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Readmission agreements: a mechanism for returning irregular migrants

Motion for a recommendation¹

tabled by Mr Boriss CILEVIČS and other members of the Assembly

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

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.

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.

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 overridden 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.

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 Asia.

More recently, readmission agreements became part of the broader migration strategy of the European Union. The European Commission now has a mandate to negotiate Community readmission agreements with neighbouring countries and countries of origin further a field. The Community readmission agreements have been negotiated with the Russian Federation, Ukraine, Moldova, Albania, Turkey, Morocco, Algeria, China, Hong Kong, Macao, Pakistan and Sri Lanka.

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”.

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.

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;

1. Referred to the Committee on Migration, Refugees and Population, for report: Reference No. 3429 (see 11th Sitting, 14 April 2008).



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

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 interests of children;
- readmission of non-nationals, including stateless and undocumented irregular migrants;
- lengthy detention periods;
- lack of adequate funding for durable reintegration of returnees.

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

- that an analysis 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 be carried out on the outstanding needs for readmission agreements and the obstacles for their negotiation.

Signed (see overleaf)

Signed²:

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