ReSOMA

RESEARCH SOCIAL PLATFORM ON MIGRATION AND ASYLUM

DISCUSSION BRIEF

July 2018

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MIGRATION

EU Return Policy

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ReSOMA Discussion Briefs aim to address key topics of the European migration and integration debate in a timely matter. They bring together the expertise of stakeholder organisations and academic research institutes in order to identify policy trends, along with unmet needs that merit higher priority. Representing the first phase of the annual ReSOMA dialogue cycle, nine Discussion Briefs were produced, covering the following topics:

In 2018, an overall of nine Discussion Briefs (three each for asylum, migration and integration) were produced, covering the following topics:

- hardship of family reunion for beneficiaries of international protection
- responsibility sharing in EU asylum policy
- the role and limits of the Safe third country concept in EU Asylum policy
- the crackdown on NGOs assisting refugees and other migrants
- migration-related conditionality in EU external funding
- EU return policy
- the social inclusion of undocumented migrants
- sustaining mainstreaming of immigrant integration
- cities as providers of services to migrant populations

Under these nine topics, ReSOMA Discussion Briefs capture the main issues and controversies in the debate as well as the potential impacts of the policies adopted. They have been written under the supervision of Sergio Carrera (CEPS/EUI) and Thomas Huddleston (MPG). Based on the Discussion Briefs, other ReSOMA briefs will highlight the most effective policy responses (phase 2), challenge perceived policy dilemmas and offer alternatives (phase 3).

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Discussion Brief

EU Return Policy*

1. Introduction

The European 'refugee crisis' that emerged in 2015 gave new political impetus to the EU's return agenda. Increasing the return rates of irregular migrants was framed as a top priority at the EU level to respond to the crisis and to restore public trust in the EU's asylum system. In September 2015, the Commission published a Communication on an EU action plan on return that presented a set of immediate and mid-term measures to be taken in order to enhance the effectiveness of the EU return system. Moreover, in 2017, the Commission decided to issue a renewed action plan, emphasising the urgency of taking more resolute action to bring measurable results in returning irregular migrants.

Significant new competences in return procedures have also been granted to the European Border and Coast Guard Agency (EBCG) launched in 2016. The EBCG has been granted the power to conduct joint return operations and be involved in national return procedures, including cooperation with third countries. Also in this case, the motivation for expanding the Agency's mandate on returns was to ensure more 'effective' expulsion procedures in the EU, so that the number of return decisions of irregular immigrants was better matched by the enforced expulsion orders.

In parallel, cooperation with countries on readmission has intensified by means of a number of informal and non-binding cooperation formats (e.g. instruments or tools not formally qualifying as EU readmission agreements), such as standard operating procedures, joint ways forward on migration issues and joint declarations. According to the European Commission, the use of informal instruments should be the preferred option to achieve fast and operational returns when the swift conclusion of a formal readmission agreement is not possible. In addition, cooperation with key third countries on readmission should be accompanied by the collective mobilisation of all the incentives and leverage available at the EU level, including in areas such as visa policy, trade and development.

2. Scoping the debate

Efforts aimed at addressing irregular migration, and specifically initiatives on return and readmission, had been the object of cooperation between European states even before a formal competence in this field was granted to the European Community in the 1997 Treaty of Amsterdam. The literature has underlined the role played by intergovernmental fora established during the 1970s and 1980s, such as the Ad Hoc Group on Immigration and the Schengen group, in laying the ground for the future institutionalisation of EU policies to tackle irregular migration (Guiraudon 2000).

Specifically, the project of abolishing internal border controls among the member states pursued in the context of the Schengen project from the mid-1980s onwards, was

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associated in EU policy debates with the need to adopt 'flanking measures' to ensure the security of the Schengen space, including on return and readmission. At the same time, a coordinated effort among European states on readmission was also considered a precondition for reducing the number of asylum seekers arriving in the member states: in particular, the adoption of the Dublin Convention in 1990 (the predecessor of the Dublin Regulation) was accompanied by attempts to establish readmission obligations with neighbouring countries considered to be 'safe' for asylum seekers (Hathaway 1993; Lavenex 1999).

One of the first instruments introduced to foster a common approach on readmission was the inclusion of readmission clauses in trade and cooperation agreements signed between the Community and third countries. As stated by Coleman (2009), the Council introduced a policy of incorporating readmission clauses into Community and mixed agreements in 1995, predating a formal Community competence on readmission. The idea behind the use of readmission clauses was to exploit the Community's external powers in fields such as trade and development, and the significant accompanying budgets, to forward member state interests in readmission. The main problem associated with readmission clauses, however, is that they are simply political commitments that do not impose legally binding obligations on the parties. The need to exert stronger leverage in relations with third countries was one of the main reasons for conferring power to the Community to enter into formal readmission agreements with third countries, as decided at the 1999 Tampere European Council.

Readmission agreements are concluded to facilitate the removal or expulsion of persons who do not or no longer fulfil the conditions for entry into, presence or residence in a destination country. Persons to be readmitted, or removed, under such agreements are a country's own nationals and, under certain conditions, third country nationals or stateless persons who have passed, or transited, through the territory of the requested country or otherwise been granted permission to stay there (Coleman 2009). Since 2002, the EU has concluded 17 readmission agreements.[1] At the same time, conferring on the EU a formal competence to enter into readmission agreements with third countries has not prevented member states from continuing their bilateral readmission relations, by means of a variety of both formal and informal cooperation formats (Cassarino 2010a).

The development of an EU common readmission policy has encountered a number of obstacles at both the negotiation and implementation stages (Coleman 2009; Carrera 2016). Some important countries of origin and transit (such as Morocco, Algeria and China) have persistently refused to enter into a formal readmission agreement with the EU, while agreements with other countries (including Russia, Ukraine and Turkey) could only be concluded after a lengthy negotiation process. While policy debates at the EU level have focused predominantly on the issue of incentives to be offered to third countries in order to encourage them to cooperate (e.g. relaxed visa requirements, legal migration channels or increased financial assistance), scholars have pointed to a set of administrative and procedural obstacles that have precluded the successful implementation of readmission agreements.

The inclusion of a clause on third country nationals in EU readmission agreements has proved to be highly sensitive during

[1] EU readmission agreements have been concluded with the following: Hong Kong SAR (2004), Macao SAR (2004), Sri Lanka (2005), Albania (2006), Russia (2007), Ukraine (2008), FYROM (2008), Bosnia & Herzegovina (2008), Montenegro (2008), Serbia (2008), Moldova (2008), Pakistan (2010), Georgia (2011), Armenia (2014), Azerbaijan (2014), Turkey (2014) and Cape Verde (2014).

negotiations with third countries. The readmission of own nationals, especially by those countries not geographically adjacent to the EU, has constituted an equally crucial component of persistent frictions among various states and EU actors. More specifically, the swift identification or 'identity determination', as well as the issuance of travel documents, continue to be major obstacles to practical implementation of EU readmission agreements (Carrera, 2016). In addition, the need to ensure respect of fundamental rights enshrined in EU law during return procedures has been singled out as an explanation for why readmission agreements (at both the EU and national levels) have not worked as expected by their proponents (Carrera 2016).

Besides developing a web of readmission agreements with the major countries of origin and destination of migration, at the end of 2008, the EU established a set of common standards on the return of irregular migrants through the adoption of the Returns Directive (Council of the European Union and European Parliament 2008). This directive provides common standards and procedures to be applied by member states when returning irregular migrants, including on the use of coercion and detention, re-entry bans, and on the guarantees and rights of migrants involved in a removal procedure. The Returns Directive introduced the core legal principle of the EU's policies on irregular migration, i.e. that member states are obliged to issue a return decision to any third country national staying illegally on their territory, unless they are willing to offer the individual a residence permit for humanitarian, compassionate or other reasons. The same directive also sets out safeguards to protect the rights of returnees and enable return to be carried out in a humane and proportionate manner.

At the time of its approval, the Returns Directive was strongly criticised by various non-governmental organisations, such as Amnesty International, ECRE and PICUM, Members of the European Parliament, the Council of Europe and the United Nations Human Rights Council, besides several academics (Amnesty International, 2008; ECRE 2009; PICUM 2015; Baldaccini 2010; Acosta Arcarazo 2011). The most debated aspects concern the duration of detention of third country nationals under a repatriation order (up to a maximum of 18 months), detention of children 'as a measure of last resort', and the imposition of lengthy re-entry bans on migrants who have been subject to forced removals. Furthermore, while the Returns Directive does contain fundamental rights guarantees for migrants in the process of return (in Arts 14-18), these provisions are often not applied in practice by most member states (PICUM 2015).

Significant discrepancies in the implementation of the Returns Directive have also been recognised by the European Commission. An implementation report published in 2014 revealed that a number of implementation gaps remained in several member states, such as in relation to detention conditions and an absence of independent systems monitoring forced returns. In addition, the report stressed the need for improvement in many member states regarding a more systematic use of alternatives to detention and the promotion of voluntary departure (European Commission 2014).

Another important development in EU return policy is the increasing role played in this field by Frontex, established in 2004 to foster operational cooperation among member states in the management of their external borders. Among the tasks assigned to Frontex is that of ensuring the coordination or the organisation of joint return operations of member states, including through chartering aircraft for such operations. Over the years, Frontex has helped EU countries to return an increasing number of third country nationals.

According to the figures made available by the Agency, in 2017 the number of people removed with support by Frontex (renamed the European Border and Coast Guard Agency after a legislative reform adopted in 2016) surpassed 13,000 (Frontex 2018).

In parallel with its increasing role in removal operations, Frontex has come under scrutiny regarding the respect of fundamental rights in the context of such operations. Scholars have pointed to the legal and practical difficulties in ascertaining the respective roles of national authorities of the host member state and officials deployed by Frontex, elaborating how such difficulties disperse human rights accountability among different actors (Fink 2016). An inquiry conducted by the European Ombudsman in 2014 identified some of the main shortcomings in the procedures regulating joint return operations coordinated by Frontex, including the lack of appropriate monitoring mechanisms and of effective procedures on the lodging and handling of individual complaints by removed foreigners (European Ombudsman 2014).

3. EU policy agenda

The European agenda on migration adopted by the European Commission in May 2015 acknowledged that the EU expulsion system is 'ineffective' in view of the rates of successful returns of third country nationals given a removal order. In order to remedy this situation, the agenda called for ensuring that third countries fulfil their international obligation to readmit their own nationals residing irregularly in Europe, particularly through the adoption and implementation of readmission agreements (European Commission 2015a).

In September 2015, the Commission published a Communication on an EU action plan on return that presented a set of immediate and mid-term measures to be taken in order to improve the EU return system. In that circumstance, the Commission described systematic return, either voluntary or forced, as one of the privileged instruments to address irregular migration. The Communication argued that "fewer people that do not need international protection might risk their lives and waste their money to reach the EU if they know they will be returned home swiftly". The *Return Handbook*, adopted together with the action plan, provided guidelines, best practices and recommendations for carrying out returns in an effective way and in compliance with rights and safeguards as guaranteed by the relevant EU legislation (European Commission 2015b).

In 2017, however, in light of the unsatisfactory results of initiatives taken during the previous two years, especially for increasing return rates, the Commission decided to give new impetus to EU return policies by issuing a renewed action plan on return as well as a revised version of the *Return Handbook* (European Commission 2017a). The renewed action plan stems from the assumption that since the adoption of the previous action plan in 2015, the challenges that need to be addressed on irregular migration have become even more pressing, bringing return to the forefront of the EU migration agenda. The Commission provided some key figures to justify the need for increased efforts at the EU level: the rate of returns to third countries remained more or less static between 2014 and 2015 (even falling slightly from 36.6% to 36.4% respectively). Considering that around 2.6 million asylum applications where lodged in the EU in 2015–16 alone and that the first-instance recognition rate stood at 57% in the first three quarters of 2016, the Commission concluded that member states might have more than 1 million people to return in the following period.

In order to increase the effectiveness of EU return policy, a set of policies have been adopted that make full use of the legal, operational and financial instruments

available at the EU level. Great relevance has been attached to cooperation with third countries on readmission, while the role of the EBCG in returns has also been significantly strengthened.

On the internal side, a key priority addressed by the Commission was increasing the 'effectiveness' of member states' administrative systems and return procedures. The 2017 Recommendation on making returns more effective when implementing the Returns Directive, released in conjunction with the renewed action plan, provides guidance to the member states on how to achieve more effective return procedures by making full use of the flexibility allowed for in the Returns Directive. Specifically, the Recommendation exhorts member states to systematically issue a return decision to third country nationals who are staying illegally on their territory and to promptly request the authorities of third countries to verify the identity of the illegally staying third country national and deliver a valid travel document. The Recommendation also calls on member states to make full use of the maximum duration period of detention included in the Returns Directive, noting that detention can be an essential element for enhancing the effectiveness of the EU's return system. Deadlines for lodging appeals against decisions related to return should also be reduced, as long deadlines can have a detrimental effect on return procedures (European Commission 2017b).

Enhanced sharing of information to enforce returns has been another key priority on the EU agenda. Specifically, the Commission is already working to create an enabling environment for the implementation of returns across the European Union, through systematic exchange of information. During 2016, the Commission put forward several proposals to further develop existing information systems (the Schengen Information System and EURODAC) and to set up new systems (an Entry–Exit System and a European Travel Information and Authorisation System) that will contribute to addressing some of the information gaps currently hampering return procedures (European Commission 2017a).

Significant new competences in returns have also been granted to the EBCG, launched in 2016 with the objective of increasing the mandate and operational capacity of Frontex. The EBCG has been given the task of organising, promoting and coordinating return-related activities of member states, as well as providing technical and operational assistance to member states facing particular challenges when implementing the obligation to return third country nationals. The Agency has been given the mandate to constitute pools of forced return monitors, forced return escorts and return specialists for deployment during return operations. A growing number of return operations have been supported by the EBCG: since mid-October 2017, it has supported 135 return operations covering 5,000 people. The main countries involved have been in the Western Balkans, as well as Tunisia, Georgia and Pakistan, while the largest number of operations have involved Germany, Italy, France, Belgium and Austria (European Commission 2017a).

In parallel, cooperation with third countries has been intensified by means of a number of non-legally binding, tailor-made informal arrangements linked to readmission. According to the Commission, this choice is dictated by the recognition that finalisation of negotiations on standard readmission agreements remains at a standstill and that the negotiations launched in 2016 have not progressed as expected, as in the cases of Morocco, Algeria, Nigeria, Jordan and Tunisia. With countries for which the conclusion of a formal readmission agreement is not considered viable, the Commission has focused on improving practical cooperation on return and readmission through

operational tools, such as standard operating procedures, joint migration declarations, common agendas on migration and mobility, and joint ways forward (Cassarino and Giuffré 2017).

The 2015 action plan on return also stated that EU external policies, including in fields like trade and development, should be mobilised to stimulate the partner country's willingness to cooperate, thus increasing the EU's leverage on readmission. This approach was translated into the Partnership Framework with third countries launched in June 2016. The Partnership Framework aims at achieving cooperation on return and readmission with key countries of origin, with an initial focus on Ethiopia, Senegal, Mali, Nigeria and Niger. This objective should be achieved by mobilising in a coordinated manner all the instruments, tools and leverage available to the EU in different policy areas, including development aid, trade, migration, energy and security (European Commission 2016).

4. Key issues and controversies

Scholars have described readmission agreements as characterised by "unbalanced reciprocities", pointing to the fact that these agreements involve different costs and benefits for the countries of origin and destination (Cassarino 2010a, 2010b). In fact, while formulated in a reciprocal manner, readmission agreements do not present mutual, but rather opposing interests. They address a key concern for countries of destination (the removal of unauthorised migrants), but they can place substantial economic and even political burdens on countries of origin. This is especially the case if the economy of a country of origin is dependent on the remittances of its expatriates living abroad, or when migration acts as a safety valve to relieve pressure on the domestic labour market.

The asymmetric costs and benefits of readmission agreements for countries of destination and for those of origin and transit explains why the issue of incentives has played such a relevant role in debates on EU readmission policy. Attempts to increase cooperation on readmission with third countries have been linked with an array of incentives, first of all visa facilitation agreements, but also trade concessions, legal migration quotas and increased development aid (Cassarino 2010a; Coleman 2009; Trauner and Kruse 2008). In the last few years, in light of the relevance readmission has acquired on the EU agenda, EU institutions have repeatedly stressed the need to advance an incentive-based approach to readmission, mobilising all the leverage available in different policy areas, including visas, trade and development.

This approach has nonetheless encountered criticism from different sides (Cortinovis and Conte 2018). Representatives of the development constituency have denounced the risk associated with 'emergency' external funding instruments (such as the EU Trust Fund for Africa and the Refugee Facility for Turkey) of diverting development assistance to achieve migration-control objectives (Concord 2017; Oxfam 2017). In this regard, a joint statement on behalf of more than a hundred NGOs released in June 2016 expressed deep concerns about the direction taken by EU external migration policy, and specifically about attempts to make deterrence and return the main objectives of the EU's relations with third countries (ACT Alliance EU et al. 2016). According to the statement, the new Partnership Framework with third countries launched in 2016 risks cementing a shift towards a foreign policy that serves a single objective, to curb migration, at the expense of European credibility and leverage in defence of fundamental values and human rights.

In spite of the central role they play in EU policy discussions, in many circumstances incentives are not able to offset the fragile balance of costs and benefits that characterise readmission agreements. This is because the costs for countries of origin are not only linked with the concrete implementation of the agreement and its consequences, but also with broader domestic and regional political dynamics, including the politicisation of readmission issues at the domestic level (Cassarino 2010b; Wolff 2014). Moreover, readmission cannot be isolated from the broader framework of relations with third countries, which include other strategic issues such as energy, trade, and diplomatic and geopolitical concerns. In this context, exerting pressure on uncooperative third countries may even turn out to be a counterproductive endeavour from a strategic point of view, as it may disrupt cooperation on other, perhaps more crucial, areas (Cassarino and Giuffré 2017).

Other contributions have pointed to how procedural obstacles play an important role in explaining the lack of effective implementation of readmission agreements. A major point of controversy related to the implementation of these agreements is the process of identification of the nationality of the person to be readmitted (and the subsequent issuing of travel documents by the relevant authorities of the requested state). While EU readmission agreements include a number of rules and lists of documents used for determining nationality, these rules do not constitute irrefutable or complete proof of the nationality of the person, a circumstance that has given rise to disagreements between the EU and third countries over the legality of decisions determining the legal identity of persons to be readmitted (Carrera 2016). Another key reason irregular migrants cannot easily be expelled is the obligation of EU member states to guarantee their rights and entitlements as fundamental human rights' holders, stemming from the EU legal system. Readmission agreements are subject to the rights and guarantees included in EU migration and asylum law, such as those enshrined in the Returns Directive as well as in relevant jurisprudence of the Court of Justice of the European Union (CJEU) (Carrera 2016; Cortinovis 2018).

In light of the above, the recent drive for flexible arrangements on readmission at the EU level may be motivated by the attempt to facilitate negotiations with third countries, especially those unwilling or lacking interest in concluding a formal and publicly visible readmission agreement. Specifically, informal arrangements on readmission may be addressed to relevant authorities in a third country that are willing to cooperate in identity determination and/or the issuing of travel documents. The EU Partnership Framework expressly recognises the strategy to pursue informal arrangements on readmission by stating that "the paramount priority is to achieve fast and operational returns, and not necessarily formal readmission agreements" (European Commission 2016). In order to achieve this goal, "special relationships that Member States may have with third countries, reflecting political, historic and cultural ties fostered through decades of contacts, should also be exploited to the full" (European Commission 2016, p. 8).

The use of informal arrangements on readmission with third countries has been the object of criticism by both academics and human rights advocates. The trend towards 'informalisation' of readmission policy has been considered an instance of 'venue shopping', that is, as an attempt by EU actors to search for new fields of collaboration in an attempt to avoid compliance with rule of law standards included in EU legislation and judicial oversight by the CJEU (Carrera 2016; Slominski and Trauner 2018). In addition, informal arrangements avoid democratic accountability by the European Parliament,

as those agreements do not fall within the scope of Art. 218 of the Treaty on the Functioning of the European Union, which regulates the adoption of international agreements in accordance with the ordinary legislative procedure. Finally, EU readmission arrangements, and notably their implementation, pose challenges regarding their compliance with the EU Charter of Fundamental Rights. In fact, while some of these arrangements include references that the contracting parties commit to comply with the human rights of the people expelled, no systematic and effective procedure is in place to monitor and safeguard compliance in their implementation in the third country concerned (Cassarino 2010b; Carrera 2016; Cassarino and Giuffré 2017).

5. Potential impacts of policies adopted in this area

EU and international human rights standards

Return and readmission policies are subject to the rights and guarantees foreseen by EU immigration and asylum legislation, such as those enshrined in the EU Returns Directive, as well as the jurisprudence developed by the CJEU. These standards ultimately recognise the need for irregular migrants to have access to fair and effective remedies and good administration in relation to removal orders. These include the fundamental right to appeal against a removal order before independent national authorities with the power to suspend the enforcement of expulsion. The emphasis of current EU policies on increasing the effectiveness of return, including through the use of informal and non-binding readmission arrangements, raises a set of issues concerning the impact of those measures on relevant EU standards in a number of areas, including respect of fair and legal remedy procedures, identification and re-documentation of migrants, and the effective protection of personal data.

EU rule of law and better regulation principles

EU readmission policy takes place in a context marked by the predominance of member states' bilateral patterns of cooperation on readmission, based on both standard readmission agreements and non-standard arrangements. This circumstance raises the question of the added value of EU readmission policy, especially in light of the difficulties experienced in the negotiation and implementation of the formal readmission agreements concluded so far. The recent move towards the use of informal and non-binding arrangements on readmission at the EU level responds to the objective of increasing return rates, a top priority on the EU agenda in the last few years. However, this process of 'informalisation' contrasts with the process of 'Europeanisation' of readmission policy sanctioned by the Treaty of Lisbon. The preference for informal agreements has a substantial impact on the EU's democratic rule of law, since it excludes the European Parliament from the decision-making process on readmission.

EU international relations

Readmission should be considered only one aspect of the broader bilateral framework of cooperation between the EU and a third country. In the last few years, migration-related concerns have acquired the status of a top priority at the EU level, prompting a reorientation of EU external action towards the objective of containing migration. Yet as already noted by several observers, this trend may impact on the overall coherence of EU external action, as well as on the

effectiveness of EU external policies in a number of areas, including democracy promotion, human rights protection and sustainable development

References

Acosta Arcarazo, D. (2011). "The Returns Directive: Possible Limits and Interpretation," In: K. Zwane (ed.), *The Returns Directive: Central Themes, Problem Issues, and Implementation in Selected Member States.* Nijmegen: Wolf Legal Publishers.

Amnesty International (2008). EU return directive affects dignity and security of irregular migrants. Online: https://www.amnesty.org/en/latest/news/2008/07/eu-return-directive-affects-dignity-and-security-irregular-migrants-20080704/

ACT Alliance EU et al. (2016). "NGOs strongly condemn new EU policies to contain migration." Joint NGO statement ahead of the European Council of 28-29 June. Online: https://www.ecre.org/wp-content/uploads/2016/06/Final_Joint_statement_110_signatories.pdf

Baldaccini, A. (2010). "The EU Directive on Return: Principles and protests." *Refugee Survey Quarterly* 28(4), pp. 114-138.

Carrera, S. (2016). *Implementation of EU Readmission Agreements: Identity Determination Dilemmas and the Blurring of Rights*. Springer Briefs in Law. Online: https://www.springer.com/gp/book/9783319425047

Cassarino, J.P. (2010a). *Unbalanced Reciprocities: Cooperation on Readmission in the Euro-Mediterranean Area*. Middle East Institute. Online: http://www.statewatch.org/news/2010/sep/eu-unbalanced-reciprocities-middle-east-institute.pdf

Cassarino, J.P. (2010b). *Readmission Policy in the European Union*. Study for the Directorate General for Internal Policies of the European Parliament. Online: http://www.europarl.europa.eu/RegData/etudes/etudes/join/2010/425632/IPOL-LIBE_ET(2010)425632_EN.pdf

Cassarino, J.P. and M. Giuffré (2017). "Finding Its Place in Africa: Why has the EU opted for flexible arrangements on readmission?" FMU Policy Brief No. 01/2017. Online: https://www.nottingham.ac.uk/hrlc/documents/pb-1-finding-its-place-in-africa.pdf

Coleman, N. (2009). *European Readmission Policy: Third Country Interests and Refugee Rights.* Leiden/Boston: Martinus Nijhoff Publishers.

Concord (2017). *Partnership or Conditionality: Monitoring the Migration Compacts and EU Trust Fund for Africa.* Online: https://concordeurope.org/2018/01/24/monitoring-eu-trust-fund-africa-publication.

Cortinovis (2018). *Safe Third Country Rules*. ReSOMA Discussion Brief. Online: http://www.resoma.eu/

Cortinovis, R. and C. Conte (2018). *Migration-related Conditionality in EU External Funding.* ReSOMA Discussion Brief. Online: http://www.resoma.eu/

Council of the European Union and European Parliament (2008). Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. OJ L 348/98.

ECRE (2009). ECRE Information Note on the Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. Online: http://www.refworld.org/docid/496c61e42.html

European Commission (2014). Communication from the Commission to the Council and the European Parliament on the EU Return Policy. COM(2014) 199 final.

European Commission (2015a). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a European Agenda on Migration. COM(2015) 240 final.

European Commission (2015b). Communication from the Commission to the European Parliament and to the Council on an EU action plan on return. COM(2015) 0453 final.

European Commission (2016). Communication from the Commission to the European Parliament, the European Council, the Council and the European Investment Bank on establishing a new Partnership Framework with third countries under the European Agenda on Migration. COM(2016) 385 final.

European Commission (2017a). Communication from the Commission to the European Parliament and the Council on a more effective return policy in the European Union – A renewed action plan. COM(2017) 200 final.

European Commission (2017b). Commission Recommendation of 7.3.2017 on making returns more effective when implementing the Directive 2008/115/EC of the European Parliament and of the Council. C(2017) 1600 final.

European Ombudsman (2014). Proposals to improve the monitoring of Frontex Joint Return Operations. Case: OI/9/2014/MHZ. Online: https://www.ombudsman.europa.eu/en/cases/summary.faces/en/59743/html.bookmark

Fink, M. (2016). "Salami Slicing Human Rights Accountability: How the European Border and Coast Guard Agency may inherit Frontex' genetic defect." *EJIL: Talk!* Online: https://www.ejiltalk.org/salami-slicing-human-rights-accountability-how-the-european-border-and-coast-guard-agency-may-inherit-frontex-genetic-defect/

Frontex (2018). Return. Online: https://frontex.europa.eu/operations/return/

Guiraudon, V. (2000). "European integration and migration policy: Vertical policy-making as venue shopping." *Journal of Common Market Studies* 38(2), pp. 251-271.

Hathaway, J.C. (1993). "Harmonizing for whom: The devaluation of refugee protection in the era of European economic integration." *Cornell International Law Journal* 26(3), pp. 719-735.

Lavenex, S. (1999). *Safe third countries: Extending the EU asylum and immigration policies to Central and Eastern Europe*. Budapest: Central European University Press.

Oxfam (2017). *An Emergency for Whom? The EU Emergency Trust Fund for Africa – Migratory Routes and Development Aid in Africa*. Briefing Note. https://policy-

practice.oxfam.org.uk/publications/an-emergency-for-whom-the-eu-emergency-trust-fund-for-africa-migratory-routes-a-620380.

PICUM (2015). *PICUM Position Paper on the Return Directive*. Online: http://www.epim.info/wp-content/uploads/2015/04/Final_ReturnDirective_EN.pdf

Slominski, P. and F. Trauner (2018). "How Do Member States Return Unwanted Migrants? The Strategic (Non-)use of 'Europe' During the Migration Crisis." *Journal of Common Market Studies* 56(1), pp. 101–118.

Trauner, F. and I. Kruse (2008). "EC Visa Facilitation and Readmission Agreements: A New Standard EU Foreign Policy Tool?" *European Journal of Migration and Law* 10(2008), pp. 411–438.

Wolff, S. (2014). "The Politics of Negotiating EU Readmission Agreements: Insights from Morocco and Turkey." *European Journal of Migration and Law* 16(2014), pp. 69-95.

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RESEARCH SOCIAL PLATFORM ON MIGRATION AND ASYLUM

ReSOMA - Research Social Platform on Migration and Asylum is a project funded under the Horizon 2020 Programme that aims at creating a platform for regular collaboration and exchange between Europe's well-developed networks of migration researchers, stakeholders and practitioners to foster evidence-based policymaking. Being a Coordination and Support Action (CSA), ReSOMA is meant to communicate directly with policy makers by providing ready-to-use evidence on policy, policy perceptions and policy options on migration, asylum and integration gathered among researchers, stakeholders and practitioners.

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