of migrants.

Although the aim of return counselling is to help migrants take an informed decision about return, it also supports implementation of migration policies by encouraging voluntary return and ensuring compliance with return procedures. The return counsellor is the coordinator for the entire return process. For these purposes, counselling should provide up-to-date and reliable information in a language the migrant can understand and tailored to the different stages of migration and to individual circumstances, including vulnerable persons⁴.

A shared understanding of what counselling comprises should factor in the following important aspects:

- Target group

Return counselling is an approach through which migrants engage in a discussion with a return counsellor about returning to their country of origin, and if and when they make the

² C(2017) 1600 final.

³ COM(2018) 634 final.

⁴ Vulnerable persons means minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

decision to return, they receive help to arrange their return. Therefore, counselling should be available regardless of a person's migration status (illegally staying migrant, asylum applicant etc.) and irrespective of whether they requested counselling. The timing and the content of counselling should always be adapted to the target group.

- External context/settings

Counselling should be provided at all stages of the migration process and be made available to all migrants expressing the desire to return to their home country, and where appropriate and without distracting applicants from exercising their right to seek asylum, to migrants whose application for international protection is pending. Return counselling is mostly made available to migrants who have been issued with a return decision stating the obligation to leave the country or who are subject to return procedures, but also to illegally staying migrants not known to the authorities. As such, return counselling is fully integrated into assisted voluntary return programmes, but it should also be made available during forced return procedures (e.g. in detention facilities).

- Timeframe

To be effective, the timing of counselling services merits close consideration. This entails adapting the content and method to the stage of the process the migrant is in and tailoring it to the target group (i.e. providing return counselling to an irregular migrant subject to a return decision will not have the same time constraints as the service provided to an asylum applicant). Although a return decision is a decisive moment from a point of EU law and administration, for a migrant, the option of return may not be strictly linked to it. Return decisions generally leave limited time to discuss and reflect on return and to take a decision on voluntary return. This sense of urgency can be managed by taking a proactive and early approach to counselling.

- Providers

Counselling can be provided by national authorities and by non-governmental implementing partners (international organisations and NGOs). At present and in most Member States, national authorities work with other partners to provide return counselling services.

- Outreach

Member States are faced with rising numbers of irregular migrants who have stayed illegally in the country for an extended period of time, and with in-transit irregular migrants. These are migrants who are stranded, due to either the authorities being unable to return them, or because they aim to transit on and therefore do not apply for international protection as they wait to journey onward. Reaching out to these migrants to start a conversation and referring them to the right organisations is a vital part of return procedures as migrants can only opt for voluntary return if they are aware that they have this option and know how to access it.

3. Stakeholders

3.1 Identifying stakeholders and their roles

Return counselling is provided at all stages of the migration procedure and should be made widely available to all third-country nationals. National institutions, non-governmental and international organisations providing return counselling services usually target migrants from the time their illegal stay is detected throughout their migration process until their potential return. It is even advisable to start (return) counselling during asylum procedures, providing information on a potential negative decision and ensuing return to the country of origin. Return counselling takes place in a dynamic environment and involves multiple stakeholders. The roles of these stakeholders vary, too, depending on the set-up of return counselling structures and institutional competences. Each may have a counselling or referral/information role; some have both.

Counselling entails a more personal and proactive discussion with the person concerned with the aim of providing reliable information and ensuring compliance with immigration procedures. A referral role involves directing the migrant to the right counselling services, whereas an information role is carried out by people who raise awareness, do outreach work and provide basic information on the return procedure.

The table below gives examples of different roles in stakeholder cooperation in the return counselling framework.

Organisations	Role
Police / escorts / custodial services	Information & referral (counselling)
Medical and welfare organisations/authorities	Information, counselling & referral
Member State embassies in third countries	Referral
Immigration authorities	Information, counselling & referral
Local administration/municipalities	Information, counselling & referral
NGOs and IOs	Information, counselling & referral
Legal representatives/legal aid authorities	Referral
Appeal bodies/courts	Referral
Diaspora	Information & referral

The stakeholders should be identified early on when setting up return counselling structures, taking into account the different counselling phases, migration stages and location where counselling takes place. Each stakeholder brings added value to counselling. The authorities steer the approach and are ultimately responsible for the provision of counselling services and for achieving the set objectives. They are also in charge of overall coordination of counselling services in the Member State. In some cases, the authorities (either central or municipal), are the ones that provide the actual return counselling and outreach services. In others, it may be the non-governmental sector or international organisations as part of a range of projects funded by the authorities. Legal counsellors, who may or may not have been involved in return counselling, provide essential services to migrants, but it is for return

counsellors to refer to legal counsellors if the migrant wishes to discuss legal issues related to their case. Similarly, legal counsellors should be able and willing to refer their clients to return counsellors.

Migrants themselves and the general diaspora can act as intermediaries to build trust in the system and make contact with ‘hard-to-reach’ migrants. Effective channels of referral should also be created and fostered so that other authorities and entities that meet irregular migrants can refer them to the competent counsellors for more information. The media, which are not considered active stakeholders, can nonetheless help shape perceptions and build trust. Therefore, the media can be a way to reach wider audiences and combat the social stigma that can be associated with return in the communities receiving returnees.

3.2 Stakeholder cooperation

It is considered good practice to set up a counselling service in which the strategic objectives of partnerships and stakeholder engagement are clear. This promotes ownership and service continuity and ensures that all stakeholders are aware of what is expected from them. Effective process management entails providing a clear definition of the roles and responsibilities of each group of stakeholder. It involves engaging and aligning action by different stakeholders, providing common quality standards and – at least to a certain extent – providing common content for delivering return counselling services. It may also be useful to specify the key moments during which specific information on return should be provided or meetings organised. In turn, smooth operational cooperation depends on the type of delivery: whether cases are managed by central authorities or by a range of specialist stakeholders, each with niche competence. Streamlining operations with a set of mutually agreed processes and providing ways to give feedback on the success of the processes and stakeholder cooperation more generally are necessary to promote good operational cooperation.

The importance of stakeholder cooperation should also be stressed when handling cases involving vulnerable cases. One stakeholder working alone might not be fully aware of the latest developments in the overall situation of the individual and could overlook certain vulnerabilities. For example, local partners in the country of origin of the returnee can often assess issues related to the local context and culture that are not necessarily accessible to pre-departure counsellors. When managing vulnerable cases, a lack of cooperation and information-sharing between the different organisations involved can put the individual at risk of even greater vulnerability. It is therefore vital to put in place effective channels of communication and information-sharing between counselling providers at different stages of the return process, compliant with the data protection acquis⁵. Safeguards and risk assessments, where necessary, should also be in place for particularly vulnerable groups.

It is crucial that policymakers put in place coherent management systems to ensure high effectiveness in the use of their stakeholders. National policymakers responsible for setting up and managing counselling structures should take into account the specific circumstances in their respective countries. Specific considerations could relate to e.g. technical expertise, eligibility and competences – which organisations *may* or *should* act, which *may not* or

⁵ The data protection reform package, comprising the General Data Protection Regulation, the Data Protection Law Enforcement Directive and the Data Protection Regulation for EU institutions and bodies.

should not. Challenges often arise in these forms of cooperation regarding the setting up and monitoring of quality standards. With several organisations involved, it is useful to have a core set of guiding principles on how to provide counselling services and how to refer people. When cooperation is organised on a more rigid basis, such as legislation or binding contracts, cooperation and the establishment and follow-up of quality standards and formal procedures may potentially be managed better. Other ways to achieve the same objective with more flexibility could include standard operating procedures, frequent meetings and agreed minutes, informal and personal contacts and data collection surveys on day-to-day cooperation between the stakeholders and process management.

Return counselling is ultimately a shared responsibility, not only the task of a limited group of counsellors. It is therefore key that Member States provide physical and easy access to return counselling taking into account issues of location, distance and timing, whether through referral or directly.

Virtual counselling should also be considered and promoted, especially where there are restrictions in place e.g. due to a crisis situation. Frontex will also have an increasing role in organising return counselling by deploying return specialists as members of the standing corps.

Member States are encouraged to put in place strategies to embed outreach, return counselling and referral activities into the broader reception and social care systems they provide to asylum applicants, and into the generic (social/medical) services with which irregular migrants staying outside reception structures interact. Such strategies should be clear on the multiple roles, responsibilities and tasks involved.

Identified good practices

- Competent national authorities should take a leading role in planning and coordinating return counselling services, even if the counselling is provided by other implementing partners.
- Member States are encouraged to identify the various stakeholders involved and define their respective roles early on when setting up return counselling structures. Defining key moments that trigger certain activities can be a useful way to identify the action and organisation required. This strategy should be integrated into all services with which migrants have contacts, including national and multinational networks in local city administrations.
- Member States are encouraged to draw up a core set of guiding principles for all stakeholders involved in counselling and referrals to other services to ensure a minimum level of quality and consistency.

4. Methodology and content of counselling

4.1 Counselling during the various stages of the migration process

Return counselling takes place at different stages, with the main stages summarised below:

- transit in third country;

- opening and progressing through all stages of the asylum procedure, including in detention;
- detecting an irregular stay/the return decision is issued;
- departure;
- arrival in country of return and post-arrival stage.

The timing of these stages is not fixed; it varies depending on the individual situation of the migrant and the legislation in the Member State. In some cases, a negative asylum decision is automatically followed up by issuance of a return decision. However, the most important time at which return counselling should be available and become more intense is from the issuing of a return decision until departure. Counselling should already start at the previous stages of the migration path, when it should also be offered to asylum applicants or other migrants whose applications are pending. Regardless of the stage at which counselling began, it is usually intensified prior to departure. This phase usually includes identifying and assessing specific, immediate and post-arrival or reintegration-related needs, applying safeguards where relevant, providing up-to-date information about the assistance available, in coordination with stakeholders in the countries of return also with a view to managing expectations and preparing the reintegration, administrative assistance and organising travel.

When counselling is not adapted to the specific migration trajectory of the individual, it focuses mainly on informing migrants of the procedure they are in and how they can receive assistance in planning their return. It should nonetheless be adapted to their individual needs and circumstances, including taking into account any vulnerabilities. When the counselling service is adapted to the specific migration stage of the individual, the content of counselling changes to reflect and discuss the options available for the individual specific to that stage.

The settings where counselling takes place also depend on the stage in the migration process. Return counselling can take place from detection up until detention and from transit country while travelling to Europe to the third country post-arrival.

The elements that should be included in counselling throughout all stages of the migration process should cover the choices a migrant has, the consequences of those choices, including the risks, a vulnerability assessment and managing the expectations of potential returnees.

4.2 Counselling stages and content

There are generally four stages of return counselling:

- information and outreach;
- decision-making;
- pre-departure preparation;
- post-arrival support.

The aim of the **information and outreach stage** is to provide the migrant with general information about the options to stay or to be assisted in returning voluntarily to their home country. Once the migrant has been contacted and/or otherwise referred to a return counsellor, the counsellor should listen to the migrant to understand the situation they are in

(motivational interviewing techniques are generally used) and to identify, understand and take into account their social profile. The discussion covers the migrant's rights and legal situation, as well as the difference between forced and voluntary return. The counsellor provides the migrant with contacts for the organisations responsible for implementing assisted voluntary return and reintegration programmes. The counsellor also explains the conditions of eligibility and the assistance and benefits available under assisted voluntary return and reintegration programmes. Counselling during this stage also focuses on identifying and responding appropriately to any vulnerabilities, as well as assessing whether the migrant is able to make an informed decision. At this stage, the counsellor usually provides general information, not specific to the individual. This can be considered the first stage of counselling (after successful outreach or referral); the first time the counsellor makes contact with the migrant. In general, counsellors should take a proactive approach to migrants who could be interested in assisted return, but in some cases, the migrants approach the counsellors themselves to ask for information. There is no single way to reach out to potential returnees and provide them information. Creative approaches should be encouraged at this stage, in terms of the format for the first counselling meetings, cooperation between stakeholders (e.g. municipalities and counselling services) and ensuring easy referral.

During the migrant's **decision-making process** on return, the counsellor still makes available information on the legal options to stay, although for migrants who have been issued a return decision, counsellors explain the obligation to return and the consequences of failing to comply. During this phase, the counsellor provides more specific information about the return procedure and the support available.

In the **pre-departure preparation** phase, return plans are laid out by identifying available assistance, including an escort for migrants with medical needs and for minors, opportunities to follow training and education that ideally meet the needs of the returnee, onward transport to the place of return and short-term accommodation upon arrival. During this stage, return counsellors use checklists and country-of-origin information to get a systematic overview of the basic information needed to organise the return. Providing this information to the counsellors and keeping the information up-to-date is a major challenge, where effective knowledge management is key (see Section 7). At this stage, the counselling becomes specifically tailored to the individual's situation. Member States should ensure that counsellors are at this stage able to collect information about the returnee needed by the possible reintegration implementing partner and that counsellors can inform the migrant prior to their departure about the possible reintegration assistance and how to access it upon arrival in the country of return. Lastly, the process must cover the need to inform and support minor children and enable them to participate in their migration process.

Post-arrival counselling consists of informing the returnee about the reintegration assistance available in the country of return, and assessing the reintegration plan drawn up prior to departure, adapting it based on a new assessment of returnee's situation and of the local context. It also covers information on further counselling opportunities, medical assistance and accommodation support. Returnees are often assisted (both technically and financially) in setting up an income-generating activity. Where applicable, the counsellor makes a follow-up of the vulnerability assessment. In general, during the first week following the migrant's return to the country of origin, an assessment interview is organised by the local counselling

provider to identify the needs of the returnee and assess whether they are different to those identified by the return counsellor in the host country.

Migration stage	Counselling stage
Transit in third country	Information and outreach
Beginning of the asylum procedure	
Detection of irregular stay/ return decision is issued	Outreach / decision-making
Migrant's decision to return	Pre-departure preparation
Post-arrival	Post-arrival support, implementation

Timing is key to all migration stages. Up until the decision is made, counselling is a process that takes time and should not be rushed. Counselling under time pressure may be counter-productive and result in loss of trust, greater resistance to return and absconding. The need to give ample time for counselling may however conflict with legal procedures and timelines, as the national legislation may give a returnee only limited time for voluntary departure. Balancing these dynamics is one of the fundamental challenges in providing return counselling. It should be stressed that engaging, reaching out and starting counselling at an early stage can help solve this dilemma. Once the individual decides to return, the process should speed up and aid preparations for return.

4.3 Counselling approaches

There are three main approaches to return counselling:

- migrant-centred approach;
- compliance approach;
- mixed approach.

The *migrant-centred* approach focuses on supporting the individual to make an informed decision. It provides support adapted to the migrant's situation, their specific needs, country of origin and journey as well as their own capabilities. The approach covers not only the individual's future, but aims to provide tailored support that takes into account the migrant's psychological wellbeing by looking at the previous migration stages and seeking to understand what pushed the migrant to leave their country of origin in the first place and why they decided to return or was issued a return decision. The discussion should remain focused on return, but understanding the context of the migrant's situation is essential to providing tailored support.

The *compliance approach* by contrast focuses on convincing the migrant to return and/or to comply with a return decision or other immigration procedures. This approach can take place in a more coercive setting after a negative decision on stay. It may also be carried out in a similar setting as the migrant-centred approach, depending on the competences and mandates of the organisations involved.

The *mixed approach* combines the two approaches to achieve a balance between providing the support and information that best suits the migrants' needs and experiences, while implementing national return policies. This implies informing the individual of the various options available while emphasising the benefits of return.

The approach can also shift from a migrant-centred approach to a compliance approach, based on the migration stage of the individual. This happens when after the initial counselling stages it becomes evident that the migrant has little to no option to legally stay or when initial proposals for voluntary return have failed. For an approach to be effective, the method and content should be adapted to the migrants' specific circumstances and to the migration stage. It should take into consideration external circumstances, including the situation in the country of origin, health considerations and family situation.

4.4 Forms of counselling

There are three main forms of counselling:

- individual counselling;
- family counselling;
- group counselling.

Individual counselling is the most commonly used form, as it is the most effective way of reaching a thorough understanding of the migrant's situation. However, when a whole family is involved in the return procedure, providing family counselling – involving minors, too – may be appropriate as the return decision is often addressed to the whole family. A group approach is not necessarily suitable for all cases, e.g. due to domestic violence. Ideally, family counselling should be combined with individual counselling to ensure that the family's return plans will contribute to the wellbeing of each member of the family. Group counselling can also be used if several individuals find themselves in a similar situation and come from the same country or from regions facing the same issues. However, it should only be used at the initial stages when the counsellor provides general information about return. Individual counselling should always be the preferred form to make specific plans for return.

4.5 Counselling for vulnerable groups

In relation to return counselling, the concept of vulnerability is based on the definition of vulnerable person provided for in Article 3(9) of the Return Directive.

There are two main approaches to identifying vulnerabilities in return counselling:

- category approach;
- individual approach.

The first uses a categorisation method to indicate vulnerabilities based on a person belonging to a specific group. This implies defining a limited number of categories (such as unaccompanied minors, seriously ill persons) and providing assistance that is targeted to that specific group. In practical terms, this means that if a person is considered to belong to one (or more) of these categories, they will be automatically considered vulnerable and as such will have access to specific assistance during the return counselling process.

The main limitation to this approach is that some individuals do not fit in any set category but may nevertheless be in a position of vulnerability. To overcome this limitation, the individual approach underscores the importance of assessing vulnerabilities by considering individual circumstances rather than solely belonging to a group. However, this approach contrasts with the structure of return counselling programmes that have set support packages by categories of migrants and limited flexibility to adapt to individual cases.

To overcome the shortcomings of both approaches, a combination of the category and the individual approach may be used to provide return counselling services. This means using categories when assessing vulnerabilities to have tailored counselling packages, and giving a certain degree of flexibility in the definition of vulnerable groups to also cover individuals who might not fall under a strict category definition.

Counsellors should be trained not only in identifying vulnerable individuals, but also in interacting properly with them and in providing the right information to meet their needs. This entails knowing which service to contact for guidance on how to handle a specific situation, and to which services individuals with specific needs should be referred. In addition to receiving this information through in-person training courses, counsellors should have access to information (via online platforms and internal guidance notes) on how to handle vulnerable cases. In some cases, for example individuals with specific medical needs, public handbooks may be available.

4.6 Ensuring consistency

Member States should make sufficient resources available to ensure the consistency and quality of return counselling. Negative feedback from returnees has a direct effect on the level of trust potential returnees have in institutions, also in public services beyond those offering return counselling. This can attract notable coverage on social media. Similarly, contradicting advice from several counsellors or organisations involved in counselling and the migration procedures more generally can have a negative impact on a migrant's willingness to return voluntarily.

At border areas where large groups of migrants interact and frequently travel between two Member States, Member States are encouraged to develop and implement multinational strategies for reaching out to migrants and providing similar information.

To help provide consistent information given to migrants using counselling, internal communication channels, online platforms, guidelines, interviews, procedural checklists, handbooks and information packages for return counsellors can be useful. Another important way to ensure consistent quality – and perhaps even more importantly – consistent content, is to train counsellors and issue a code of conduct followed by all return counsellors in a given Member State. A common EU-wide approach could aid consistency within and throughout Member States.

4.7 Credibility of counselling

One factor that is crucial to the success of return counselling is the credibility of the counsellor and their independence from external conditions. Member States should ensure that counsellors can provide return counselling services in a clear legal context. This requires

that decisions on applications for international protection or other form of legal stay are taken by the competent authorities within a reasonable time frame and having a sufficiently harmonised asylum and reception system across Member States to avoid the situation where migrants shop around for the best asylum or reception system.

The credibility of counselling also entails developing tailored structures and tools to support counselling and the eventual return. Member States should therefore ensure that there are no further administrative or other obstacles that could prevent migrants who have decided to return from departing within a reasonable time frame. Counsellors should be sufficiently well informed about the reintegration assistance available to the returnees and how they can access this support.

Identified good practices

- Counselling at all stages of migration should be adapted to the migration stage and to the migrant's individual circumstances, addressing their choices, the consequences of those choices and managing their expectations.
- Member States are encouraged to ensure that there is a clear legal framework for counsellors to operate in, which supports counselling and return effectively.
- The Commission, together with EU agencies, Member States and key stakeholders, will consider adopting a code of conduct on minimum standards for consistent return counselling services.

5. Skills

5.1 Training for counsellors

Return counsellors come from a range of professional and academic backgrounds. The training provided to return counsellors should be adapted to their needs and available both at beginner/basic level and at more advanced levels. They should be available both face-to-face and via online/e-learning platforms. Creating a 'buddy system' pairing up newcomers and senior staff is also an efficient on-the-job training method.

The content of the training courses often covers three main areas:

- Generic skills:
 - ⇒ Developing and creating the skills needed to provide return counselling (soft skills needed to broach culturally sensitive topics, interpersonal and intercultural communication skills, child and gender sensitivity, language etc.)

One of the counsellors' fundamental responsibilities is to help migrants understand that there is no shame or failure in returning. The counsellor's approach should focus on respecting the dignity of the returnee throughout the whole process. These skills are essential, and many are generic to other professions providing individual support, e.g. traditional social work. In addition to having or acquiring certain fundamental skills, return counsellors often have to follow a code of conduct or internal guidelines to ensure similar quality standards across return counselling providers. Trainings should take into account the specific needs of vulnerable groups.

- Specific knowledge:
 - ⇒ content of return counselling;
 - ⇒ knowledge of up-to-date and reliable information on the country of return;
 - ⇒ legal framework (asylum procedures, return procedure, data protection etc.);
 - ⇒ handling vulnerable cases (identifying vulnerabilities, knowing who to reach out to for guidance on how to handle specific situations; referring cases with specific needs to the right services).

This aspect of return counselling must be continually adapted to the migrant's context, which means that counsellors need to keep their knowledge up-to-date. Training courses usually take place upon recruitment, and refresher courses should be available for counsellors at least on a yearly basis. To follow-up between training courses and refresher courses, counsellors should have easy access to online platforms containing updated information. Similarly, return counsellors could receive information through internal communication methods and receive regular country information factsheets. Direct contact between return counsellors and contact points in the country of return and country field visits can also be useful.

- Methodology:
 - ⇒ interviewing techniques;
 - ⇒ procedural checklists, questionnaires;
 - ⇒ vulnerability assessment tools.

In addition to requiring specific methodological tools to provide counselling, counsellors are also often in charge of collecting the data needed to monitor and evaluate the impact or success of return counselling. Training courses should therefore include a section on methodology and data collection techniques for the staff involved. Trainings should raise general awareness about EU data protection rules and its requirements, offer a better understanding of their relevance for return procedures, and provide best practices with regard to these rules in the context of return procedures.

Return counselling should be provided by counsellors with extensive and up-to-date knowledge of the asylum and return procedures, rules and practices, the situation and available support in the country of return, knowledge about people in crisis, and good social and communication skills. At a minimum, counsellors need to have basic knowledge in those areas and know how to find more detailed information quickly. Poor delivery of return counselling or insufficient access to information by the counsellor may affect the migrant's trust in the information they provide, e.g. information on assisted voluntary return and reintegration programmes, lack of other accommodation available in the Member States, and may be less willing to ultimately accept return. The performance and ultimately the success of counselling is a shared responsibility between the counsellor, employing their skills and methods in providing a counselling service, and the government, responsible for creating a structure conducive to counselling and providing the necessary support.

5.2 Personal support provided to counsellors

The role of counsellors involves both migration management and personal contacts with individual migrants. In addition to professional support, return counsellors may need to receive personal support, as the type of work they are involved in can be emotionally

draining, akin to traditional social work. Monitoring counsellors' personal wellbeing should take place in different ways, for example by:

- bringing in a 'duty of care' system between a supervisor and their employee;
- creating a supportive working environment able to act as a safety-net for counsellors;
- offering group support sessions to counsellors;
- providing access to physical and mental health professionals where necessary;
- making support tools such as helplines and human resources procedures available.

To achieve a balanced professional life and to prevent the psychologically destabilising effects that working solely on return counselling may have, the technique of giving counsellors tasks and responsibilities that are not related to counselling can prove useful. This can be achieved by involving them in the more technical monitoring and evaluation of return programmes. Thanks to frequent contact with returnees, counsellors may be well positioned to provide useful insights into how to improve return counselling or other migration-related processes.

Identified good practices

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| <ul style="list-style-type: none">- Counsellors should have access to frequent and multiple levels of easily accessible professional training and to sufficient personal support.- Member States and Frontex are encouraged to set up and keep up-to-date training programmes that cover, in addition to generic skills, more detailed aspects such as the content of counselling, country-of-origin information, legal framework (including on migration procedures and data protection) and how to identify and handle cases involving vulnerable people. |
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6. Counselling in third countries

Counselling in third countries may be provided at the post-arrival migration stage. It typically takes place after returnees are referred to EU- or Member State-funded schemes in countries of origin and to national and local return and reintegration organisations. Post-arrival counselling is strongly connected to the pre-departure phase as effective information provision and pre-departure counselling enable counsellors to provide more tailored assistance to the specific situation of each returnee. The earlier a conversation on reintegration with a returning migrant begins, the more concrete their plans for reintegration in the country of origin may be. Although discussing plans for reintegration while still in the host country is a useful first step towards a successful reintegration, it is important to keep in mind that the situation of the migrant might change during the return process. Therefore, it is often necessary to make a new assessment of the needs of the returnee upon arrival in the country of return, typically in the form of an assessment interview.

Counselling in countries of origin is usually organised in two stages. The first consists of providing immediate support to the returnee upon arrival, and the second to provide broader reintegration assistance. Immediate support can be provided at a welcome or referral desk at the airport (or other arrival point) where the returnee receives useful practical information and some counselling. Returnees that cannot rely on friends or family for immediate

accommodation and basic needs upon arrival can receive emergency economic support, such as pocket money and onward transportation.

Further post-arrival reintegration is a medium to long-term process that should cover three main aspects of a returnee's needs:

- economic;
- social, cultural and identity;
- psychological.

The returnee typically receives assistance in the economic dimension of reintegration by receiving in-kind and technical support to set up an income-generating activity. In most cases, the returnee discusses a preliminary plan to set up an income-generating activity with the return counsellor while still in the host country. Upon arrival in the country of return, the plan is analysed with reintegration service providers to assess its feasibility. In most cases, a series of adjustments are needed for the project to be feasible and have a good chance of success. Once this stage is completed, a business plan is drawn up with the support of reintegration organisations. It is also up to these organisations to support the returnee in making all the purchases needed to set up the activity. Once the income-generating activity is set up, close contact with the returnee is usually maintained for the next six months to one year. Building a successful business should help the returnee's integration and financial security and thus lessen the chances of successive irregular remigration. Ideally, it is also in line with the broader economic development goals for the country of return as the returnee's business activity – typically building on the skills acquired abroad or as a result of return counselling services and individual reintegration assistance – can contribute to these goals too.

Social, cultural, identity and psychological reintegration can be particularly difficult for returnees who have spent a significant amount of time away from their home country. It affects the individual's feeling of belonging to the local community and to their desire and capacity to reintegrate into social networks in their home country. It is also directly related to how returnees are perceived by their family and by society in general. There is often stigma associated with return, which makes psychological support necessary for some individuals. In addition to providing psychological support, counselling can also support the returnee's social reintegration by providing information about social and cultural events and activities.

Post-arrival counselling in the country of return can be of added value to all returns. It can help the reintegration process and be a channel for further tailoring the assistance to the needs of the returnee. Post-arrival counselling can be useful for referring the returnee to social services, support structures and other projects related to reintegration in the country of return and to gain valuable information on the success of each assisted voluntary return and reintegration project.

Identified good practices

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| <ul style="list-style-type: none">- Member States are encouraged to consider setting up post-arrival counselling structures, especially in third countries where returnees have access to reintegration support. |
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- The links between pre-departure and post-arrival counselling should be strengthened by exchanging data, in line with data protection legislation, between organisations and by collecting information on the assisted voluntary return and reintegration programme during the counselling.

7. Information and knowledge management

Several organisations are involved in outreach, return counselling and in referring migrants. It should be stressed that the content and quality of information provided to migrants is important in building trust, managing expectations, ensuring the consistency of counselling and ultimately the likelihood of migrants choosing voluntary return. Counsellors and other stakeholders have a range of different products to draw on, such as print material (flyers), guidelines, handbooks, questionnaires, interview templates, country of origin factsheets, detailed information packs on reintegration service providers, eligibility criteria and several checklists. The material used should therefore be harmonised and coordinated by one or several organisations and made available to others.

Those involved in return counselling, either in referring migrants or providing the return counselling service, should have access to consistent material that is regularly updated and that contains content that has been coordinated. It is therefore useful for Member States to create new or use existing platforms to share general data, including templates, country of origin information and factsheets always in line with data protection legislation when personal data is involved.

In the context of the European Migration Network, the Commission has created a web-based tool, the Reintegration Assistance Tool (RIAT), which is available to Member State authorities and to return and reintegration assistance service providers. RIAT enables national authorities and return counsellors to refer individual cases to service providers in third countries. Member States are encouraged to use the Reintegration Assistance Tool for all assisted voluntary return and reintegration cases and to make it available to those involved in return counselling for the purpose of sharing general information on available assisted voluntary return and reintegration support and to ensure the information provided is consistent.

Ideally, return counselling for one migrant should be provided by the same person throughout the process. There are, however, situations where this is not possible, for example due to staffing changes, relocation of a migrant to another centre and especially where post-arrival counselling is offered in the country of return. As post-arrival counselling is connected to pre-departure counselling and information provided to the returnee before departure, it is necessary to ensure continuity of counselling and an efficient flow of information from one counsellor to the next. This type of information includes personal data and possibly sensitive personal data, in particular when it comes to migrants with vulnerabilities. The General Data Protection Regulation (EU) No 2016/679 applies to the processing of personal data for migration-related purposes in the Member States. As data controllers, Member State authorities need to ensure compliance with their obligations under the General Data Protection Regulation, including for instance, on lawfulness of processing, on processing of special categories of personal data, on the rights of the data subject, on the obligations of the controller and processor and on transfers of personal data to third countries or international

organisations. Member States should therefore make sure that they meet the conditions laid down in the Regulation on processing personal data, especially on transferring personal data to organisations in third countries or to international organisations responsible for providing return counselling services. Virtual counselling can be particularly useful to follow up on the case after return. Member States are encouraged to develop, with support from the competent supervisory authorities, practical guidelines on processing personal data for return counselling purposes and to include such guidelines and issues of data protection in the training programmes for counsellors.

Identified good practices

- Member States are encouraged to use the Reintegration Assistance Tool to share information between all stakeholders involved in return counselling to ensure access to up-to-date, relevant and consistent information and to use the tool to refer to its Assisted Voluntary Return and Reintegration cases.
- Member State authorities should seek advice from the competent data protection supervisory authorities on the processing of personal data for return counselling purposes.
- The Commission will organise workshops for experts under the European Migration Network to increase awareness, exchange good practice and solutions to issues of data protection when providing return counselling services.

8. Monitoring and evaluation

8.1 Monitoring outcomes

Monitoring the effectiveness of return counselling is a complex task that is directly linked to the counselling approach adopted (see Section 4.3 above) and to the perceived purpose.

If the approach is predominantly migrant-centred, it is likely to measure the success of return counselling by focusing on the extent to which counselling effectively helped the migrant make an informed decision and plan their return. This mainly requires qualitative data collection methods.

If the approach is more compliance-based, it is likely to measure the success of return counselling on the number of migrants who return to their home country after receiving return counselling and possibly assistance. Collecting this type of data usually entails using quantitative data collection methods, although establishing proper causality requires a qualitative element on the migrant's motivation for return.

8.2 Evaluating processes

Irrespective of the approach taken, two distinct dimensions should be taken into account when evaluating the provision of return counselling services:

- the quality of the *information* provided;
- the quality of the *support* provided

Ensuring the *quality of the information* provided entails not only that all information sources and databases to which counsellors have access are constantly updated and reliable, but also that the channels through which the information is transferred to migrants are appropriate. To evaluate the quality of the information provided, feedback is not only necessary from returnees, but also from the migrants that received information on the return process but finally decided not to leave. Data to evaluate the quality of the information provided can be collected using both quantitative and qualitative methods, for example:

- Qualitative:
 - ⇒ questionnaires handed out to migrants by counsellors to assess whether the information provided to them met their needs;
 - ⇒ anonymous feedback boxes in locations providing information on return.
- Quantitative:
 - ⇒ Number of online consultations via websites providing information on return.

Ensuring the *quality of the support* provided is, however, a greater challenge, due to the intangible nature of return support compared with information on return. Due to this, monitoring and evaluating return support tends to be more effective when it combines both quantitative and qualitative methods. Even if establishing a direct causal relationship between return counselling and actual departure can be very difficult due to the number of variables that come into play in shaping decision-making processes, some indications are useful to evaluate the quality and efficiency of the support provided. The following are examples of methods that can be used to collect data on the support provided:

- Qualitative:
 - ⇒ semi-structured interviews to measure migrants' degree of satisfaction with the support received and their willingness to cooperate in the return process;
 - ⇒ anonymous questionnaires gathering migrants' feedback on the different stages of return counselling (can incorporate survey feedback after each counselling session);
 - ⇒ field visits to countries of return (this method is useful when reintegration is considered part of return counselling).
- Quantitative:
 - ⇒ Number of returns achieved as a result of the counselling. Voluntary return is considered effective if the migrant engaged in all steps of the procedure until arrival in the country of return. The figures on return of the target group should be compared to the figures in a control group to reduce the influence of external variables.

The quality of return counselling can be more readily evaluated than effectiveness in terms of desired outcomes. The evaluation focuses on the internal side of how the process of outreach, referral and counselling works, while monitoring examines the effectiveness of the desired outputs: how many returned as a result of receiving counselling. Although these observations

do not provide universal criteria or indicators for evaluating return counselling programmes or monitoring the effectiveness of return counselling, Member States are encouraged to consider putting in place mechanisms to ensure that the quality is consistent and to gauge whether return counselling activities contribute to the intended objectives and purposes.

The Reintegration Assistance Tool (RIAT) currently enables a limited degree of post-arrival monitoring based on a standardised questionnaire, which the reintegration service provider fills in following a face-to-face (or online) interview with the returnee. The questionnaire asks about the quality and usefulness of the support provided as well as about the wellbeing of the migrant. This questionnaire can be extended in the future.

Identified good practices

- The Commission services, together with relevant EU agencies, Member States and stakeholders, will make available a common method and approach to monitor the effectiveness of return counselling in a way that produces comparable data. By using the short questionnaires at each step in the return and reintegration process, the Reintegration Assistance Tool can contribute to the monitoring process.
- Member States are encouraged to develop tools to evaluate referral and counselling processes.

9. Funding

9.1 Cost

The organisations involved in return counselling may have access to multiple funding sources. Funding may be available from national development aid budgets, other funds managed by different ministries and municipalities or charities and through EU funding.

It is generally difficult to assess the costs of return counselling carried out in Member States. Counselling is very often provided as a part of a project on assisted voluntary return and reintegration without necessarily a breakdown of the budget for counselling services. Moreover, it is clear that individual cases differ in complexity, with some requiring more attention, more time and more support than others. Costing return counselling services should include return counselling staff costs (including support staff/back offices), the cost of materials and office space. As the bulk of funding goes on staffing costs, counselling projects and programmes are, from a financial and administrative perspective, not complex to monitor and manage. It is nevertheless beneficial to follow-up on cost per capita (resources used per counselled returnee) and the overall operation cost of the entire programme. The data collected may help later analyses on future funding needs and evaluation of the programme.

Ensuring a stable stream of funding is key to developing robust practices. If short-term project-funded measures do not receive further funding, there is a risk that the lessons learned will not be put into practice later on. A more urgent risk is that returnees who begin counselling towards the end of the project funding period may ‘fall through the cracks’ and be left without further support if counselling is no longer available.

A lack of continuity of programmes also undermines the capacity to reach out to migrants. This short timeframe may also reduce returnees’ trust in the support available and create

further uncertainty as to what kind of assistance is available to them. Moving from short-term (one-year) projects to longer-term programmes (up to four years) can significantly improve the scope to focus on structural aspects of return counselling, including process continuity, quality standards, meaningful evaluation and the monitoring of counselling services.

A permanent structure, even a very basic one, would have a positive impact on programme continuity and results. Member States are also encouraged to ensure that programmes including return counselling are run over longer timeframes and that further funding is accessible to continue counselling services that have proven to be valuable.

9.2 Asylum, Migration and Integration Fund

The Asylum, Migration and Integration Fund (AMIF) promotes the efficient management of migration flows and helps implement, strengthen and develop a common EU approach to asylum and immigration. The AMIF Regulation (EU) No 516/2014 and its successor lays down the objectives of financial support and the type of eligible measures.

The Asylum, Migration and Integration Fund was set up for the 2021-2027 period with a total budget of EUR 9.8 billion for seven years. One of the specific objectives of this fund is to support fair and effective strategies that contribute to combating illegal immigration, with an emphasis on the sustainability of return and the effectiveness of the return process. The largest share (approximately 88%) of funding is channelled through shared management, in which EU Member States run their multiannual national programmes. These programmes are prepared, implemented, monitored and evaluated by the Member State authorities, in partnership with stakeholders. By comparison, the Member States had allocated approximately EUR 1 billion to fund return measures over the previous seven-year period.

The new Asylum, Migration and Integration Fund Regulation brings in improvements in terms of flexibility, a higher rate of co-financing and more available funding. The new legal framework makes reference to setting up administrative structures, systems, tools and staff training, including training for local authorities and other stakeholders. It also includes assistance and support services specific to the status and the needs of persons concerned, schemes that aim to raise awareness of asylum, integration, legal migration and return policies among stakeholders and the general public.

Pre-departure counselling, post-arrival counselling and reintegration-related counselling services and outreach work are also eligible for funding. The Commission services underscores the need to put in place a more integrated and coordinated approach on return. Swift and suitable multi-disciplinary responses must be made available to illegally staying and irregular migrants from all authorities involved in the procedures. These include law enforcement and immigration authorities, judicial authorities, detention authorities, guardianship systems, medical, education and social services.

The Commission services encourage the Member States to include in their national programmes objectives related to counselling, i.e. to set up, develop and maintain counselling structures in order to draw on EU funding to provide these services. Funding should be made available to the organisations providing return counselling in the Member States, whether

they be national, municipal or local authorities, non-governmental organisations or international organisations. The Member States can use this EU Framework on return counselling as a reference when setting up and programming services and by the organisations responsible for developing counselling structures within the national administrations and civil society.

Identified good practices

- Member States are encouraged to make stable funding available for return counselling by setting up permanent, even very basic, counselling structures rooted in existing services and to prioritise longer-term programmes for implementing return counselling activities, while securing future funding for successful initiatives.
- The Commission services encourage the Member States to include in their national programmes objectives related to setting up, maintaining and developing return counselling structures and to allocate sufficient funds to provide these services.

10. Conclusion

The EU Framework on return counselling outlines a number of elements for the Member States to consider when setting up, maintaining and developing sustainable structures to provide return counselling services and it presents and promotes several good practices.

Return counselling is not a stand-alone service, but an integral part of the broader approach to migration management. Multiple organisations are involved in the process of return counselling, although Member States remain responsible for the overall creation of the structures, for coordination and ultimately for delivery, even if the service is provided by implementing partners. As effective counselling requires having a well-established network and referral systems, stakeholder cooperation is of key importance. The content and quality of counselling should be coherent with and adapted to the different migratory stages. To achieve this, the counsellors should receive proper training, support and suitable tools.

The Commission services, for its part and, with the support of EU agencies and organisations involved in return counselling, have put in place common support solutions identified in this Framework to facilitate stakeholder cooperation, to improve knowledge management and to develop common monitoring methods. Moreover, the Commission and Member State authorities should make use of this Framework in the context of decision-making on the use of EU funding for return counselling and return services more broadly.

Section II

REINTEGRATION ASSISTANCE TOOL (RIAT)

The development of digital tools to improve migration procedures is an important aspect in implementing the new **Pact on Migration and Asylum**. The Commission services have committed⁶ to fostering and steering the development of an integrated system of return management, notably to develop assistance instruments to support the reintegration of returnees in their countries of origin. A European approach to reintegration assistance requires setting up a joint and unified information management system.

This part of the staff working document describes the Reintegration Assistance Tool, a core tool to implement the EU strategy on voluntary return and reintegration.

The **European Migration Network** has played a vital role in recent years in developing digital tools to support work on migration. Several tools are hosted on the **European Migration Network Information Exchange System**, a secure and restricted electronic platform that provides information exchange functionalities and tools in the field of migration. The Reintegration Assistance Tool is one of the digital tools on this platform.

Developed and owned by the Commission, the Reintegration Assistance Tool facilitates the management of information flows on individual cases of return and reintegration between return counsellors and reintegration service providers in a secure digital environment. The tool simplifies and standardises information exchange on the return and reintegration process to the benefit of returnees, reintegration service providers in third countries, Member State authorities and other stakeholders. It also provides a comprehensive overview of individual cases via a single communication platform and facilitates administrative and financial validation by the Member States.

Scope of the Reintegration Assistance Tool

In order to achieve EU-wide coverage and improve the quality of monitoring and evaluation of return and reintegration programmes, the Commission services encourage Member States to use the tool for all returns from the European Union. For this purpose, as outlined in the strategy, the EU will make funding and necessary support available.

The tool supports reintegration services after both voluntary and forced return and can be used to manage the provision and follow-up of assistance, whether in-cash, in-kind or limited to referral (i.e. referring the migrant to medical support).

The tool is available to all Member States, to their authorities and to contracted service providers, in line with needs and local specificities. The Commission services are currently developing further applications to ensure the Reintegration Assistance Tool is interoperable with Member States' national systems and connections to Frontex systems, such as the Frontex Application on Return.

⁶ COM(2015) 453 and COM(2017) 200.

Description of the Reintegration Assistance Tool

The Reintegration Assistance Tool breaks down the case management process into three steps:

- 1) First, a return counsellor in a Member State creates an individual case / file in the tool and requests a service provider to take on the reintegration case. In principle, return counsellors are able to choose from multiple service providers and/or projects in the third country. The return counsellor at this point also enters relevant information in the system, i.e. reintegration needs and flight information (which in the future will be connected to the Frontex Application for Return);
- 2) Second is the post-arrival step, after the reintegration plan has been agreed between the service provider and returnee and is entered in the tool. The plan is then validated by a coordinator in the Member State and the service provider and returnee start implementing the reintegration plan (i.e. by providing vocational training and/or support for schooling of minors in families);
- 3) Third and last, after the reintegration plan has been implemented, is administrative and financial validation. In this step, the service provider sends all necessary information (i.e. proof of payment) that Member States require for their financial administration, also to meet the eligibility criteria under the Asylum, Migration and Integration Fund (AMIF). Over time, this can also help ease the administrative burden by standardising the process where possible.

Data management

The Reintegration Assistance Tool is not a database that stores personal data that is later searchable. It is a sophisticated information exchange tool that enables the secure transmission of encrypted personal data of individuals and uses anonymised data to provide statistics and information in a dashboard. Every individual case file created is assigned a unique code. The Member State owns the data on the cases it creates and acts as data controllers of this data. Service providers own the data that they record on the cases in which they provided assistance. All personal data on a case is deleted within three months of closing the case.

Governance structure

The European Migration Network finances the development and maintenance of the Information Exchange System on which the Reintegration Assistance Tool runs. The European Migration Network Steering Board is therefore responsible for overall development, planning and resource allocation for the tools on the European Migration Network Information Exchange System.

In this role, the Steering Board will receive updates on developments planned and discussed in the expert groups of the European Migration Network. For the Reintegration Assistance Tool in particular, permanent feedback and input from end users (return counsellors and reintegration counsellors) is required. To facilitate this feedback and co-development, the Commission services organise quarterly meetings to discuss developments related to the tool.