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Readmission agreements : a mechanism for returning irregular migrants

Motion for a recommendation
presented by Mr Cilevičs and others

This motion has not been discussed in the Assembly and commits only the members who have signed it

1. Europe is all too often paralysed from sending back irregular migrants because of the lack of any form of readmission agreement with the countries of origin of these irregular migrants.
2. If irregular migration is to be tackled, effective readmission agreements need to be negotiated and implemented. Without these agreements, irregular migrants will continue to arrive and remain in Europe without any possibility to send them back to their countries of origin.
3. These readmission agreements, signed either with countries of origin or with transit countries, however, raise a number of human rights concerns, which must not be over-ridden by migration management concerns. This is why it is essential that the Council of Europe looks carefully at these agreements from both a migration management and human rights angle.
4. In the past, the majority of bilateral readmission agreements have been signed between European states. New migration patterns however mean that these readmission agreements need to be signed with many countries outside of Europe and in particular with a growing number of countries in Africa and in Asia.
5. More recently, readmission agreements became part of the broader migration strategy of the European Union. The European Commission now has the mandate to negotiate Community readmission agreements with neighbouring countries and countries of origin further a field. The Community readmission agreements are negotiated with Russian Federation, Ukraine, Moldova, Albania, Turkey, Morocco, Algeria, China, Hong Kong, Macao, Pakistan and Sri Lanka.
6. In September 2007 four readmission agreements were signed between the European Community and Bosnia and Herzegovina, Montenegro, Serbia and "the former Yugoslav Republic of Macedonia".
7. Given the growing number of readmission agreements, it is necessary to examine their strengths and weaknesses, in order to increase the effectiveness of such mechanisms and to ensure their compatibility with human rights standards. It is also necessary to look at where readmission agreements are still required as a priority.
8. Bilateral readmission agreements and the European Community readmission agreements have the potential to improve the effectiveness of return procedures through :
 - establishment of common standards relating to all phases of return;

- mutual recognition of definitions and decisions;
- establishment of technical support facilities to improve cooperation and implementation of such agreements;
- building networks of immigration liaison officers;
- coordination of statistical information;
- training of staff with responsibilities in the returns sector.

9. However, the content and implementation of such readmission agreements may also give rise to a number of concerns. These include :

- the absence of safeguards for asylum seekers whose claims have not been examined in substance;
- a wide-ranging re-entry ban which could deny access to protection for people who may require it in the event of changed circumstances in their home countries;
- separation of families during the expulsion procedure and the need to respect the best interest of children;
- readmission of non-nationals, including stateless and undocumented irregular migrants;
- lengthy detention periods;
- lack of adequate funding for durable re-integration of returnees.

10. In view of the above the Parliamentary Assembly of the Council of Europe should recommend:

- that an analysis should be carried out of current readmission agreements and practices and their strengths and weaknesses and their human rights implications with a view to assist concerned member states of the Council of Europe;
- that a further study should be carried out on the outstanding needs for readmission agreements and the obstacles for their negotiation.

*Signed*¹:

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EPP/CD: Group of the European People's Party
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