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**PROGRAMMES AND STRATEGIES IN THE EU MEMBER
STATES FOSTERING ASSISTED RETURN TO AND
REINTEGRATION IN THIRD COUNTRIES**

CZECH REPUBLIC

European Migration Network
2009

Study financed by the European Commission and the Ministry of the Interior of the Czech Republic

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LIST OF ACRONYMS

| | |
|-------|---|
| AVR | Assisted Voluntary Returns |
| CR | Czech Republic |
| EMN | European Migration Network |
| ERetF | European Return Fund |
| EC | European Communities |
| EU | European Union |
| ERF | European Refugee Fund |
| IOM | International Organization for Migration |
| MoI | Ministry of the Interior |
| NGO | Non-governmental non-profit organisations |
| DAMP | Department of Asylum and Migration Policy |
| CPD | Crime Prevention Department |
| CRP | Police of the Czech Republic |
| FPS | Foreign Police Service |
| RFA | Refugee Facilities Administration |

Summary

The study “*Programmes and Strategies in the EU Member States Fostering Assisted Return to and Reintegration in Third Countries*” provides an overview of the programmes for voluntary returns that exist in the Czech Republic, including the analysis of the support strategies, promotion, incentives for participation in these return programmes and possible related reintegration projects and ensuring sustainability of these returns. This information is provided in the structure defined by the instructions for this study given by EMN (MIGRAPOL EMN Doc 168). The study provides the information for the reference period of the years 2004 – 2008, which is supplemented with the up-to-date information on the *Voluntary Return Projects* from the first half of the year 2009. The text is divided into a total of six chapter and is supplemented with six annexes with statistical data.

The first chapter provides information on the purpose of this study and on the methodology used. The study was prepared by means of the method of analysing mainly rules of law and the documentation on the European Return Fund; to a lesser extent, statistics and other documents were used. The crucial part was the use of information obtained from consultations with the relevant experts especially from the public administration – the Department of Asylum and Migration Policy and the Refugee Facilities Administration of the Ministry of the Interior of the CR – as well as from the Foreign Police Service of the CR Police and the International Organisation for Migration (IOM). The main problematic aspects of the preparation of this study have been the unavailability of statistical data structured as required by the instructions, insufficiently complete information on the financial costs of the individual return programmes and lack of information on the assessment of the programmes by foreign nationals and on the sustainability of the returns.

The second chapter deals with the definitions of assisted returns and with categorisation of these returns into individual programmes/projects, which depend on the specific statuses of individual foreign nationals, especially with regard to the type of their residence statuses. It also provides interpretation of the statistics of the individual types of returns – these statistics are contained in the annex. Within the study, an overview of the individual categories of returns was also prepared, which includes the general description of the conditions, under which foreign nationals can participate in the individual programmes – these are three types of permanent programmes and two projects limited in time, implemented in connection with the addressing of the impacts of the economic crisis. The longest working

programme is the *return programme for seekers of international protection*, which has been implemented in various forms from as early as from the middle of 1990s and whose efficiency was significantly enhanced through implementation of projects in the field of returns within the European Refugee Fund. Since the end of 2007, the *programme of returns of illegally staying foreign nationals with administrative expulsion* has also been supported, explicitly under a legislative amendment. This concerns either detained foreign nationals or foreign nationals without travel documents. The target group of foreign nationals is currently quite narrowly defined; nevertheless, it is considered that it will be extended in the future. The third type of returns carried out and supported by the government of the Czech Republic at present are the returns under the *Programme of Support and Protection for Victims of Human Trafficking*. Under this programme, the victims – regardless of their citizenship – are enabled to return to their countries of origin in a dignified and safe manner. As a supplement, the temporary *Voluntary Return Projects* were also included among the programmes for voluntary returns. One of these projects is a project for returns of legally staying foreign nationals. This project consists of two stages (so far) and besides covering the travelling costs of the foreign nationals, it also provides an incentive contribution in the form of cash. There is also a project for returns of illegally staying foreign nationals. It follows from the statistics that the most frequently used programme, from among the permanent programmes, is the programme for returns of seekers of international protection and the voluntary returns of detained foreign nationals with the assistance of IOM. The number of persons who make use of the other voluntary returns is on the order of several individuals per year. In 2008, returns of just below 200 persons were carried out. In the years 2004-2006, there were 600-700 persons returned per year. However, the numbers of returns carried out under the current Voluntary Returns Projects are significantly higher than the above-mentioned figures because up to several thousand of foreign nationals have returned under these projects.

The third chapter provides the overview of the political and legal framework of voluntary returns in the CR and it also describes the influence of the EU – its policies, legislation and financing. It also gives the description of the programme of implementation of the European Return Fund. The main conclusion of this chapter can be described as the absolutely fundamental positive influence of the implementation of the European Return Fund, which allows for applying a comprehensive approach to voluntary returns.

The fourth chapter describes the institutional framework and the organisation of return programmes, including assistance services, the information campaign in support of voluntary

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returns and their perception; the costs of implementing return programmes; the motives for participation of foreign nationals in these programmes and the obstacles hindering the implementation of these programmes.

The fifth chapter deals with the reintegration of returnees – the programmes in the destination countries of the returns and the sustainability of these returns. In the Czech Republic, reintegration programmes are not yet an automatic part of return programmes; nevertheless, under the return projects of the European Refugee Fund and, more recently, also the European Return Fund, the reintegration measures in the country of return have already been included in these projects. For the sake of maintaining sustainability of returns as well as for the sake of prevention, the projects implemented by the Czech Republic as part of foreign development aid with a focus on prevention of illegal migration are important.

The last sixth chapter summarises the most interesting conclusions of this study.

1 INTRODUCTION: PURPOSE OF THE STUDY AND METHODOLOGY FOLLOWED

1.1 Objectives of the Study and Its Usability

The general objective of this study is to describe and analyse, within the European Migration Network (EMN), the different approaches to the programmes and strategies of the individual member states of the European Union (EU) with a focus on the assisted returns and reintegration of foreign nationals in their countries of return. The obtained knowledge should be used primarily for further development and enhancement of the efficiency of policies and programmes of assisted returns, among others, even the returns of failed seekers of international protection and migrants with other statuses who decided to return home. Thus, the study includes the following information:

- a detailed overview of the programmes and strategies of assisted returns in the EU member states;
- the analysis of the strategies used to promote assisted returns and to overcome the main obstacles in carrying out assisted returns by the individual EU member states, including the measures aimed at supporting the sustainability of assisted returns and the experience of the states in this field;
- the analysis of the reasons and incentives to participate in the programmes of assisted returns and reintegration;
- an overview evaluating the programmes of assisted returns and their efficiency/sustainability.

The study should help to evaluate the different approaches of the member states to the implementation of assisted returns and it can also help improve cooperation and create a synergic effect among the EU member states in this field. The study could also be a step towards the development of a consistent view of the suitable practices for implementation of assisted returns in the EU as well as in relation the return policy in general.

One of the objectives is also to supplement the characteristics of the individual return programmes/policies with the statistical information on the foreign nationals who participate in them.

It is assumed that all the national contact points of the EMN participate in this study. After all national reports are prepared and submitted, a summarised report will be created, the purpose of which is, among other things, to reasonably and accurately reflect the key findings of the individual national studies, for example, by comparing or highlighting the differences and by pointing out the most important aspects of these conclusions in relation to the current development of policies within the EU.

Within the Czech Republic, this study might provide valuable information for all persons and institutions that wish to obtain a comprehensive overview of the system and current situation in the Czech Republic in the field of voluntary returns. The study describes the policies of the government in the Czech Republic, including the legal framework, the assistance provided by the Ministry of the Interior of the CR (MoI CR) through the Refugee Facilities Administration (RFA), the International Organisation for Migration (IOM) and non-governmental non-profit organisations (NGO) and maps the current status of the implementation of return programmes, including statistical data on their participants. Since these are fairly specific issues, it can be presumed that the study will be useful particularly to the professional community dealing with the asylum and migration policy – i.e. mainly to policy makers at the level of middle and lower management in this field, NGO employees, students, academics, etc.

1.2 Methodology

The study was prepared by means of the method of analysing particularly the rules of law and the documentation on the programmes of the European Funds under the programme *Solidarity and Management of Migration Flows*; statistics and other documents were also used, albeit to a lesser extent. Primary research is not the purpose of the EMN. The main focus of examination consisted mainly in analysing the provisions of the laws governing asylum and migration – the Asylum Act and the Act on the Residence of Foreign Nationals – and the documents available at the MoI CR on this topic – particularly the documentation on the European Refugee Fund (ERF) and the European Return Fund (ERetF), various reports from this field, etc., and the interviews with the relevant experts who mainly included employees of the Immigration Unit of the Department of Asylum and Migration Policy (DAMP) of the MoI CR, RFA of the MoI CR and the Foreign Police Service of the CR Police (FPS of CRP) and the employees of IOM Prague, which has been dealing with the issues of assisted returns on a long-time basis.

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There is a website on the topic of assisted returns, operated under cooperation between RFA and IOM; selected pieces of information are also available on the websites of the MoI CR and RFA, IOM and some NGOs. As concerns the development of policies in this field and political and professional debates, this kind of information was obtained most often from press releases and articles in daily press. Professional articles by the employees of non-governmental non-profit organisations were also valuable contributions, especially as concerns the practical workings of the programme and the evaluation of the whole system. Official reports of the MoI CR on migration and asylum were also used – especially the Report on the Situation Concerning Migration in the Territory of the Czech Republic.

The statistical data were obtained from DAMP MoI and were also requested from FPS CRP and RFA according to the requirements for their structure defined in the instructions concerning the study. Not all data were available in such a detailed form as required in the instructions concerning the study – only summarised data on the number of returned persons and their citizenships are available,¹ or possibly for some of the types of returns, the data are available in a structure according to gender and age. The data on qualification, type of employment or nationality (ethnicity) are not monitored in this connection for any type of voluntary return.

As concerns the problems that occurred during the writing of the study, they can be summarised as follows:

- Some requirements defined in the instructions for the study could not be met – this concerns mainly the provision of more detailed/comprehensive information on the evaluation of the programmes by foreign nationals, on the degree of sustainability of returns and the statistics in the requested detailed structure – these facts have not been mapped so far; the statistics are not monitored at such a detailed level.
- The situation is similar with the financial quantification of the costs of returns – these data can be identified only partly in most cases. The information on the financial costs of returns were very difficult to obtain in most cases; mostly only partial costs of returns in the form of the cost of transport were available.
- Also, some other data are not available such as information on the evaluation of

¹ However, the citizenship corresponds to the country of return of the foreign nationals and their origin in the overwhelming majority of cases.

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programmes by foreign nationals or on the degree of sustainability of returns.

- The statistics on returns also show different values in some cases, depending on the provider – this is mainly due to the methodological differences between the individual institutions – DAMP MoI CR, FPS CRP and RFA – in the methods used to monitor the returned persons.

The study can be published in full; all the data and statistics stated in this study are public and can be given to all interested parties.

2 DEFINITIONS; CATEGORIES OF RETURNEES AND AVAILABLE STATISTICS

2.1 Definition of Assisted Voluntary Returns

The issue of **assisted voluntary returns** of third country nationals is currently addressed in the Czech Republic in connection with four basic groups of foreign nationals – under long-term programmes and as a part of the policy of the CR government, this concerns returns for third country nationals who reside illegally in the territory of the Czech Republic and failed seekers of international protection. At present, due to the effect of the economic crisis, this configuration of return programmes has been supplemented with temporary governmental projects for the return of other categories of legally and illegally staying foreign nationals. The fourth specific category of returns can be described as the category of returns of foreign nationals who have become victims of human trafficking. Within the possibilities, across all these individual programmes/projects, effort is made to take into account the needs of the vulnerable groups of migrants such as mothers with children, seniors, persons with health problems or unaccompanied minors during their return.

Below, the conditions on which foreign nationals can enter individual programmes/projects for voluntary returns are stated. These conditions for participation in a return programme are divided with regard to the type of the current residence authorisation of a foreign national and to the other circumstances. More detailed information on the relation of individual categories of returns in the Czech Republic to what is referred to as *return scenarios*, which were defined in the instructions for this study, together with categorisation of the groups of foreign nationals who can participate in the individual return programmes, is contained in the following sub-chapter 2.2. *Types of Returns – Categorisation*. More detailed information on other conditions for admission to return programmes and mainly on their specific workings is stated in sub-chapter 4.3. *Organisation of Assisted Voluntary Returns*; the information on the legislative framework can be found in sub-chapter 3.1. *Political and Legal Framework*.

For the sake of clarity and for the purposes of this study, the following overview was prepared in the form of a table titled *Categorisation of the Returns of Foreign Nationals Carried out in the CR*, which summarises various types of returns supported in the Czech Republic – more detailed descriptions of the individual categories of returns are presented after the overview.

Overview – Categorisation of the Returns of Foreign Nationals Carried out in the CR

| | | | | Types of returns | | More detailed information | | | | | |
|---|--|--|--|--------------------------|--|---|--|--|--|---|--|
| Categories of the returns of foreign nationals | | | | Non-assisted returns | | <i>foreign nationals returning voluntarily and without assistance</i> | | | | | |
| | | | | | | Forced | | Judicial expulsion | | <i>non-cooperating detained foreign nationals who will not enter the voluntary returns project</i> | |
| | | | | Administrative expulsion | | | | | | | |
| | | | | Assisted returns | | Assisted voluntary returns | | Permanent programmes | | Illegally staying foreign nationals with an issued administrative expulsion Non-detained foreign nationals <i>illegally staying foreign nationals without travel documents</i> | |
| | | | | | | | | | | Detained foreign nationals <i>foreign nationals who cooperate and participate in the voluntary returns programme</i> | |
| | | | | | | | | Failed seekers of international protection | | 1) <i>foreign nationals who showed intention to file an application for grant of international protection within the officially defined time limit</i> | |
| | | | | | | | | | | 2) <i>seekers of international protection who withdrew their applications</i> | |
| | | | | | | | | | | 3) <i>foreign nationals whose applications for grant of international protection was rejected in the officially defined time limit</i> | |
| | | | | | | | | Programme for support and protection of the victims of human trafficking | | <i>victims – the participants of the programme are offered the option of return, regardless of their citizenship</i> | |
| | | | | | | | | Temporary projects | | Voluntary Returns Projects | |
| Legally staying foreign nationals – stage II (from 27/07/2009 to 15/12/2009) <i>legally staying foreign nationals without administrative expulsion and with a valid passport. A return with a motivational contribution of 300 (150) Euro.</i> | | | | | | | | | | | |
| Illegally staying foreign nationals (from 15/09/2009 to 15/12/2009) <i>illegally staying foreign nationals, without administrative expulsion, without the expulsion punishment, non-detained and with a valid passport. A return without any motivational contribution..</i> | | | | | | | | | | | |

2.1.1 Illegally staying Foreign Nationals

The first category includes third country nationals for whom a time limit for leaving the territory of the Czech Republic was set in a decision on their administrative expulsion or

third country nationals who have been detained in connection with the issued decision on administrative expulsion.

The legal basis of this type of return is contained in the Act on the Residence of Foreign Nationals,² which, particularly in the provisions of Section 123a, defines the conditions, on which a third country national can apply for a voluntary return. According to this provision, it applies that MoI CR can bear, *if it is in the public interest, the costs associated with the voluntary return of a foreign national*

- a) who has been detained for the purpose of administrative expulsion, or*
- b) for whom a time limit for leaving the territory of the Czech Republic was set in the decision on administrative expulsion and who does not have a valid travel document, to a country, whose citizenship he/she is or to some other state, which will allow the foreign national enter its territory.*

The condition b) must be fully met by the foreign national, which means that within the administrative expulsion a time limit must have been set for his/her leaving the territory of the Czech Republic and that, at the same time, he/she must not have a valid travel document.

It needs to be emphasised that the returns of foreign nationals who are detained and who participate in the return voluntarily with the assistance of IOM, are considered, in the practice of FPS CRP, to be involuntary returns, forced returns, because they are detained foreign nationals. The above-mentioned provision of Section 123a explicitly only defines the payment of the costs of these two types of returns and does not explicitly define the authority of the FPS CRP to carry out the expulsion. Thus, the returns of these foreign nationals are carried out under the general provisions of Section 124 or Section 128 and other sections of the Act on the Residence of Foreign Nationals, governing the procedure for carrying out an administrative expulsion. The FPS CRP carries out administrative expulsion only with detained foreign nationals.

Nevertheless, for the purposes of this study, we regard – in accordance with the instructions for this study – this type of voluntary return of a detained foreign national with the assistance of IOM as a return under the *scenario 3*³ of this study; therefore, we regard it as one of the types of voluntary return because the foreign national makes a voluntary decision on his/her return. However, it is more of a quasi-voluntary return (the foreign national has been detained).

² Act No. 326/1999 Coll. on the residence of foreign nationals in the territory of the Czech Republic, as amended

³ Scenario 3: A third-country national who does not have a valid permit or authorisation to stay in a Member State and who is already subject to a Return Decision, decides to comply voluntarily with the obligation to return ("Voluntary Departure" under the "Return Directive").

The conditions, under which a foreign national can be detained for the purpose of administrative expulsion, are defined in Section 124 of the Act on the Residence of Foreign Nationals as follows:

The police are authorised to detain a foreign national older than 15 years, who was delivered a notice that the proceedings for administrative expulsion had been instituted or whose administrative expulsion has already been decided on with final effect, if there is a risk that he/she could endanger the national security, disrupt the public order in a material way or thwart or impede the execution of the decision on administrative expulsion.

This is mainly a case of the situations, in which it has been found out that the foreign national

- a) committed actions defined in greater detail in Section 119(1)(a) or (b)(6) or (7) of the Act on the Residence of Foreign Nationals,⁴ or
- b) is in the register of personae non gratae, or
- c) is a persona non grata included in the information system of contracting states.

A foreign national can be detained for these reasons after he/she was delivered a written decision on the detention, containing the reason for the detention, or after he/she refuses to receive such a decision; the police makes a record on the act of refusing to receive the decision. The period of detention must not exceed 180 days; this time limit is 90 days for minor foreign nationals older than 15 years. For all third country nationals who have been detained, an administrative decision on their administrative expulsion is also issued.

2.1.2 Failed Seekers of International Protection

The second group of third country nationals who can participate in the assisted voluntary returns according to the valid legislation are failed seekers⁵ of international protection. The assisted voluntary returns of foreign nationals from this group are sometimes called repatriation. Any foreign national can apply in writing for voluntary repatriation from the moment when he/she made a declaration on international protection, throughout the

⁴ That is: if there is a reasonable risk that the foreign national could endanger the national security, during his/her stay in the territory of the Czech Republic, by using force to promote his/her political goals, by carrying out activities endangering the foundations of a democratic state or aimed at disrupting the integrity of the territory or in some other similar manner, or if there is a reasonable risk that the foreign national, during his/her stay in the territory of the Czech Republic, could materially disrupt the public order or endanger the public health due to the fact that he/she suffers from a serious disease, or if the foreign national repeatedly intentionally breaks the laws or thwarts the execution of court decisions or administrative decisions, or if the foreign national crosses the state border in a hiding or if he/she attempts to do so, or if the foreign national crosses the state border otherwise than via a border crossing.

⁵ As follows from the definition stated below, for a limit period of time (24 hours), this can also be a person who *de facto* is no longer a seeker of international protection because he/she received the final decision that international protection was not granted, or, conversely, it can also be a person who has, so far, only manifested his/her intention to apply for international protection and therefore is also not yet officially a seeker of international protection.

ongoing proceedings on international protection, including the period during which the relevant courts are making decision on the legal remedies filed by the foreign national. A failed seeker of international protection can file the application not later than within 24 hours after the decision on a cassation complaint becomes legally effective.

The exact definition of the conditions, under which these three groups of foreign nationals are authorised to enter the programme, is contained in the Asylum Act,⁶ specifically in Section 54a on voluntary repatriation, which also defines the scope of the state's participation in the voluntary return. It is laid down in this provision that MoI CR can, if it is in the public interest, bear the costs associated with the voluntary return

a) of a foreign national who did not file an application for grant of international protection within the time limit defined in Section 10, based on his/her written application filed during this time limit;

b) of a seeker applying for grant of international protection, based on his/her written application, or

c) of a foreign national, based on his/her written application filed during the time limit for filing a legal action against the decision of the Ministry pursuant to Section 32(1) or (2), within 7 days after the decision on the legal action against the Ministry's decision becomes legally effective pursuant to a special legal regulation⁽⁷⁾, during the time limit for filing a cassation complaint, during the proceedings on a cassation complaint⁽⁸⁾ or within 24 hours after the decision on the cassation complaint becomes legally effective to his/her country of origin or to some other state.

2.1.3 Voluntary Returns Projects

Based on the resolution of the CR government, two temporary **Voluntary Returns Projects** were implemented during the year 2009 for the first time. Their goal is to address the difficult situation of migrants resulting from the economic crisis, particularly with regard to security risks. The project has been prepared as one of the measures aimed at solving the consequences of this crisis, in which a number of foreign workers who had been coming to the Czech Republic as a labour force, mostly unskilled, who had been in high demand here, lost their job opportunities. Thus, these are temporary and isolated projects, which cannot be regarded as a standard part of the return policy of the Czech Republic. The first of the projects

⁶ The Act No. 325/1999 Coll. on Asylum and on a Change to the Act No. 283/1991 Coll. on the Police of the Czech Republic, as amended, (the Asylum Act), as amended.

⁷ The communication of the Ministry of Foreign Affairs No. 208/1993 Coll. on Accession to the Convention on the Status of Refugees and the Protocol on the Status of Refugees.

⁸ Volume 1 of Chapter III of Part 3 of the Act No. 150/2002 Coll. (Judicial Code of Administrative Procedure)

is designed for legally staying foreign nationals and has consisted of two phases up until; both phases of the project were limited in time and also a quantity quota was defined for them. According to the results of the implementation of the second phase, possible prolongation of this project will be considered. The implementation of the first phase of this project was started on 16 February 2009. The project is coordinated by the MoI CR and is implemented in cooperation with the FPS CRP, IOM and NGOs. Originally, its duration has been set at up to 6 months, that is, until 15 August 2009 or until the capacity of 2,000 persons is used up. For capacity reasons, the project was terminated as of 24 July 2009. The second phase of the project was started on 27 July 2009 and it is limited in time until 15 December 2009 or to a total number of 2,000 persons or possibly to more persons.

This project was supplemented with another project with a focus on the returns on illegally staying foreign nationals, regardless of whether the foreign national has found himself/herself in this position as a consequence of the economic crisis or otherwise. For this project, no quantity quota has been set; however, even this project is limited in time. This project is only of one-time nature and will not be repeated. The implementation of the project was started on 15 September 2009 and is exactly demarcated by the period of 3 months, that is, it will be implemented until 15 December 2009. It is a supplement to the permanent programme for returns of illegally staying foreign nationals under Section 123a of the Act on the Residence of Foreign Nationals – while this permanent return programme is focused on the detained foreign nationals or foreign nationals with administrative expulsion without valid travel documents, the project's focus is on other illegally staying foreign nationals – see below for more details.

Within phase I and II of the project for legally staying foreign nationals, those foreign nationals who meet all of the following conditions were able to apply for their return:

- they were third country nationals, legally staying in the territory of the Czech Republic;
- they had a valid residence permit or they had a valid exit order issued after cancellation of the validity of a residence permit;
- they were not issued with a decision on administrative expulsion;
- they were unable to pay the costs of the travel from their own funds.⁹

⁹ The foreign nationals do not have to explicitly prove that they are not able to pay for their return on their own; nevertheless, from the experience of the IOM, cases are known in which foreign nationals who shortly before registration for the projects had been providing the police with evidence of high amounts on their accounts were not given the “motivational contribution” of 500 Euro.

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For the purposes of the project, a valid residence permit was understood to be a visa for a stay longer than 90 days or for a long-term residence, either for the purpose of employment, business or participation in a legal entity. In addition to that, regardless of the purpose of the residence permit, the family members of these foreign nationals were also allowed to enter the project. Conversely, the foreign nationals with a visa for a stay shorter than 90 days, seekers of international protection, foreign nationals with permanent residence or the residents of the European Communities (EC), who were temporarily staying in the territory of the Czech Republic, and the EU citizens were not allowed to enter the project.

Under the project with a focus on illegally staying foreign nationals, the following foreign nationals can apply for their return:

- third country nationals, residing illegally in the Czech Republic, i.e. the persons who entered the territory of the CR but the validity of their residence permit has already expired; or
- third country nationals who illegally entered the territory of the CR and continue to stay here in conflict with the valid legislation.

The foreign nationals must also meet the following conditions:

- they must be holders of valid passports;
- they have not yet been issued with a decision on administrative expulsion or such proceedings have not yet been instituted against them;
- they are not detained in a detention facility for foreign nationals;
- they have not been issued with a decision on the punishment of expulsion or criminal proceedings against them are not under way currently;
- they have not been convicted of committing an intentional crime in the territory of the CR or such proceedings against them are not currently under way.

The project divides the parties interested in registration for this project into two categories – category A where the costs associated with the trip of the foreign national out of the country is paid by the state; and category B where the costs associated with the trip out of the country are paid by the foreign national from their own funds. According to the category, administrative expulsion is imposed on the foreign national for his/her previous illegal stay in the territory, and the period, for which the foreign national cannot be allowed to enter the territory of the CR, is significantly shortened for category B – see the table below.

| Period of the previous unauthorised stay in the territory of the CR | Period of the subsequent ban on stay in the territory of the CR | |
|---|---|------------|
| | Category A | Category B |
| up to 6 months (up to ½ year) | 3 months (1/4 year) | 1 month |
| up to 12 months (up to 1 year) | 6 months (1/2 year) | 2 months |
| up to 18 months (up to 1 and ½ year) | 9 months (¾ year) | 3 months |
| up to 24 months (up to 2 years) | 12 months (1 year) | 4 months |
| up to 30 months (up to 2 and ½ years) | 15 months (1 and ¼ year) | 5 months |
| up to 36 months (up to 3 years) | 18 months (1 and ½ year) | 6 months |
| up to 42 months (up to 3 and ½ years) | 21 months (1 and ¾ year) | 8 months |
| up to 48 months (up to 4 years) | 24 months (2 years) | 12 months |
| up to 54 months (up to 4 and ½ years) | 27 months (2 and ¼ years) | 16 months |
| up to 60 months (up to 5 years) | 30 months (2 and ½ years) | 20 months |
| More than 60 months (5 years and longer) | 36 months (3 years) | 24 months |

2.1.4 Victims of Human Trafficking

For the victims of human trafficking, there is a specific **Programme of Support and Protection for the Victims of Human Trafficking** in the CR, which, within its activities, includes the option of a voluntary return to the country of origin as one of the possible solutions to the residence status for these foreign nationals.

The victims of human trafficking (both women and men) can be included in this programme, who were trafficked for the purposed of forced prostitution or forced labour. The possibility to enter the programme of voluntary returns is open to all participants of this programme, regardless of their citizenship – that is, it is open not only to third country nationals but also to the EU citizens, as well as the citizens of the CR.

2.2 Types of Returns - Categorisation

At follows from the definitions in the previous sub-chapter, we can distinguish the returns of foreign nationals in the CR into **completely non-assisted returns**, which are voluntary, carried out purely out of the foreign national’s decision and according to his/her free will, and **assisted returns**. We can further divide the assisted returns into **forced (assisted) returns** – *see Scenario 4 in the specifications of this study*¹⁰ and **assisted voluntary returns (AVR)**.

These programmes of assisted voluntary returns in the CR include more forms – they are implemented under certain conditions for three basic groups of foreign nationals – for the illegally staying foreign nationals, for failed seekers of international protection and under the Programme for Support and Protection for the Victims of Human Trafficking. At present,

¹⁰ Scenario 4: The same as Scenario 3, but the obligation to return must be enforced by means of physical transportation out of the Member State ("Forced Return" as defined in the EMN Glossary).

these longer-term return programmes are also temporarily supplemented by the Voluntary Returns Projects, whose target group is broader.

2.2.1 Assisted Voluntary Returns

1. Illegally staying Foreign Nationals

Assisted voluntary returns in the CR are not available, on a long-term basis, to legally staying foreign nationals or to foreign nationals with travel documents – at present, they are only available to those illegal migrants who do not have travel documents. However, these migrants are – as soon as they start to participate in the programme of assisted voluntary returns – legally staying persons, from the legal point of view, because as a consequence of their illegality, they will receive an exit order, which temporarily legalises their stay in the CR during the period of its validity, in the decision on administrative expulsion not later than when they come into contact with the police (whether as a consequence of their interest in entering the programme of assisted voluntary returns or as a consequence of a check during which their illegality was discovered).

Thus, the return *Scenario 2*¹¹ cannot be carried out in the CR under the programme of assisted voluntary returns – if administrative expulsion is not imposed on the illegally staying foreign nationals, they can only leave the CR secretly and therefore without the assistance of the state because at the moment when they would be officially crossing the border – in the case of the CR, this concerns only situations at international airports after the entry into the Schengen Area – they will be intercepted and administrative expulsion will be imposed on them. Thus, for these illegal migrants (without administrative expulsion, without detention), imposition of administrative expulsion is the necessary condition in the CR that enables such persons to enter the programme of assisted voluntary returns for illegal migrants because all persons entering this programme must have administrative expulsion imposed on them as a necessary condition – i.e. they must be in the situation described in *Scenario 3*.¹² Nevertheless, from a purely legal point of view, the stay of the originally illegal foreign nationals is temporarily legalised by the decision on administrative expulsion, and therefore from a certain angle, their situation can also be viewed as a specific situation described in

¹¹ Scenario 2: A third-country national who does not have a valid permit or authorisation to stay in a Member State but goes back to a third country before being apprehended/detected by the authorities.

¹² Scenario 3: A third-country national who does not have a valid permit or authorisation to stay in a Member State and who is already subject to a Return Decision, decides to comply voluntarily with the obligation to return ("Voluntary Departure" under the "Return Directive").

*Scenario 1*¹³, with the difference that these persons have a temporarily valid residence permit (the exit order, which is a part of the administrative expulsion).

We can further divide this group into two different categories according to whether they are detained foreign nationals or not:

A) Illegally staying foreign nationals who are detained

In the overwhelming majority of cases, these foreign nationals are detained in a detention facility for foreign nationals. As it has already been explained in the previous sub-chapter, their inclusion in the category of voluntarily returning foreign nationals is disputable; nevertheless, these foreign nationals agree with their return and they cooperate with the FPS CRP and IOM which organise their return. However, at the same time, they are detained and during the return, they are escorted by the police – at least partly, to the airport or the border crossing.

B) Illegally staying foreign nationals, who are not detained and who do not have travel documents

This possibility of returns was not explicitly governed by the law until the year 2007 and for this reason, it is not yet used to a greater extent. At present, foreign nationals prefer making use of the current Voluntary Returns Projects, which are intensively presented in the mass media and which also offer what is referred to as a “motivational contribution” in the form of cash handed over to certain groups of returnees at the airport at the moment of their departure.

2. Failed Seekers of International Protection

Under the programme of assisted voluntary returns in the CR, the returns of failed seekers of international protection are also carried out. While their application is being processed, they stay in the territory of the CR legally – *see Scenario 1* – nevertheless, those of them who apply for the return programme only after the final decision not to grant them international protection might soon end up in an illegal position if they failed to participate in this programme.

3. Voluntary Returns Project

The returns carried out under the **temporary Voluntary Returns Projects**, which have been carried out since 2009, are returns of a specific type. These projects support returns

¹³ Scenario 1: A third-country national who has a valid permit or authorisation to stay in a Member State returns to a third country on their own free will and there is no obligation for them to leave ("Voluntary Return" as defined in the EMN Glossary)

of legally staying foreign nationals with valid travel documents who want to return home but do not have the money for this – i.e. the returns described in *Scenario 1* – and the returns of illegally staying foreign nationals on whom administrative expulsion has not been imposed¹⁴ and who have a valid travel document – i.e. this is a certain variation of *Scenario 2*. Through his/her participation in the project, the foreign national rather gets into *Scenario 3* because administrative expulsion and the related ban on stay (the duration of which is exactly set, which is one of the benefits of this programme) are imposed on him/her.

4. Victims of Human Trafficking

Under the Programme of Support and Protection for the Victims of Human Trafficking, persons who became victims of human trafficking are enabled to return to their countries of origin. These are returns for a very specific group of persons – for this reason, it is not possible to include them only in one of the scenarios.

2.2.2 Forced Returns

Forced returns are carried out for those foreign nationals who were subjected to what is referred to as implementation of administrative expulsion – a foreign national was, based on the decision on administrative expulsion, escorted by the officers of the FPS CRP to a border crossing of the CR or to his/her country of origin/to a country willing to admit him/her. This concerns foreign nationals who were detained and are not interested in participating in the programme of voluntary returns for detained foreign nationals,¹⁵ who can be identified and who will be admitted by the state to which they are returning.

If certain conditions are met, foreign nationals on whom “judicial expulsion” was imposed, which is an “expulsion” punishment imposed within court proceedings, can also fall into the category of forced assisted returns. This punishment is imposed either separately or in combination with some other punishment – especially imprisonment. The chairmen of court panels also issue an order for execution of expulsion punishment, which is then executed by the Foreign Police, or in spite of this order for execution of expulsion punishment, this punishment is not executed because the foreign national was not taken into expulsion custody and the foreign national is released and instructed to leave the CR on his/her own.

¹⁴ Stay in the CR under an exit order is also possible for entry into the project – this order is generally issued to foreign nationals without administrative expulsion, if they had resided in the territory of the CR legally all the time.

¹⁵ For all detained foreign nationals, a decision on their administrative expulsion is issued simultaneously with their detention.

These forced returns are carried out by coercive means – these are returns either with a security escort, a standard escort or under readmission agreements.

Most detained foreign nationals, who should be returned (expelled) but are not returned due to the impossibility to identify them – the foreign nationals do not have travel documents and do not cooperate in the attempts to identify them – or due to the impossibility to make the relevant state to receive its citizens, are not returned and stay in the territory of the CR. Since the maximum period of detention in a detention facility for foreign nationals is 180 days, they are then released. In this way, some foreign nationals are virtually impossible to expel and they can misuse it – the motivation to decide for a voluntary return is also reduced by this.

2.3 Statistics on Assisted Returns

In accordance with the categorisation of the assisted voluntary returns described in the previous chapters, the statistics on the participants of these programmes are also provided in a similar structure. This means they are provided for the four basic categories: the returns of illegal migrants, failed seekers of international protection, the persons participating in the Voluntary Returns Projects and the returnees participating in the Programme of Support and Protection for Victims of Human Trafficking.

The statistics are only available in a structure based on citizenship, possibly age, gender – more detailed breakdown by nationality (ethnicity), occupation, qualification, country of origin or country of return is not available. The characteristics of occupation and qualification are not monitored; nationality (ethnicity) is not identified. In the CR, the returns of foreign nationals, both the assisted voluntary ones and the forced ones are carried out to the country of origin of the foreign national in the overwhelming majority of cases (the RFA and the FPS CRP estimate that this is true for 99 % of the cases). Returns to other countries than the country of origin of the returnee are very rare and are not monitored statistically on a specific basis. The persons who do not state any destination cannot be repatriated under the return programmes in the CR and therefore there is no such case. Thus, in all cases, the country of return is known and the problem with the country, to which the foreign national is returning, being unknown does not arise in the CR. For these reasons and for the above-mentioned reasons, not all the statistical data on the returns required by the specifications of the study are available and therefore the study does not provide information to the required degree of detailed breakdown.

As concerns the instructions for the study, it needs to be pointed out that the EU citizens, especially the citizens of Slovakia who represented nearly one third of all returnees

from among applicants during the reference period, were also included among the returnees in the statistics on the failed asylum seekers. This significantly distorts these statistics (they are not third country nationals).

2.3.1 Overall Comparison – Forced and Assisted Voluntary Returns

In this respect, it is necessary to emphasise, from the methodological point of view, once again the fact mentioned above in this chapter that the returns of detained foreign nationals who accept the offer of the IOM and decide to voluntarily participate in a return programme, are regarded as forced returnees from the point of view of the FPS CRP due to their detention. However, with respect to the specification of this study, these foreign nationals are regarded as voluntary returnees – in a number of cases, if the foreign nationals had not voluntarily decided to return, their expulsion (forced return) would not have to take place at all and they would be released from the detention facility to the territory of the Czech Republic after 180 days of detention.

In order to make the overview complete, it is also necessary to state that the total annual number of imposed administrative expulsions many times exceeds the number of administrative expulsions actually carried out.¹⁶ Depending on the given year, the number is on average ten times higher or, in some years, it is even thirty times higher. However, these numbers only indicate the numbers of issued administrative decisions, not the number of foreign nationals in the CR with administrative expulsion because administrative expulsion can be imposed on a foreign national for more times or for more reasons – this is why the number of decisions is always somewhat higher than the number of persons. Nevertheless, even so, there is a very high difference between the number of foreign nationals on whom administrative expulsion was imposed and the number of foreign nationals who were actually expelled.

The comparison in the overall overview does not contain the numbers of persons returned under the temporary Voluntary Returns Projects – the project for legally staying foreign nationals was not implemented until after 16 February 2009, which is outside the reference period requested for the statistics within this study, and these data are not completely available yet due to the date of preparation of the study. The information on the first phase of the project and partial information on the second phase are contained in Annex 4 – *Returns of the Participants of Voluntary Returns Projects*. Nevertheless, these projects are

¹⁶ This number was steadily growing in the years 2000-2004 up to 15,194 administrative expulsions imposed in 2004. Since that year – the accession of the CR to the EU – the numbers have been steadily decreasing – it was 4,629 administrative expulsions in 2007 and a total of 2,909 administrative expulsions in 2008.

very significant in terms of numbers – thousands of foreign nationals are being returned while, as the overview shows, the standard tools of return policy, both for forced and voluntary returns, ensure the return of more like hundreds of foreign nationals per year, especially in the recent years. This difference between the numbers of returns is even more marked when the Voluntary Returns Projects are compared only with voluntary returns – voluntary returns were only carried out with dozens of persons during the last two years of the reference period.

Without including the Voluntary Returns Projects, it can be generally summarised that the **numbers of returns** of foreign nationals carried out in the CR during the reference period of the years 2004 – 2008 are characterised by a downward trend since 2005: from 1,800 returns carried out in 2005 to 750 in 2008. From 2005 to 2007, voluntary returns amounted to just below one third of all the returns and forced returns represented the remaining two thirds; however, in 2008, voluntary returns only amounted to less than one quarter of all returns.

The numbers of **forced returns** carried out are quite steady; only a slight downward trend is apparent: in the years 2004-2006, it was approximately 1 thousand persons per year; during the last two years of the reference period, it was more than 500 foreign nationals per year. Depending on the given year, the number of the returns based on judicial expulsion exceeds the forced returns based on administrative expulsion of detained foreign nationals without the assistance of the IOM slightly or up to three times.

With **voluntary returns**, there is an apparent steady decrease in the number of returnees for the entire reference period: from 700 persons in 2004 to 172 persons in 2008. However, in this respect, it needs to be emphasised that – as it is mentioned above – foreign nationals were able to make use of the Voluntary Returns Projects since 2009, which offered them more favourable conditions of return in many cases than the standard return programme (a motivational contribution in the form of cash, etc.). This can be distinctly seen especially in the interest in the returns of non-detained foreign nationals with administrative expulsion (under Section 123a(1)(b)) – it can be assumed that if the Voluntary Returns Projects had not been implemented, the numbers of persons would increase, especially starting from the year 2009, due to the increasing impact of the economic crisis. The numbers of voluntary returns carried out highly vary according to the category of returns, i.e. according to the residence status of the foreign national who is a participant of the return programme. In terms of numbers, the returns of failed seekers of international protection clearly predominate

among voluntary returns; these returns amount to more than a half of all voluntary returns – in 2004, it was even more than three quarters of all voluntary returns. However, even with seekers, there has been an apparent decrease in the absolute number of returns during the reference period: from 550 returns in 2004 to 96 in 2008. The second most numerous category of voluntary returns are the returns of detained foreign nationals returning voluntarily with the assistance of the IOM; they virtually represent the remaining number of voluntary returns because the remaining two other categories of returns – the returns of non-detained foreign nationals with administrative expulsion and the returns of victims of human trafficking – only concern several individual every year. Thus, the returns of detained foreign nationals with the assistance of the IOM represent less than a half of voluntary returns; in 2008, it was nearly one third; in 2004, it was less than one quarter. Even with these returns, there is an apparent downward trend in the absolute numbers since 2005: from 150 in 2004 to 60 persons in 2008.

For the overall overview containing more details, see Annex 1; for forced returns, see Annex 5.

2.3.2 *Illegally staying Foreign Nationals*

The statistics on illegally staying foreign nationals include the foreign nationals with imposed administrative expulsion and are in accordance with the categorisation created within this study, divided into two sub-groups of returnees – into the foreign nationals who were not detained and who, at the same time, do not have travel documents, and into detained foreign nationals.

a. The returns for the first group of foreign nationals were not possible until the amendment to the Act on the Residence of Foreign Nationals, passed in late 2007, which made these returns explicitly possible – for this reason, only the statistics for the year 2008 are stated: 18 applications were filed and 6 returns were carried out. The numbers of the persons returning under this programme would have been higher in 2009, if the Voluntary Returns Projects had not been implemented since 2009 – see above for more details. With regard to the low number of persons, no detailed analysis of these statistics has been carried out.

b. For the second group of returnees, i.e. for the returns of detained foreign nationals who voluntarily decided to return and whose return is carried out through the IOM, the statistics are structured according to their citizenship, age and gender. The statistics show that there are more men than women among the returnees – women only represent one third or one quarter of all returnees on the average. The clearly most frequent age category of

returnees is 20-34 years; with a larger gap, this category is followed by the category of 35-64 years. None of the returnees was older than 65 years and there were always only several foreign nationals younger than 19 years returned per year. As concerns the citizenship of the returnees, the citizens of Vietnam, China, Mongolia, Russia, Byelorussia and Moldova predominate on a long-term basis.

See Annex 2 for more details.

2.3.3 Failed Seekers of International Protection

For the category of failed seekers of international protection, an overview of returns for the reference period from 2004 to 2008 was prepared in a structure based on citizenship. In addition to that, the annex contains detailed statistics on the returns in individual years, broken down by citizenship, gender and, to a limited extent, by age (only two groups: 0-17 years and 18+ years). The statistics also include the returns of the EU citizens – seekers of international protection. With respect to the instructions for the study, this concept is slightly misleading (the study requires statistics on the returns of third country nationals and only recommends including the EU citizens for the sake of comparison). The statistics on the EU citizens were included in the study because the problem of migration of the citizens of Slovakia – seekers of international protection, particularly of Roma nationality – was a grave problem in the past, which was addressed under the general programme for returns of failed asylum seekers, organised by the RFA in cooperation with the IOM. The statistics also include the citizens of Bulgaria and Romania; however, their numbers are negligible in comparison with the numbers of the citizens of Slovakia. From the total number of 2,308 returns over the reference period, there were 701 citizens of Slovakia – this means that they accounted for nearly one third of the returns of the seekers of international protection, which considerably distorts the data.

It follows from these statistics that the citizens of Slovakia were returned most frequently – they accounted for nearly one third of the returns – during the reference period. They were followed by the citizens of Russia (214 persons), Ukraine (114) and, in the years 2006-2007, due to a migration wave, by the citizens of Egypt (116). The citizens of Mongolia (69) and Kyrgyzstan (35) and Georgia (32) also return often. There are more men than women among returnees. As concerns age structure, the group of returnees older than 18 years is more numerous, although in some years, especially at the beginning of the reference period, the difference in the numbers is not so marked. However, in 2008, returnees aged less than 18 years accounted for less than one fifth of the returns of applicants.

See Annex 3 for more details.

2.3.4 Voluntary Returns Projects

As concerns the **statistics on the participants of the Voluntary Returns Projects**,¹⁷ complete information is available only on Phase I of the project for legally staying foreign nationals for the time being. The statistics on Phase II of the project are only available for the first two months that elapsed so far; and on the project designed for illegally staying foreign nationals, statistics are only available on the registered interested persons for the first 14 days of the implementation of the project.

In Phase I, there was a limited capacity set for the project: a maximum of 2,000 persons or a deadline until the end of August 2009, whichever was earlier. Due to the high interest, especially in the first weeks after commencement of the project, half of this capacity was used up as early as after 2 months of implementation. For Phase I of the project, that is, in the period from 16 February to 24 July 2009, a total of 1,871 foreign nationals registered for voluntary return. The citizens of Mongolia (ca 65 % of the interested persons), Uzbekistan (15 %) and Vietnam (12 %) were most interested in this type of voluntary return.

Due to the high interest in registration for the project, **Phase II** of the project was implemented. It was commenced on 27 July 2009 and is limited in time until 15 December 2009 or it is limited by the total number of 2,000 persons, whichever comes earlier. As of 25 September 2009, that is, after just below the first two weeks of the project's duration, a total of 132 foreign nationals registered for the project – again, the citizens of Mongolia (61 %), Vietnam (22 %) and Uzbekistan (13 %) predominate.

17 foreign nationals registered for the project **Voluntary Returns for Illegal Foreign Nationals** as of 25 September 2009 – that is during the first less than two weeks after the project commencement. This project was commenced on 15 September 2009 and is exactly limited in time by a period of 3 months – that is, until 15 December 2009. The highest number of registrants was from Ukraine (35 %).

For tables and charts, see Annex 4.

2.3.5 Victims of Human Trafficking

Under the **Programme of Support and Protection for Victims of Human Trafficking**, the returns of several persons from among the victims are made possible every year. The statistics on these returns are monitored for all foreign nationals – i.e. they include

¹⁷ Taken from the material prepared in the Immigration Section of the DAMP MoI CR: The role of the Ministry of the Interior of the CR in the field of voluntary returns of foreign nationals - summary. (Běla Hejná).

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not only third country nationals but also the EU citizens. More detailed characteristics than the number of persons and the countries of return are not published with regard to the sensitivity of these data and the victims' need for protection. The programme was in its pilot stage from March 2003 to March 2004, after which full operation of the programme smoothly followed. Thus, data on the numbers of returns are available for a period from 2004 to 2006 only on a summarised basis – there were 26 returns of this type.

Voluntary return is used quite often by the victims – during the year 2007, 18 victims of human trafficking were included in the Programme; returns were mediated through IOM Prague for a total of 5 persons – for 3 Czech women from the United Kingdom, one person to Kyrgyzstan and one person to Russia.

In 2008, 16 victims trafficked for the purpose of forced labour and 8 victims trafficked for the purpose of sexual exploitation were identified in this programme. 10 returns were carried out: 3 returns to Brazil, 1 to Ukraine, 1 to Slovakia, 4 to Romania, 1 from Denmark to Czech Republic.

Due to the low numbers of the participants of this programme and even lower numbers of the persons who take advantage of the opportunity to return under this programme, it was not practical to state these statistics separately in a table in an annex.

3 POLITICAL AND LEGAL FRAMEWORK

3.1 Political and Legal Framework

The return policy is regarded by the Czech Republic as an integral part of the migration policy. The Czech Republic – just as all the other EU countries – always prefers the option of voluntary returns of foreign nationals to forced returns, that is, expulsion and implementation of expulsion by the police.¹⁸

At the general, long-term strategic level, the legislation governing assisted voluntary returns is contained in two basic Acts:

- the Act No. 326/1999 Coll., *on the residence of foreign nationals in the territory of the Czech Republic* (the Act on the Residence of Foreign Nationals); and
- the Act No. 325/1999 Coll., *on asylum* (the Asylum Act);

and, at present, in three resolutions of the government of the Czech Republic on the temporary Voluntary Returns Projects:

- the resolution of the government of the CR No. 171 of 9 February 2009 *on ensuring the security situation in the Czech Republic in connection with dismissal of foreign workers as a result of the economic crisis*;
- the resolution of the government of the CR No. 587 of 4 May 2009 *on the project titled Voluntary Returns of Illegally staying Foreign Nationals*;
- the resolution of the government of the CR No. 588 of 4 May 2009 *on the project titled Voluntary Returns – Phase II*.

Although the possibility of a voluntary return has been available for a long time to the third country nationals residing illegally in the Czech Republic under the framework Agreement on Cooperation between the Czech Republic and the International Organisation for migration (IOM)¹⁹ from 1997, the explicit legislation laid down in the Act on the Residence of Foreign Nationals has been in existence for less than 2 years after the amendment of this Act came into force. Starting from 10 December 2007, this amendment

¹⁸ This chapter has been prepared with the use of the text by Běla Hejná: The role of the Ministry of the Interior of the CR in the field of voluntary returns of foreign nationals - summary.

¹⁹ This is a presidential agreement, which was published under the no. 308/1998 in the Collection of Laws and which came into force on 01/11/1998. The first IOM office in Prague was opened in 1999.

brought a new provision of Section 123a, providing for the possibility of the voluntary returns of illegally staying foreign nationals being funded by the MoI CR. The legal basis for voluntary repatriation of seekers of international protection has been contained in the Asylum Act since the 1990s; the possibility of covering the costs of carrying out these returns has been contained in the provision of Section 54a since February 2002.

At the general national level, the migration policy is addressed by two strategic documents:

- *Principles of the governmental policy for migration of foreign nationals*, approved by the resolution of the government of the CR No. 55 of 13 January 2003;
- and
- *Action Plan for Combating Illegal Migration*, which was approved by the resolution of the government of the CR No. 108 of 4 February 2004, which is supplemented by the *Schedule of Implementation of the Plan of Measures for Combating Illegal Migration* updated on an annual basis for each specific year.

The *Report on Situation in the Field of Migration in the Territory of the Czech Republic* is an important document of an informational nature, which provides summarised information on migration in the CR. Since 2000, the MoI CR has prepared this report on an annual basis. The purpose of the report is to describe the current situation in this field and to compare some profile indicators with those of the previous year.

Due to the fact that migration is not the matter of a single ministerial sector but it is a typical cross-section matter, which concerns nearly all Ministries or some other central bodies of the public administration, a platform has been created, on which the representatives of all the parties involved meet for the purpose of exchanging information, addressing problems or strategic matters. By the governmental resolution no. 933 of 22 August 2007, the *Analytical Centre for the Protection of State Borders and Migration* (hereinafter referred to as “ANACEN”) was established. Its main task is to assess the situation concerning state borders and international migration, to prepare regular reports, including proposals for solutions to problematic issues and to prepare strategic and policy documents in this field.

The return policy of the CR is also governed by the EU laws – see the following sub-chapter.

Creating a specific strategic material that would cover the issue of the returns in its whole scope is closely associated with creating national plans for drawing money from the European Funds, specifically the European Return Fund. At the end of the year 2008, a *Multi-*

annual Plan was created, which describes, on a summarised basis, the areas in which it will be possible to utilise these financial sources and the individual activities are spread over a five-year planning period. For the individual years of the implementation of the fund, separate annual plans will be created, which will describe, in detail, the measures, for the implementation of which an announcement inviting interested parties to submit their projects will be made in the given year.

DAMP MoI CR plays a crucial role in the legal framework for voluntary returns. DAMP plays several important roles – for one thing, it is the **policy maker** in this field and it is also the **rule maker** because it is the most frequent initiator of changes – the presenter of legislative proposals. Also, it is responsible for assigning projects in this field. This Department also directly **makes decisions on the applications of the foreign nationals** applying for return under the provision of Section 123a et seq. of the Act on the Residence of Foreign Nationals.

As concerns the function of the Department of Asylum and Migration Policy of the **MoI as the party responsible for awarding projects**, this concerns particularly the legal framework for implementation of the projects organised in cooperation with the IOM and its responsibility as the administrator of the ERetF for the CR – i.e. it is responsible for making the calls for proposal inviting interested parties to present their projects, for selecting the projects and providing subsidies for their implementation. The proposals are implemented through the IOM services, with which the MoI has entered into a general agreement on cooperation for this purpose, as mentioned above. For the purpose of carrying out returns under Section 123a, a separate agreement has been entered into with the IOM, under which the IOM provides a pre-departure and transit assistance for those foreign nationals, whose application for voluntary return was approved; it also provides general return-related consultancy both in the IOM office and on the premises of a detention facility for foreign nationals. The IOM also provides training activities for NGOs, which work with foreign nationals in the CR. For more details on this contract, see Chapter 4. *Overview of Assistance Services As Part of Voluntary Returns.*

As it has been stated in sub-chapter 2.1 *Definition of Assisted Voluntary Returns*, the above-mentioned Acts contain, especially in Section 54a of the Asylum Act and Section 123a et seq. of the Act on the Residence of Foreign Nationals, the basic legal basis and definitions concerning the implementation of voluntary returns.

With regard to the fact that on a long-term basis the current legislative framework only governs returns for a limited group of foreign nationals – failed asylum seekers and illegally staying foreign nationals without travel documents – a change in the Act on the Residence of Foreign Nationals is under consideration, which would, in a certain way, transform the Voluntary Returns Project for Legally staying Foreign Nationals into the Czech legal system on a long-term basis. One of the things perceived as problematic in the current practice is the fact that if a foreign national owns a travel document, he/she cannot enter a return programme for the illegally staying foreign nationals. Making returns possible for a broader group of illegally staying foreign nationals – outside the current temporarily operated project – is not being considered.

The political and legal basis for the returns of persons under the **Programme of Support and Protection for Victims of Human Trafficking**, which has been implemented, including its pilot phase, since 2003, works according to the *Methodological Manual of the First Deputy to the Minister of the Interior on the Workings of the Programme of Support and Protection for Victims of Human Trafficking in the Czech Republic and on Ensuring Its Operation Institutionally*. This manual, dated 2 August 2005, defines the goals of the programme, the working definitions of victims of human trafficking, the parties participating in the programme and their activities under the programme, the phases of the programme and the conditions for including the victims in the programme. The manual also defines the range of services offered under the programme and the reasons for terminating participation or for excluding a victim from the programme.

3.2 Political and Professional Debates

Up until the end of the year 2008, there was virtually no **political debate** about voluntary returns in the CR – nevertheless, this topic was and still is discussed by the professional community – especially by the employees of NGOs and the relevant governmental bodies engaged in these matters. In the debate of this topic, IOM Prague is very active due to the focus of its activities and its participation in the implementation of return programmes.

A change in the interest of politicians in the topic of returns of foreign nationals has come with the arrival of the economic crisis and its consequences for the employment of foreign nationals. Starting with the beginning of the year 2009, a great number of foreign nationals started to lose jobs, whereby these foreign nationals lost the sources of their

incomes. These foreign nationals did not have money to return home. Quite the opposite, they were often in debt due to the fees they owe for mediation of work in the CR. At that time, the employment of foreign nationals became the subject of a more extensive political discussion for the first time and the mass media also started to cover this topic – mainly the serious media did but marginally even the tabloids did.²⁰ The discussion also included the Voluntary Returns Projects, which the government proposed and then implemented as one of the tools for addressing the situation of foreign nationals in a difficult position.

The government justified these projects not only as an effort to help foreign nationals address their situation but it also stated that the reasons for implementing these projects were security reasons as well, especially worries that these foreign nationals might get involved in illegal employment, crime or organised crime. This project and the situation of foreign nationals in the economic crisis were the topic of a high-profile political discussion that took place in the television talk show *Otázky Václava Moravce*, which was broadcast on the ČT1 and ČT24 channels on 22/02/2009. In its first phase, the costs of the project were 60 million CZK, which would pay off, according to the statement of Ivan Langer (Civic Democratic Party, CDP), the then Minister of the Interior: firstly, the security risk will be reduced, and secondly, voluntary returns are cheaper than forced returns, in his opinion. “*If Czechia had not taken the measures, it would pay forty million Crowns more for the residence of unemployment foreign nationals according to the Ministry.*” In this televised political debate, Langer also stated that if foreign nationals are going to have increased interest in the system of voluntary returns, he would try to persuade the government to further extend the project. Later on, the project was really extended.

Nevertheless, František Bublan (the opposition Czech Social Democratic Party, CSDP), the Minister’s shadow counterpart, said in this debate that sending unemployed foreign nationals back to their home countries would not solve the situation and proposed that some of them should carry out works of public benefit. In Bublan’s opinion, the Voluntary Returns Project system is more of a “*marketing move for the citizens*”. He pointed out that departure of 2,000 foreign nationals would not help the CR much because thousands more would

²⁰ According to the analysis of L. Šafránková Pavlíčková, *Právo* brought the biggest coverage of the topic of working foreign nationals, which was followed by *MF Dnes*, *Haló noviny*, *Lidové noviny*, *Hospodářské noviny* and *Metro*. As the analysis further states, the tabloid daily newspapers rarely covered this topic. *Haló noviny* gave unexpectedly big coverage not only to human stories of dismissed foreign nationals and drew attention to their situation but this newspaper also published criticism of the governmental policy – which was actually left out in other daily newspapers – and also put the topic in a broader context. However, there is an agenda behind this because it is an ideal starting platform for criticising the government of that time.

remain in the country and would work illegally. He believes that some of them could make money for their returns by performing works of public benefit or that some of them could secure jobs for themselves in the future by receiving training at Czech schools.

Bublan also added that if Social Democrats replace Langer in the Ministry of the Interior, they would set up an immigration office that would associate the institutions dealing with the issues concerning foreign nationals. Jiří Paroubek, the chairman of CSDP, then stated in a declaration sent to the Czech Press agency that this proposal was a response to the insufficient activity of the government of Miroslav Topolánek (CDP) in the matter of the current problem with jobless foreign nationals. *“The government only thinks of repression and inadequately at that. It follows from the statements of Ivan Langer, the Minister of the Interior, that he made in the programme Otázky Václava Moravce that the government had given up prevention,”* wrote Paroubek. In his opinion, setting up the immigration office would not burden the state budget in any way because only the current bureaus would associate and the hitherto fragmented practice would be made consistent. The new institution would be dealing with immigration on a comprehensive basis, taking into account the current developments in the Czech labour market and it would also preventively work in the countries where the biggest problems with uncontrolled immigration into Czechia can be found on a long-term basis, added the chairman of CSDP.

A discussion of this topic was also taking place among the **professional community** – the current system of voluntary returns, which virtually does not make it possible for foreign nationals to leave the country without a valid visa without being punished, was criticised even in the period before the outbreak of the economic crisis. The Project of Voluntary Returns for Legally staying Foreign Nationals was perceived quite favourably;²¹ nevertheless, it was initially criticised that illegally staying foreign nationals were unable to enter this project. However, this changed when the second project designed for illegally staying foreign nationals was presented. In connection with the critical situation of unemployed foreign nationals, the employees of NGOs often blamed the shortcomings in the settings of the migration policy for this situation. They especially blamed the work overload of embassies abroad, the unfair practices of private employment agencies and the fact that the government had not paid sufficient attention to this problem (non-existent effective checks, etc.).²² The project of Voluntary Returns for Legally staying Foreign Nationals was also criticised that it does not have much to offer to a number of foreign nationals because the offered

²¹ Jan Schroth - Response

²² Rozumek, Křížková, Jelínková

motivational contribution in the amount of 500 Euro is not sufficiently motivating with regard to the extremely high amounts, which the foreign nationals had to pay, for example, in Vietnam and which they owe there, and that it does not offer any preferential treatment of the foreign national in case the foreign national would come back to the CR.²³

There were also voices saying that the project was too expensive and that the Czech citizens actually pay for the returns of foreign nationals through the state budget. However, in this context, it needs to be said that a large part of the returned foreign nationals worked legally here before their return, i.e. they were paying taxes and contributions to social and medical insurance, which they mostly did not make use of, and these financial amounts will not be refunded to them. As the employees from the non-profit sector state,²⁴ the long-term help in the form of works of public benefit, etc. would be difficult to implement in practice, as the then opposition suggested, because such measures would require quite demanding logistic preparations and it would be very difficult to guarantee their success in the form of improvement of the situation of the foreign nationals. The money earned by them would barely be sufficient for a dignified life and for instalments on debts. It follows from the information obtained in practice that the longer foreign nationals are in the territory of the CR after they lose jobs, the bigger problems they face – the clients and mediation mafias “sell” them to each other and make impossible promises.

Nevertheless, the professional community also discussed some other topics, for example, the **new return Directive**, which was criticised for deteriorating the conditions of treatment of illegal migrants. In this context, the situation in the CR in general was also criticised with respect to voluntary returns and the practical impossibility of an illegal foreign national to solve his/her illegality by leaving the CR without punishment and by re-applying for a visa.²⁵

²³ Jones and Hughes. For example, under the Spanish return project, foreign nationals are offered preferential treatment in obtaining work permits after 3 years and the period of absence is not taken into account when applications for permanent residence are processed.

²⁴ Jan Schroth - Response

²⁵ Barbora Tošnerová: “*The foreign nationals who have once lost their legal residence in the Czech Republic and wish to continue to stay legally in the territory of the CR are thus getting into a stalemate, in which the only option is to leave the country with a fake passport or to cross the state border outside a border crossing. (In this case, they risk exposure and subsequent expulsion with ban on entry into the country for a period from three to ten years). The last option of legalising one’s status is to apply for asylum, which, however, mostly does not lead to long-term legalisation of residence, and after the applicant is rejected, he/she is faced with the problem with residence again.*”

3.3 Impact of the EU – Policies, Legislation and Financing

3.3.1 Policies and Legislation

The EU return policy significantly influences the national measures in the field of returns. As an example, it is possible to mention those areas, which are significantly influenced by the Community approach – at the national level, considerable emphasis is placed on addressing an unauthorised residence of third country nationals through voluntary returns, which means that a voluntary return is not only offered and promoted, even with the use of Community funds, but if it is possible, it is chosen in each individual case as the most efficient solution (as opposed to a forced return). In a significant way, the cooperation among the member states is enhanced as concerns forced expulsion, that is, the possibility to make use of joint flights for expulsion of third country nationals. Last but not the least, it is also necessary to mention the Community re-admission agreements with selected third countries, which are undoubtedly beneficial in the field of returns.

The implementation of the Directive 2008/115/EC, which will be implemented in the Czech legal system in December 2010, will be a significant change in the Czech practice. Nevertheless, other directives, decisions and conventions also have an important influence.

- **Council Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third country nationals**

This Directive has not been used in practice in the CR.

- **Council Directive 2003/110/EC on assistance in cases of transit for the purposes of removal by air**

This Directive is often used in the CR and it is perceived clearly favourably because it simplifies removal by air. The CR is often requested for assistance mainly by Poland, Germany, Sweden and Switzerland – this concerns ca 30-40 cases per month. The CR most often uses assistance during transit via Germany.

- **Council Directive 2004/191/EC setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals**

The CR does not use this Directive. The only instance of application of this Directive in relation to the CR occurred in 2009 when a foreign national was expelled by Slovakia on the basis of expulsion imposed by the CR – in this case, Slovakia was

reimbursed for the costs, including a police escort, amounting to approximately 250 thousand CZK.

- **European Parliament and Council Decision 2004/573/EC on the organisation of joint flights for removals of third-country nationals who are subjects of individual removal orders**

The CR did not organise any joint flight for the purpose of removal; nevertheless, it participated in the joint flights organised by other states. They were flights organised by the United Kingdom, Austria and Sweden. The benefit of this Directive is perceived favourably.

- **Council Decision 575/2007 EC establishing the European Return Fund for the period 2008 to 2013 as part of the general programme Solidarity and Management of Migration Flows**

In the CR, the DAMP MoI CR is responsible for managing the implementation of this fund – as well as the other three funds under this programme. The preparatory works started during the year 2008. In 2009, the first two announcements inviting submission of projects under the 2008 annual programme of the European Return Fund were published. The description of priorities and specific activities under the programme in the CR can be found below.

- **European Parliament and Council Directive 2008/115/EC of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals**

Although the existing legislation valid in the CR is fully compatible with the legislation laid down in this Directive in many respects, it will be necessary to make some changes. The latest deadline, which is set by the Directive for transposition into national legislations, is 24 December 2010. The amendment to the Act on the Residence of Foreign Nationals, which is being prepared by DAMP MoI CR at this moment – situation as of September 2009 – should come into force by that deadline and consequently the relevant changes will be incorporated into this amendment. The main areas in the current legislation, which will need to be changed in this context, were identified by DAMP MoI CR as follows:

- the difference between the current legislation governing ban on stay and ban on stay according to the return Directive;

- the risk of escapes;
- an illegally staying third-country national with a residence permit issued by some other member state (Article 6);
- the period allowed to a foreign national for carrying out a voluntary return;
- the system of monitoring forced returns;
- guarantees for the event of an unfinished return (Article 14);
- detention (Article 15), including alternative measures;
- expedited proceedings / judicial review.

In this context, the non-profit organisation criticise mainly three areas, in which they expect deterioration of the situation of foreign nationals as a result of the transposition of the return Directive in comparison with the current situation.²⁶

Firstly, they criticise the setting of the period allowed for the possibility of a voluntary return of a foreign nationals – this period is currently 60 days as the maximum, while the application of the Directive will reduce it down to 30 days. According to non-profit organisations, this may complicate the decision-making of the foreigners considering the option of a voluntary return because they will be unable to take care of all the things necessary for a return in such a short period of time.

Secondly, the application of the Directive will also change the period of detention of a migrant from 6 to possible 18 months in the CR,²⁷ which will result in deterioration of their situation.

Thirdly, unlike the return Directive, the Czech legislation has distinguished between a foreign national of full age and a minor foreign national up until now. A minor foreign national older than 15 years may currently be detained in the CR for the maximum period of 90 days. However, due to the fact that the Directive does not take age categories into account as concerns the detention period, it makes it theoretically possible to hold a minor foreign national older than 15 years in a detention facility for up to 1.5 years. Similarly, the maximum period of detention valid up until now, can increase from 180 days to 1.5 years for adults. For this reason, adoption of the Directive may result in an even greater deterioration of the protection of the rights of irregular foreign nationals in the CR.

²⁶ Barbora Tošnerová

²⁷ However, the period of 18 months is only applicable in the cases of intentional thwarting of the implementation of a return; in other cases, the maximum period of detention will be 180 days – that is, it will be in accordance with the current legislation.

However, in certain areas, the transposition of the Directive will also provide the migrants in the CR with more favourable conditions than they have now. This is a case of, for example, introduction of a minimum time limit for a voluntary return in the amount of 7 days. Unlike the current practice in the CR, this Directive provides that every foreign national is entitled to this period – that is, even that foreign national who originally only transited via the CR to some other state and whom, consequently, it will not be possible to expel because of the transit. This is more favourable for a foreign national because in the event of a voluntary return carried out within 7 days, the several-year ban on entry into the territory of the CR may not be automatically imposed on him/her²⁸ and he/she is thus theoretically given the chance to obtain a visa and to return legally to the hosting country.

- **Council and European Parliament Decision establishing the European Refugee Fund for the period from 2008 to 2013 as part of the general programme Solidarity and Management of Migration Flows**

Similarly as for the European Return Fund, this Decision was implemented in the CR for the European Refugee Fund. In 2009, projects selected under the 2008 annual program of the European Refugee Fund are being implemented. The list of priorities and activities in the field of voluntary returns under the European Refugee Fund is presented below.

- **Conventions and readmission agreements**

Readmission agreements²⁹ are an important mechanism for implementation of a return policy at the national and European levels because they are one of the prerequisites for successful combat against illegal migration. Although the states should recognise the principle according to which each state is required to allow its own citizen to return to its sovereign territory, this principle is not always honoured in practice. Readmission agreement secure such an obligation contractually; the agreement also contain other conditions governing the process of handing over persons, which simplifies and speeds up the entire process of handing over persons so the freedom of the persons concerned is limited for the shortest possible time.

With regard to the fact that this “ad hoc” cooperation through embassies of the relevant states takes place at various levels, MoI CR strives to negotiate readmission agreements,

²⁸ In the CR, there is the practice that even in the event of a voluntary return, each irregular foreign national is banned from staying in the territory of the CR, even for several years.

²⁹ The information on the readmission agreements was taken from the Report on the Situation Concerning Migration in the Territory of the CR in 2008; it is the situation as of 31/12/2008.

especially with those states, which either produce the highest numbers of illegal migrants or which do not cooperate much when illegal migrants are being returned.

In the field of negotiating readmission agreements, the CR pursues activities in two directions. For one thing, it negotiates bilateral readmission agreements, and it also participates in the work of the EU Commission in negotiation of the Community readmission agreements with selected third countries.

At present, the CR is a party to readmission agreements with 13 states. These states include all the adjacent states (Germany, Poland, Austria and Slovakia) as well as Slovenia, Hungary, Bulgaria, Romania, Croatia, Moldova, Vietnam, Canada and France. The agreement with France was signed but it has not yet come into force due to the non-existence of the implementing protocol.

At present – the situation as of September 2009 – the CR completed expert negotiations about a readmission agreement with Armenia, which is ready to be signed by the government of the two states; and the CR signed a readmission agreement with Switzerland, which is to be ratified by the Parliament of the CR. Negotiations about readmission agreements are conducted with other source states at the Community level – for the CR, especially the effectiveness of the readmission agreements with Russia, Ukraine and the states of west Balkan is important.

In 2008, receipt of a total of 1,415 persons was requested under readmission agreements with the adjacent states at all sections of state borders (there was an increase by 296 persons, i.e. by 26.5 %, as compared with the year 2007). Just as in the previous years, the number of persons, the receipt of which the adjacent states requested, was significantly higher. The adjacent states requested the Czech party to receive a total of 1,323 persons (an increase by 307 persons, i.e. by 30.2 %) and the CR requested the authorities of the adjacent states to receive 92 persons (decrease by 11 persons, i.e. by 10.7 %). In the overwhelming majority of cases, the implementation of the readmission agreements on the borders of the CR with the adjacent states in 2008 concerned foreign nationals from the states not adjacent to the Czech Republic, that is, third-country nationals.

The CR is a signatory of many **international and European conventions** governing the provision of various forms of protection with a human-rights and humanitarian dimension. In the context of this study, their basic list is given below, supplemented with the

identification of the rule of law, through which these conventions or their principles were introduced into the Czech legal system.

- *Article 43 of the Charter of Fundamental Rights and Freedoms*

- Constitutional Act No. 2/1993 Coll.

- *Convention on the Status of Refugees* of 1951 and the related New York Protocol of 1967, known as the Geneva Convention

- published under the no. 208/1993 Coll.

- *Convention on the Rights of the Child*

- published under the no. 104/1991 Coll.

- *Convention on the Protection of Human Rights and Fundamental Freedoms* (from the year 1950)

- published under the no. 209/1992 Coll. The provisions relevant to dignified returns of foreign nationals – particularly with regard to Article 8 on the right to respect of family and private life – are complied with in the CR, both during the implementation of assisted voluntary returns and during the forced returns, which are more sensitive in this respect.

3.3.2 Financing from the EU Funds

- **European Refugee Fund (ERF)**

Under European Refugee Fund II, three projects under ERF 2006 (implemented in 2007) and three projects under ERF 2007 (implemented in 2008) were dedicated to voluntary returns. The RFA implemented these projects

Under **ERF 2006**, the following projects were implemented:

- **ERF 2006-02** *Return Programme for the Citizens of the Asian Countries* in the total amount of 1,085,530.63 CZK; a total of 35 persons were repatriated under this project;
- **ERF 2006-03** *Return Programme for the Citizens of the European Countries* in the total amount of 858,396.15 CZK; a total of 27 persons were repatriated under this project;
- **ERF 2006-04** *Return Programme for the Citizens of African Countries* in the total amount of 439,034.96 CZK; a total of 31 persons were repatriated under this project.

*EMN Study – Assisted Return to and Reintegration in Third Countries
Czech Republic*

All these three above-mentioned reintegration programmes were implemented in partnership with IOM Prague. The projects concentrated on providing information on voluntary returns, on the situation in the country of origin or the region of origin or the former usual place of residence. The projects also ensured the purchase of air tickets, substitute travel documents or visas and provided assistance in reintegration in the country of origin through reintegration assistance and also ensured overall organisational and logistic means and money for the voluntary returns of the persons from the target group to the country of origin. The number of provided visas and substitute travel documents and the number of provided reintegration contributions and services are stated in the tables below.

Under the projects, there were discussions with seekers of international protection about the advantages of repatriation and subsequent reintegration under the project; the discussions took place during 46 visits to reception and accommodation centres. A bulletin on this topic in eight language versions was distributed among asylum facilities.

The projects presented in response to the **ERF 2007** call for projects were related to the projects implemented under ERF 2006. The RFA again implemented the projects. It cooperated with IOM Prague in this field again. The three return projects for the citizens from the Asian, African and European countries were implemented from January to December 2008 with the following results:

- **ERF 2007-05** – *Return Programme for the Citizens of Asian Countries* – 40 repatriations were carried out; a substitute travel document and assistance during repatriation were ensured for 18 persons; 7 persons were provided with a reintegration contribution in the total amount of 40,000 CZK. Translating and interpreting services were a significant activity under the project. A material was created, which was translated into 9 language versions. The provision of material equipment for members of vulnerable groups was a marginal activity (this was used only for 1 person).
- **ERF 2007-08** – *Return Programme for the Citizens of African Countries* – 6 repatriations were carried out; entry of a child into a passport was ensured for one person; 3 persons were provided with a reintegration contribution in the total amount of 24,000 CZK; training sessions about countries of origin “Near East and Africa”, “Mongolia” and “Vietnam”³⁰ were carried with the total costs amounting to 20,000 CZK.

³⁰ The lectures on “Mongolia” and “Vietnam” were organised as part of the programme of returns to Africa because there was lack of finances in the programme of returns to Asia.

- **ERF 2007-09** – *Return Programme for the Citizens of European Countries* – 40 repatriations were carried out, nevertheless, only 25 of them were paid; substitute travel documents were ensured for 6 persons and reintegration contributions were paid to 7 persons. In total, only 56 % of the earmarked finances were used up because the number of persons from Europe interested in a voluntary return is lower.

Under these projects, 1,000 leaflets in 10 languages have been created and distributed so far; and whenever necessary, interpreting services were provided or a financial contribution was given for transport in the country of origin. The return programmes were obligatorily structured according to individual regions – this is why there was surplus of finances in the Africa and Europe projects, while there was lack of finances in the Asia projects. The project originally planned for a different structure of repatriated persons but there were less clients than expected in the given year.

It is expected that the projects under ERetF will build on the above-mentioned projects.

- **Preparatory events for ERetF**³¹

Within the preparatory events for ERetF, a regional project took place in the CR under the auspices of the regional management of IOM in Budapest, called *Harmonisation of Standards in the Implementation of Programmes of Voluntary Returns of Illegal Migrants from Central European Countries*. Hungary, Slovakia and Poland also participated in this project in addition to the CR. The programme responded to the need to unify and improve the standard of the programmes of voluntary returns of illegal migrants of the new EU member countries in the region. Its purpose was to provide technical and financial support, while making use of the experience of IOM in the field of voluntary returns. The actual return programmes were implemented in 3 phases, specifically in the years 2007, 2008 and 2009. At present, the last activities of the programme are taking place.

The following activities were carried out in the programme:

- a) *promotion of the programme and consultancy* – an Awareness-raising Campaign with a broad focus was implemented, which was aimed only at the target group of foreign nationals but also at the workers of NGOs. Within this activity, informational materials (leaflets, posters) were created and distributed and a training of the workers of NGOs concerning this matter took place;

³¹ Taken from the IOM Reintegration Programmes Report.

- b) *exchange of experience among the EU member states* – 3 educational trips of the employees of public administrations were undertaken to the countries, which have rich experience with return programmes;
- c) *implementation of voluntary returns and reintegration under the programme* – the number of the implemented returns and provided reintegration assistances in the individual countries was determined according to the amount of the state contribution – for the CR, these limits were set in such a way that in each of the three phases, IOM Prague could include ca 80 foreign nationals in the programme. In the majority of cases, they were foreign nationals detained in the detention facility for foreign nationals. After January 2008, in accordance with the amendment to the Act on the Residence of Foreign Nationals permitting inclusion of foreign nationals illegally staying in the CR into the programme, even these foreign nationals, who were not detained and contacted IOM Prague with a request for assistance of their own accord, were included in the programme. The costs of the trips of all the foreign nationals undertaken to leave the CR under the programme were paid from the budget of MoI CR³² - it was the financial contribution to be used for transport and the initial expenses of the returnees in the country of return in the amount of 250 USD per person, or precisely speaking, only 100 USD for the third phase, and this also involved financing the support of business plans in the country of origin, which was the main innovative element of the programme. The amount of the provided support was 1,500 Euro during the first two years. In the last year, this amount was increased to 2,000 Euro. The European Commission as the donor of the project requested this change, which was offset by the decrease of the cash contribution.

- **European Return Fund (ERetF)**

DAMP MoI CR was appointed as the authority responsible for implementing the ERetF in the CR. From the ERetF, it is possible to finance the returns of illegal migrants as well as failed asylum seekers. During the preparatory phase in 2008, DAMP MoI CR prepared the *Multi-annual Programme of ERetF for the Period 2008-2013*. This programme was supplemented with the *Annual Programme of ERetF for the Year 2008*, under which two calls³³ for proposals of projects (applications) under the annual programme of ERetF for the year 2008 were made during the year 2009. Both calls covered all the defined priorities.

³² The CR used these finances as a state contribution to the programme.

³³ The first call was published on 24 March 2009; the second one on 14 August 2009.

The Multi-annual programme of ERetF defined the three main priorities for the CR, which have been further elaborated into individual measures:³⁴

Priority 1 – Support and Development of the Strategic Approach to Management of Returns by the Member States

➤ ***Measure 1 – Programmes of assisted voluntary returns; PR activities to support assisted voluntary returns and data collection***

The main purpose of this measure is to support and possibly further improve the quality of the existing system of services provided for the third-country nationals in connection with assisted voluntary returns.

➤ ***Measure 2 – Training films to support interest in the programmes of assisted voluntary returns***

One of the most important pieces of information, which must be available to the target group of return, is the information on the conditions and the course of an assisted voluntary return; thus, the purpose of this measure is to enhance this awareness. It follows from the current experience that a number of third-country nationals are unable to clearly understand the difference between an assisted voluntary return and expulsion (removal) or expulsion with an escort. In this measure, a training film showing the course of an assisted voluntary return and the course of expulsion or expulsion with an escort will be created to ensure complete awareness of the target group before they make their decision on whether to enter the programme of assisted voluntary returns.

➤ ***Measure 3 – Increasing the efficiency of the current existing programmes for forced returns***

Support for the employees participating in the programmes of forced returns; obtaining experience; and support of international cooperation in the field of forced returns.

➤ ***Measure 4 – Return centre***

The purpose of this measure is to ensure that the system for the programme of assisted voluntary returns is as efficient and self-contained as possible. This system will be concentrated, on a consistent basis, on the entire target group and within this system, all the necessary services will be provided. Creating a single Return Centre, the employees of which will be ensuring all the services leading to the implementation

³⁴ Taken from the Multi-annual Programme of the European Return Fund for the Period 2008-2013.

of an assisted voluntary return for the target group, appears to be a suitable measure to achieve this goal. In the centre, promotional and training activities concerning assisted voluntary returns will be carried out. Collection of information on the situations in the individual countries of return will be ensured. In the first year of the implementation of this measure, the concept of the Return Centre will be created, which will be implemented in the following years.

➤ ***Measure 5 – Financial incentives and measures to assist the returnees who are in a difficult situation***

Based on the experience obtained in the implementation of the programmes of assisted voluntary returns in the previous years, it can be stated that for successful implementation of assisted voluntary returns, it is necessary to create a system of motivational incentives, which will encourage the interest of third-country nationals in such a return. When third-country nationals are being returned to the country of return, it is also necessary to take into account, among other things, the period, for which they stayed outside the territory of this country and the circumstances, under which they left the country. These facts should also be taken into account in the selection of the suitable support, which will be offered to the specific third-country national.

➤ ***Measure 6 – Assessment of the success of return projects***

For efficient implementation of projects with a focus on assisted voluntary return and for possible innovation in this field, it is necessary to assess the projects, which are implemented in this field and to assess the overall national legislation governing this area. This assessment should concentrate on the settings of the general conditions, on the implementation of projects as a whole; and then each project or each performed activity should be assessed separately, especially with regard to its impact on the target group, its relation to other activities, etc. The purpose of the extensive assessment planned in this action is to obtain comprehensive information on the efficiency of individual activities, which will be used as a source material for all other activities planned in the field of returns. The purpose of this measure is also to ensure comprehensive assessment of the field of voluntary returns, which will be used as one of the strategic materials for further measures in this field.

Priority 2: Support concentrated on cooperation among the member states in the field of returns

➤ **Measure 7 – Exchange of experience, best practices and information among the member states in the field of returns**

The CR has implemented programmes in the field of assisted voluntary returns for several years and therefore its experience gained up until now is not negligible. In spite of that, in order to improve the efficiency of the activities in this field, it appears to be advisable to draw on the experience of other member countries, whose practical experience in the field of returns was gained over a period of time several times longer.

Priority 3: Support concentrated on specific innovative international or national tools for management of returns

➤ **Measure 8 – Measures with a focus on reintegration of returnees in the destination country**

The experience gained in the implementation of the projects with a focus on assisted voluntary return of third-country nationals has made it clear that there is a need to ensure assistance in the countries of return with the reintegration of the returning third-country nationals into the society, especially in the labour market of the country of return.

➤ **Measure 9 – National campaign with a focus on promoting assisted voluntary returns**

The field of voluntary returns, or speaking precisely, the information on the assistance provided under the programmes of assisted voluntary returns have so far always been given with a focus on the target groups of third-country nationals, whom this possibility directly concerned. They were especially the third-country nationals situated in the facilities for detention of foreign nationals or the seekers of international protection living in accommodation centres. However, these are not the only categories of third-country nationals, for whom such programmes have been designed. The attempts to achieve a national informational coverage of all third-country nationals have not been fully successful so far. The reason is mainly the fact that third-country nationals are not only concentrated in the large cities but they stay in the territory of the whole state. The individual communities of third-country nationals

are often very closed therefore it is very difficult to ensure they are kept informed. This is why the entire population of third-country nationals living in the CR will be reached under this measure.

➤ **Measure 10 – Innovation in the methods of work used for carrying out returns**

According to the experience with carrying out returns, one of the most problematic area is the cooperation with the relevant authorities of the country of return or the country of origin of the third-country nationals concerned. These are cases of third-country nationals who do not have any travel documents or possibly any identity documents and therefore it is highly complicated, if not impossible, for the Czech authorities to establish or verify their identity. In their activity, the authorities in the CR can only use the information given by the foreign national concerned and to request verification of his/her identity on the basis of such information. Embassies do not have the powers to verify the data on third-country nationals in the territory of the CR; only the home authorities in the country of origin of the foreign national concerned are authorised to carry out such verification. The course of verification of identity thus becomes a complicated and highly time-consuming procedure, which, in a number of cases, makes implementation of expulsion absolutely impossible within the time limit set by the law for detention.

4 OVERVIEW OF ASSISTANCE SERVICES WITHIN VOLUNTARY RETURNS

The returns of foreign nationals staying in the territory of the CR, both voluntary returns and forced returns, are an integral part of migration and migration flows. Within the structure of the central bodies of the public administration, the DAMP MoI CR is responsible for the matters of migration and, consequently, the matters of voluntary returns.

As concerns the implementation of the **returns of failed seekers of international protection**, the crucial role is played by the RFA. With voluntary **returns of illegal foreign nationals** who were not detained, the crucial role is played by the DAMP MoI CR. With detained foreign nationals, both the ones who are forced to return and the ones who return voluntarily, the crucial role is played by the FPS CRP. With the returns of illegally staying foreign nationals and with failed seekers of international protection, IOM Prague is the indispensable partner. This organisation is the service organisation in the implementation of these programmes because due to its statutory framework of an intergovernmental organisation and its network of branch offices in the host countries and the countries of origin, it is a suitable organisation for performance of these activities. Its specific status is also the reason for its another important role, which consists in developing cooperation among individual countries and organisations and in exchanging experience in this field.

The temporary **Voluntary Returns Projects** are implemented by the DAMP MoI CR in cooperation with the FPS CRP, the RFA, IOM and NGOs.

The ministerial authority responsible for **the returns under the Programme of Support and Protection for Victims of Human Trafficking** is the Crime Prevention Department (CPD) of MoI CR; from the non-governmental sector, two NGOs (La Strada ČR and Arch-deaconry Charity Prague) are involved in the programme and one intergovernmental organisation is involved in this programme: IOM. The CPD coordinates and pays for the voluntary returns of the victims of human trafficking.

As it has already been mentioned, when the institutions ensuring returns are described, it is not possible to omit **IOM Prague**, which has cooperated with MoI CR, RFA and FPS CRP in the field of voluntary returns on a long-term basis. IOM carries out returns according to the principle of awareness, voluntary participation, dignity, economy and sustainability. Thanks to global contracts with airlines, IOM is able to procure air tickets very quickly and

for a price significantly lower than the standard prices – especially if the departures are to take place in several days, the prices are high. IOM deals with returns on a comprehensive basis – it participates in the returns of failed seekers of international protection as well as illegal foreign nationals and it currently also participates in the returns under the temporary Voluntary Returns Projects. For this reason, the services provided in the field of returns are described here and not in the individual categories of returns below.

The basic framework of this cooperation was laid down as early as in 1997 when an agreement was entered into, at a presidential level, between IOM and the CR concerning the operations of IOM in the CR. The supplementary contractual understanding concerning the assistance by IOM in the cases of voluntary returns of foreign nationals was then entered into with effect as of January 2008 when the amendment to the Act No. 326/1999 Coll. on the residence of foreign nationals came into force. This amendment explicitly included in this piece of legislation the possibility of a voluntary return for those foreign nationals who were placed into facility for detention of foreign nationals by an administrative decision and for those foreign nationals on whom administrative expulsion was imposed by an administrative decision and a time limit for their leaving the country was set for them in the exit order.

A special agreement on provision of services connected with a voluntary return was then entered into for the year 2008 and for the year 2009. Under these agreements, IOM ensures consultancy related to voluntary returns, pre-departure assistance, as a part of which the assistance in procuring travel documents is also provided (passports,³⁵ orders to leave the country, transit visa, etc.); it ensures the financially most advantageous³⁶ way for the foreign national to leave the territory of the CR and, if necessary, it also provides transit assistance. IOM also participates in the information campaigns and it significantly participates in the reintegration components of the return programmes – for more details, see below the individual types of returns and Chapter 5. *Reintegration and Sustainability of Return*.

Under the agreement entered into for the year 2008, IOM also ensured training activities, the purpose of which was to ensure that the workers of the relevant organisations have the skills to provide foreign nationals, in case they are interested in a voluntary return, with at least basic information on the conditions of entering the programme of voluntary returns. This included training of the relevant governmental authorities – the individual groups responsible for permitting residence, or speaking precisely, the Department of

³⁵ If there is the relevant embassy in the CR, the foreign national applies for the travel document in person – IOM enters the process only if it is necessary. However, if the embassy is not found in the territory of the Czech Republic, IOM usually ensures the communication regarding the issuance of the travel document; this is also true for the application of the failed seekers of international protection for the reason of their protection.

Residence Control of the FPS CRP, with the purpose of increasing awareness of the assistance services provided by IOM. The training activities were also concentrated on NGOs, which are engaged in the area of foreign nationals and migration in general, also with the purpose of increasing the awareness of the possibility of a voluntary return and the services provided by IOM in this field.

As concerns the financial costs of performing this agreement, it can be stated that for the year 2008, finances in the total amount of 908,000 CZK were earmarked for the services provided by IOM. For the year 2009, the total amount earmarked for the services provided under the agreement was set at 570,000 CZK. As of 30 July 2009, services worth a total of 386,000 CZK were provided.³⁷

4.1 Reasons for Returns and the Perception of Returns by Foreign Nationals

As concerns the reasons for returns and their perception by foreign nationals, no comprehensive report or evaluation of this topic is available to the CR at present. Valuable information can be obtained from the Expert Report of IOM,³⁸ which, based on its many-year experience with implementation of voluntary return projects in the CR, states that most migrants come for economic reasons and most of them left debts behind them, which they incurred for mediation of the trip. *“If they then find themselves in a difficult situation such as lack of work in the host country, combined with illegal stay or health problems, they address this situation within their communities, often using illegal methods. They do not primarily accept a return to their country of origin as a solution to their problem and they regard it as a defeat.”*³⁹ The Expert Report also states that in the provision of return-related consultancy, the employees of IOM also encounter seekers of international protection who very often do not understand the basic principles and purpose of the concept of international protection. Often as a result of intentionally distorted information provided, for example, by human smuggling rings, situations arise in which a foreign national applies for international protection and, simultaneously, he/she applies for inclusion in the programme of assisted voluntary returns.

According to the feedback from the employees of NGOs participating in the implementation of projects with a focus on consultancy for foreign nationals concerning

³⁷ These amounts do not include the costs of the activities provided by IOM Prague within the cooperation with the MoI in the Voluntary Returns Projects.

³⁸ Expert Report of IOM, 2009

³⁹ ditto

returns, it can be summarised that foreign nationals perceive the possibility of voluntary returns favourably; this is especially true for the Voluntary Returns Projects.

Sufficient awareness on the part of foreign nationals appears to be a key aspect in this context. And not only awareness of the programmes and Voluntary Returns Projects but also awareness of the legislation governing their situation – the rights and obligations of foreign nationals in the CR, especially with regard to their residence statuses and employment or business.

The RFA will be carrying out a questionnaire-based survey under a project supported from the ERetF 2008. The questionnaire concentrates on finding the way how the applicant obtained information on the project, the applicant's reasons for entering the programme and the applicants' problems in the process of obtaining voluntary returns. The questionnaire has been created in 7 language versions.⁴⁰ The analysis of this survey, in combination with the analysis of the data held by the RFA, will be used to improve the efficiency, to simplify and to define the portfolio of the offered activities under the return programmes in the forthcoming years. However, this analysis will not be available until the implementation of the project is completed – i.e. it will be available at the end of the year 2009.

4.2 Obstacles to Carrying out Assisted Returns

Forced returns of foreign nationals to countries of origin are difficult to carry out in the CR – only a very small part of the detained foreign nationals is returned although the main goal, when detention takes place, is to take all possible steps leading to successful execution of administrative expulsion. Due to frequent impossibility to identify a foreign national and the fact that returned foreign nationals are only received by a limited number of states, with which readmission agreements have been entered into, expulsion of a foreign national is very often infeasible in practice. Thus, a foreign national is released from the facility for detention of foreign nationals with an exit order after expiration of the maximum detention period (180 days) and it is not possible to prevent his/her illegal stay after expiration of the period allowed for his/her leaving the country in the exit order.

This fact also influences the foreign nationals' approach to voluntary returns to a certain degree because due to the fact that foreign nationals are subjected to forced returns with

⁴⁰ English, Czech, French, Mongolian, Russian, Ukrainian and Vietnamese

difficulties and in a low number of cases and due to the fact that the foreign nationals are aware of this, a number of them prefer illegal stay in the CR to a voluntary return.

Specifically for the **returns of failed seekers of international protection**, the RFA states that there had been no problems with carrying out repatriations until the projects under ERF were commenced, i.e. from 1996 to 2006 because only basic services were provided, i.e. purchase of air tickets/other tickets and services related to procurement of substitute travel documents. One of the more significant problems in the previous period – in the years before accession to the EU – was the existence of massive asylum migration from Slovakia. Due to the projects under ERF and due to the (sometimes limited and conditioned) extension of the scope of services provided, there occurred problems, the causes of which can be summarised as follows:

- inadequately elaborated and not permanently valid system of motivational incentives;
- inadequate system of reintegration assistance services in the country of return (the process of building partnerships with foreign entities requires continuity, resources and time and there has been lack of all these factors up until now).

The RFA has proposed the following measures as possible solutions to these problems:

- to refrain from dividing projects for individual continents;
- to refrain from limiting the provision of services to vulnerable groups;
- to put a continuous return programme for various target groups in place.

Answers to most of these problems should be successfully found with the help of the finances from the ERetF in early 2010 at the latest.

4.3 Organisation of Assisted Voluntary Returns

As it has been described in greater detail in sub-chapter 2.1. *Definition of Assisted Voluntary Returns*, the programmes of assisted voluntary returns are currently offered in the CR separately to 4 different categories of third-country nationals⁴¹ – specific rules apply to these individual categories and depending on their different needs arising from their different residence statuses, they are provided with specific assistance. For this reason, the process of providing the assistance is described below separately for these individual categories of returnees.

⁴¹ With the Programme of Support and Protection for Victims of Human Trafficking, the victims can also be EU citizens, including the citizens of the CR; with the returns of failed seekers of international protection, these persons were often citizens of Slovakia (Slovak Roma) or rarely citizens of Bulgaria and Romania in the past.

4.3.1 Illegally Staying Foreign Nationals

Organisation - Consultancy and Assistance

As it is provided in Section 123a and other sections of the Act on the Residence of Foreign Nationals, two groups of illegally staying foreign nationals can participate in a return programme – either those foreign nationals who are detained or those foreign nationals on whom administrative expulsion was imposed and who do not have a travel document but who have not been detained.

For both these sub-groups, the above-mentioned provision of the law also provides that a foreign national is required to pay half the transport costs to the MoI CR on an ex-post basis; until this amount is paid or for a maximum period of 6 years, the foreign national will be put on the list of personae non gratae and he/she will not be allowed to enter the territory of the CR.

A foreign national is entitled to file an application for a voluntary return with the police either when he/she is detained in the facility for detention of foreign nationals or within the time limit set for his/her leaving the territory of the CR in the decision on administrative expulsion (an exit order). The MoI will decide on a foreign national's application for a voluntary return without unreasonable delay.

As it has been mentioned above, MoI has entered into an agreement with IOM for the purpose of carrying out voluntary returns of failed applicants and illegally staying foreign nationals. Under this agreement, IOM provides the interested persons from among third-country nationals with return-related consultancy and personal assistance in procurement of the necessary documents.

For those third-country nationals who were **issued with a decision on administrative expulsion**⁴² and for whom a time limit was set for their leaving the territory of the CR but who were not detained, **MoI CR** offers the possibility of an assisted voluntary return through IOM where foreign nationals can register directly for these programmes. As opposed to that, the voluntary returns for the third-country nationals **placed in detention facilities for detention of foreign nationals**⁴³ are carried out within the **CRP**. However, both these

⁴² Administrative expulsion of foreign nationals is governed by Chapter X of the Act on the Residence of Foreign Nationals. Administrative expulsion means the termination of the foreign national's stay in the territory of the CR, which is connected with the setting of the time limit for leaving the territory of the CR and the period of time for which the foreign national cannot be allowed to enter the territory of the CR.

⁴³ In practice, there are also cases, in which foreign nationals are expelled directly from custody and therefore they do not get into a facility for detention of foreign nationals at all; nevertheless, according to the information by the FPS CRP, these cases are rare and therefore in this study, placement of foreign nationals into a facility for detention of foreign nationals is considered to be the same as the actual detention.

components of the public administration closely cooperate with each other and therefore the specific procedures are identical for a number of steps in practice.

All detained foreign nationals are informed of the possibility to make use of a voluntary return. If such a foreign national decides to enter the programme, his/her leaving the country is carried out by the employees of IOM, which means that the third-country national comes to the airport only accompanied by an employee of IOM; in his/her travel document, an exit order is indicated and the authorities in the country of origin are not informed of his/her arrival.

Financial Costs

It was not possible to completely quantify the financial costs of the returns of this group of persons. Annex 6 contains an overview of information on the costs of the returns of detained foreign nationals, even in comparison with forced returns. For the sake of comparison, the information is structured into costs of forced returns and voluntary returns. The costs of forced returns include the costs of judicial expulsion of foreign nationals and the costs of returns of detained foreign nationals who did not want to enter a programme of voluntary return and who were escorted by the FPS CRP. The costs of voluntary returns are costs of the returns of detained foreign nationals who voluntarily entered the IOM programme of voluntary returns. Nevertheless, this information provided by the FPS CRP is considerably understated because it only contains the costs of transporting the foreign nationals. However, the actual costs also include the state's costs of holding the foreign nationals in a detention facility (accommodation, food, medical care, etc.) and the costs incurred by IOM with voluntary returns in the provision of consultancy and assistance with procurement of travel documents. With forced returns, it is necessary to add the price of a police escort, which can be very costly. It is true that the costs of holding a foreign national participating in voluntary returns in a detention facility for 1 month can be estimated – it is approximately 20 thousand CZK per month and person⁴⁴ – but for the total estimate of the costs of detention, it would be necessary to know the period of detention of the returnees, and this can strongly vary from 1 day to 180 days. With forced returns, information on the price of transport for more than half of the returns was unknown – these returns were carried out mainly by means of land transport and therefore their prices are not specifically monitored in this way. Therefore the given information only contains information on the prices of air tickets.

⁴⁴ Detention of a foreign national, including the provision of medical care, is estimated at ca 25 thousand CZK on the average; for the Voluntary Returns Project, the price of emergency accommodation in a facility for detention of foreign nationals was set at ca 17 thousand CZK – this amount does not include the price of the actions taken by the FPS CRP to ensure execution of administrative expulsion.

It can be stated from the overview that according to the available information on the transport costs, more than 11 million CZK were spent on the transport of voluntarily returning foreign nationals and (at least) 30 million CZK were spent on the transport of the foreign nationals subjected to forced returns over the reference period.

A more detailed analysis cannot be carried out because only part of the data on the costs is available.

Awareness-raising Campaign

As it has been mentioned above, the detained foreign nationals are all informed on the possibility to take advantage of a voluntary return – during detention, each third-country national is offered the possibility of a return by the employees of IOM. Promotion of the possibility of returns for illegally staying foreign nationals who are not detained takes place in the form of information disseminated on the Internet and in informational leaflets.

4.3.2 Failed Seekers of International Protection

Organisation - Consultancy and Assistance

The RFA offers a specific programme for the interested persons from among seekers of international protection, including failed seekers of international protection. The costs associated with this type of voluntary returns can, if it is in the public interest, be borne by MoI CR in full and the foreign national is not subsequently requested to pay the costs.

As it has been mentioned above, for the purpose of implementation of the voluntary returns of failed applicants who are simultaneously illegally staying foreign nationals, the MoI CR has entered into an agreement with IOM, which provides the interested persons from among third-country nationals personal assistance in procurement of the necessary documents, in addition to return-related consultancy.

The RFA has been carrying out voluntary returns of asylum seekers/seekers of international protection for more than ten years⁴⁵ and therefore has rich experience with their implementation. In the beginning, the implementation of returns by the RFA was only limited to payment of the costs of transport and the costs of procuring travel documents for the repatriates. Starting from 2007, this practice has been partly changed by the existence of the projects co-financed by the EU – see the table below.

⁴⁵ Prepared according to the information provided by the RFA.

**Overview of the services provided by the RFA in connection with voluntary returns.
years 2004-2008**

| | 2004 | 2005 | 2006 | 2007 | 2008 |
|------------------------------------|------|------|------|-------------------|-----------------|
| Air ticket/other type of ticket | ✓ | ✓ | ✓ | ✓ | ✓ |
| Travel documents | ✓ | ✓ | ✓ | ✓ | ✓ |
| Transport in the country of return | | | | ✓ | ✓ |
| Luggage, overweight | | | | | ✓ |
| Reintegration (cash) | | | | Individually ✓ | Vulnerable ✓ |
| Reintegration (services) | | | | ✓ | |
| Material equipment | | | | ✓ | |

Before the projects supported from the ERF had been started, there was no active and comprehensive approach to the return policy in relation to asylum seekers in the CR.

Year 2007 – ERF 2006

The project under ERF was a sort of pilot operation in the CR in this field. The project was divided into 3 continents (Europe, Asia, Africa) and it also newly contained a reintegration component, including the skills audit of the participants. The key elements of this project, involving active stimulation of potential repatriates and a link to reintegration assistance in the country of return, have not yet been tried in the CR.

Year 2008 – ERF 2007

The project was again divided into 3 continents (Europe, Asia, Africa). In this project, the service of reintegration in the country of return was no longer offered – see the description of the problems encountered in 2007. Only reintegration contributions (cash) and material equipment were provided.

The characteristics of the applicants for voluntary returns are different every year and this was why, for example, in this project some monitoring indicators were not achieved. The original project concept planned for paying the reintegration contribution to all applicants for voluntary return. Based on a decision made by the responsible authority – the DAMP MoI CR – the payment of this contribution was only limited to vulnerable groups. This decision decreased the overall attractiveness of this project for potential applicants. For this reason, it was also even more complicated to estimate the number of applicants who were entitled to this service.

Financial Costs

Year 2004 – the total costs of the programme of returns in this category of foreign nationals amounted to 2,830,000 CZK; the amount allocated to one repatriated person on the average was ca 5,150 CZK.

Year 2005 – the total costs of the programme in 2005 amounted to 1,113,383 CZK; the amount allocated to one repatriated person on the average was ca 2,571 CZK.

Year 2006 – the total costs of the programme in 2006 amounted to 1,441,972 CZK. The amount allocated to one repatriated person on the average was ca 4,108 CZK.

As the list of services presented above shows, up until 2006, the costs of carrying out voluntary returns of failed applicants had been very low. This was a result of a more modest concept of the return programme (only the costs of transfer to the country of origin) but the main reason was that at that time most repatriates were citizens of Slovakia and other European countries, who were transported on land, often for minimum prices. This involved, for example, the RFA's own buses transporting dozens of persons at once, who were returning to Slovakia, etc.

Since 2007, the return programme addresses a different target group; it works with substantially more distant destinations; it must use air transport and it is also more comprehensive.

Year 2007 – for all 3 projects, 2,382,961 CZK were paid (Asia: 1,085,530 CZK; Europe: 858,396 CZK; Africa: 439,035 CZK)

The costs calculated on a per-person basis amount to the following:

Asia: 31,015 CZK / person

Europe: 31,792 CZK / person

Africa: 14,162 CZK / person

Year 2008 – the total costs of the programme of voluntary returns for the year 2008: 1,594,264 CZK.

The costs calculated on a per-person basis amount to the following:

Asia: 16,167 CZK / person (total of 65 persons)

Europe: 12,170 CZK / person (total of 25 persons)

Africa: 21,625 CZK / person (total of 6 persons).

The complete costs paid from the ERF amounted to a total of 1,158,218.50 CZK, which included 321,781.10 CZK for the Europe project; 683,064 CZK for the Asia project and 153,373.40 CZK for the Africa project. The costs paid by the RFA amounted to 436,045.91 CZK.

Awareness-raising Campaign

- a) the initial information on repatriation as a form of a dignified return to the country of origin (or some other country) is received by each applicant in an asylum procedure already during the entry interview, and this is also stated in the “Record of Entry Interview”. At the moment of the first decision in the proceedings for grant of international protection, the applicant is always contacted with a question whether he/she is not interested in taking advantage of the opportunity for paid repatriation and this is also offered later on during the asylum procedure. It is explained to them in detail how repatriation takes place and that they have a real possibility to take advantage of this opportunity at any stage of the asylum procedure. Within this campaign, they are acquainted not only with the aspects of the return to the country of origin but interviews about their nearest future are also conducted.
- b) all the detailed information on repatriation is also available in informational leaflets in various language versions, which are posted on the notice boards in asylum facilities, available to all foreign nationals.
- c) foreign nationals can also get the information from NGOs, which have cooperated with the RFA on a long-term basis in the process of ensuring repatriations – NGOs get information on these returns from the RFA on an ongoing basis according to individual cases – over the telephone and in person as well as via leaflets.
- d) meetings with foreign nationals take place continually with the purpose of informing them again about the offer of voluntary repatriation. They are acquainted with the offer of the programme of voluntary return, mostly with the help of an interpreter.
- e) the website www.dobrovolnynavrat.cz – this website describes the possibilities and the course of action to be taken in the implementation of a voluntary return; it contains information on the project. The website’s purpose is to share information and to present the project. The foreign nationals living outside asylum facilities can learn this information from this website. The website is also the optimum means of promoting the project among the general public and the professional community.

4.3.3 Voluntary Returns Projects – Legally and Illegally Staying Foreign Nationals

Organisation - Consultancy and Assistance

As it has been described in the sub-chapter on the categorisation of returns, the Voluntary Returns Projects are implemented either for legally or illegally staying foreign nationals. So far, the first project has been organised in two phases.

A. Project of Voluntary Returns of Legally Staying Foreign Nationals – Phase I

In this phase of the project, foreign nationals were able to register for the project at the inspectorates of the foreign police according to their choice; IOM ensured their leaving the territory of the CR and paid the costs of this trip as well as what is referred to as a “motivational contribution”. This contribution is perceived as a financial amount to be used to cover the necessary costs of living immediately after the arrival in the country of return. With regard to the possibilities of the state budget, the motivational contribution was set at 500 Euro per person and at 250 Euro for children younger than 15 years. This contribution was given to foreign nationals at the airport before departure. The foreign nationals who expressed interest in participating in the project and were in a difficult position were also provided with accommodation and food through the RFA. The foreign nationals who registered for the project were then provided with the necessary medical care, which bore no delay, on an exclusive basis. Also, MoI CR was providing social and legal consultancy through NGOs and IOM with respect to the participation of foreign nationals in the project. This also involved ensuring interpreters because detailed information at the inspectorates was only provided in the Czech language.

Due to the great interest in registration for the project, the persisting increase of unemployment rate and consequent ongoing poor possibility for foreign nationals to find jobs in the territory of the CR, its Phase II was prepared.

B. Project of Voluntary Returns of Legally Staying Foreign Nationals – Phase II

The same authorities and organisations participate in implementation of Phase II and a similar range of services and assistance is provided as in Phase I, with the following exceptions:

- it is possible to register for the second phase only at the inspectorates of the Foreign Police with the territorial jurisdiction over the registered place of residence of the foreign national (the first phase was without any limitations in this respect);
- accommodation is ensured only for the last night before departure (in the first phase, accommodation was also ensured for the period from registration to the departure);
- the financial contribution has been decreased to 300 Euro per person and to 150 Euro for children aged less than 15 years, especially with regard to the possibilities of the state budget and the motivation of foreign nationals to leave the territory of the CR; it is assumed that if the amount of the financial contribution were maintained the same, foreign nationals might get the impression that it is not a special measure but a project, which will be repeatedly renewed on the same terms and conditions.

C. Project of Voluntary Returns of Illegally Staying Foreign Nationals

This project is designed for all third-country nationals who stay in the territory of the CR in an irregular position. As it is described in greater detail in that part of the study, which deals with the definitions of the individual types of returns, the project divides the persons interested in registration into two categories according to whether the costs of travel are paid by the foreign national himself/herself or whether they are paid for him/her by the state. Depending on which category the foreign national belongs to, administrative expulsion is imposed on him/her for his/her prior illegal stay – on those foreign nationals, who pay for their return, this administrative expulsion is imposed for a substantially shorter period of time.

The MoI CR again implements the project in close cooperation with the FPS CRP and with IOM (especially as concerns ensuring the transport) and NGOs – dissemination information on the project, reaching and seeking out interested persons. The scope of the assistance provided is similar as with the project of voluntary returns for legally staying foreign nationals with one important difference – within these returns, no motivational contribution is provided. In this project, the main benefit for foreign nationals is the payment for the air ticket for the return and the certainty that they exactly know for how long they will not be able to return to the territory of the CR. Registration for the project is possible at all inspectorates of the Foreign Police; consultancy and assistance with procurement, if any, of travel documents is provided; the costs of travel (air ticket) are paid; accommodation is only provided for the last night before the departure flight similarly like in Phase II of the project for legal foreign nationals.

Financial Costs

A total amount of 60.7 million CZK has been earmarked from the state budget for implementation of Phase I of the project of *Voluntary Returns for Legally Staying Foreign Nationals*. From this amount, an aliquot part was earmarked for ensuring emergency accommodation for foreign nationals from the moment of registration until the time of their departure from the territory of the CR by airplane (6 million CZK). The remaining part was to be used for the services by IOM (including the actual costs of the registered foreign nationals' leaving the country – the prices of air tickets) and the services by NGOs, which assist foreign nationals when they register for the project.

For the sake of comparison with the costs of forced returns, it can be stated that in the material prepared by the MoI CR for the resolution of the government of the CR on ensuring security situation in the CR, by which this project was approved, among other things, it was estimated that if this project had not been implemented, the costs of the forced return would

reach up to 80 million CZK for the same group of 2,000 foreign nationals, as compared with the estimated costs of the project in the amount of 60.7 million CZK.

An additional amount of 25.3 million CZK was earmarked from the state budget for Phase II of the project, and the finances, which were not used up in Phase I were transferred to be used in Phase II.

No special finances were earmarked for implementation of the project *Voluntary Returns of Illegally Staying Foreign Nationals*. With regard to the fact that this concerns the travel of foreign nationals, on whom administrative expulsion was imposed, out of the country, the costs associated with the trip out of the country (where the costs are incurred, that is, for category A) are paid from the budget of the FPS CRP. The costs of IOM, which are incurred as a result of its involvement in the project, are then paid per capita according to the number of foreign nationals who were provided with assistance. At present, this fee amounts to 80 USD/1 foreign national.

Awareness-raising Campaign

Within the implementation of both these projects, dissemination of the information on the projects was primarily ensured through partners, both through NGOs and IOM, as well as by the employees of the FPS who carried out several awareness-raising events, during which police officers were disseminating leaflets on the projects in the field.

For the project of voluntary returns of illegally staying foreign nationals, a separate awareness-raising campaign was carried out, in which an informational leaflet on the project was disseminated in the form of paid advertising in printed media – 2 magazines published by the Vietnamese community and 1 periodical published by the Ukrainian community. The information was also disseminated via the Internet – the website of the Mongolian community in the CR.

The information on the project was also disseminated by notices posted in public means of transport – metro (Prague), trams, trolleybuses and buses in 11 cities of the CR, specifically in Prague, Brno, Česká Lípa, České Budějovice, Jihlava, Liberec, Pardubice, Plzeň, Ústí nad Labem, Ústí nad Orlicí and Zlín. The campaign was started on 1 August 2009 and terminated on 30 September 2009, that is, 14 days after commencement of the project. The total costs of the campaign were based on the maximum budget of 1.5 million CZK and ca 1.1 million CZK was used from this budget.

4.3.4 Victims of Human Trafficking

Organisation – Consultancy and Assistance

Under the **Programme of Support and Protection for Victims of Human Trafficking**, the following course of action is followed when a victim is included in the programme – inclusion into the programme is the necessary condition for offering a return under this programme.

Firstly, the victim of human trafficking is identified by the relevant authorities or organisations and a proposal for his/her inclusion in the programme is made. After inclusion into the programme, the victim can be provided with crisis intervention for a period of up to 60 days, if necessary. During this period, the victim must decide on whether he/she will cooperate with the bodies responsible for criminal proceedings. After expiration of this period, a “non-cooperating victim” is offered a programme of voluntary return to the country of origin. A “cooperating” victim is granted a visa as a leave to remain according to Section 33 of the Act on the Residence of Foreign Nationals or a long-term residence permit for the purpose of protection in the territory of the CR under Section 42e. After the criminal proceedings are terminated, the victim can take advantage of the opportunity for a voluntary return to his/her country of origin or can apply for permanent residence for reasons worthy of special consideration.

Awareness-raising Campaign

No specific awareness-raising campaign is organised for the return-related part of the programme; the victims are provided with information individually when they enter the programme.

Financial Costs

The Programme of Support and Protection for Victims of Human Trafficking is completely financed from the funds of the CP MoI CR, including the part offering to ensure the return of the victims to their countries of origin. The information on the exact costs specifically expended under the return programme is not available – the costs of transport incurred in connection with the returns are estimated to be ca 800 thousand CZK to 1 million CZK for the period from the commencement of the programme, that is from the year 2004 to the year 2008.

5 REINTEGRATION AND SUSTAINABILITY OF RETURN

Specific reintegration programmes have not yet been implemented in the countries of origin for the foreign nationals using the programmes of assisted voluntary returns in the CR on a comprehensive basis and on a larger scale. Nevertheless, several projects implemented under ERF included reintegration parts and projects under international development cooperation of the CR have also been implemented in this context – this concerns particularly the projects in Georgia, Moldova and Armenia.

5.1 *Reintegration Measures under the ERF Projects*

The reintegration measures for vulnerable groups of returnees were implemented by the RFA as a part of the return projects under ERF in the years 2007 and 2008 – these measures were targeted on the returns of the returnees from the category of failed asylum seekers.

Three projects under ERF 2006 implemented in 2007, which differed from each other in the countries of origin of the foreign nationals who were returnees and which were divided according to continents (Europe, Asia, Africa), made it possible to provide a repatriate with either a reintegration contribution or services in the destination country. According to the experience of the employees of the RFA, in practice, there was low preference on the part of the clientele for the element of reintegration services in comparison with the reintegration contribution, which was of the same nominal value and was paid in cash before departure. Not even a thorough presentation of these services had the expected favourable effect – the foreign nationals preferred the contribution paid in cash. This was also partly due to the fact that the partner of the project implementation – IOM – did not have such broad and working foreign branch offices in order to make the prospect of a return assisted in this manner convincing for the potential repatriates. It was often impossible to give an accurate answer to the very specific questions of the potential repatriates concerning the possible services after their return to their home countries, which also resulted from the dissimilarity of this project from the return module in an international environment (the finances covering the entry of mission were half the amount or even less in comparison with the international practice). The fact that the offered reintegration services were often unavailable or locally irrelevant in the destination country concerned proved to be a problem – these assistance services could be provided from a metropolis in the overwhelming majority of cases, while the destinations of the repatriated persons were geographically remote. The possibility of

reintegration measures was advertising in the informational leaflets created under the projects for these returns.

In the project for repatriation of persons to Europe, 13 reintegration contributions were paid and reintegration services were provided for 2 persons (the only persons under all three projects); within repatriations to Africa, 2 reintegration contributions were paid; and within repatriations to Asia, 22 contributions were paid.

In the three related projects – structured again according to the continent of origin – under ERF 2007, implemented in 2008, the reintegration services in the country of return was no longer offered – see the description of the problems in 2007. Only reintegration contributions (cash) and material equipment were provided. The original proposal for the project planned for paying the reintegration contribution to all applicants for a voluntary return, nevertheless, based on a decision made by the responsible authority – the DAMP MoI CR – the payment of this contribution was only limited to vulnerable groups. This decision decreased the overall attractiveness of this project for potential applicants. For this reason, it was also even more complicated to estimate the number of applicants who were entitled to this service.

The RFA and IOM, which participated in the implementation of these programmes, will now try to disseminate among the professional community and to make use of the acquired knowledge in their practical activities in the future. In this context, the experience of the direct workers (social workers) of the individual asylum facilities is significant and highly valued. This is true for the experience with this specific type of returns in general as well as for the experience with the realistic possibilities of the infrastructures of the countries of return and the existing missions of IOM.

IOM has been engaged in reintegration measures on a long-term basis. Under the programmes for assisted voluntary returns, its Czech branch office offers, among other things, assistance at the possible transit airport and assistance during the return in the country of origin at the foreign national's request. In the area of reintegration, under the programme of voluntary returns implemented by IOM Prague, IOM Prague also tries to offer various types of reintegration programmes after the return. The purpose of these programmes is to ensure sustainable return. These programmes have focus on, for example, employment consultancy, support in the beginnings of small businesses, retraining courses, etc. – see the specific projects below for more details.

5.2 Projects Under International Development Cooperation

The issues of the assisted voluntary returns were also partly addressed under the projects of international development cooperation. Under this programme, in some projects,⁴⁶ implemented by MoI CR in the sector of migration and security, the elements of reintegration assistance provided for several Georgian returnees were applied. Also, in the years 2000-2007, through partners from among non-governmental and intergovernmental organisations⁴⁷ selected in selection procedures, activities with a focus on stabilisation of the population and prevention of possible irregular migration were carried out. These projects were implemented in Armenia, Georgia, Moldova and Ukraine.

5.2.1 Georgia

These were projects implemented in cooperation with IOM, under which reintegration assistance was provided for a total of 95 Georgians in the years 2004 through 2008. The projects of MoI CR in Georgia, financed from the funds of MoI CR for international development cooperation, had been initially concentrated on reintegrating the returnees in the local labour market but it became apparent after some time that this individual or group reintegration was not supported by any sustainable reintegration mechanism of the Georgian public administration because there are no governmental employment agencies or private agencies in Georgia, which would provide job consultancy or mediate jobs. For this reason, MoI CR started to support the development of reintegration capacities of the Georgian public administration and to organise, in cooperation with IOM, exchange of experience with the Czech experts in the field of integration of Georgian job seekers in the local labour market.

Thus, the project activities of MoI CR have been concentrated on providing the Georgian administration with assistance to support the development of reintegration mechanisms on a long-term basis, which is very welcome, especially with regard to the current economic crisis. On the other hand, this support is also important as a preventive migration measure because by supporting placement of people (who are at a risk of economic migration) in the local labour market, it is possible to reduce their migration abroad to a certain extent.

The culmination of these activities, pursued for several years, was the establishment of job consultancy and mediation centres in Tbilisi (2007) and Batumi (2008), the main purpose of which was to fill in the gap in the services offered by the Georgian public administration to

⁴⁶ Prepared according to the source materials for the study of EMN on assisted voluntary returns – the Section of Concepts, Foreign Relations and Information on Countries of Origin of the DAMP MoI CR (Barbora Janáková).

⁴⁷ People in Need, Charity ČR, IOM Prague

job seekers. Both centres provide their services not only for returnees, internally displaced persons (IDPs) but also to the general public of Georgia, who are at risk of migration. As a result, the centres also have a migration-prevention aspect. Cooperation in the area of job consultancy, profession-related orientation and job mediation leads to support of professional development and efficient employment of the population, which, in turn, contributes to stabilisation of potential migration in Georgia and eliminates the pressure to emigrate. Both centres were established at the professional training centres of the Georgian Ministry of Education, which also provided vacant premises for these centres. This cooperation with the Georgian Ministry of Education as well as with other institutions and partners continues to make it possible to develop the reintegration mechanisms in Georgia and to contribute comprehensively to the process of addressing these issues in the entire South Caucasus.

5.2.2 Moldova

Another project paid by the DAMP MoI CR under the International Development Cooperation of CR, is the *Reintegration Project for Moldavian Migrants, Including the Process of Increasing the Awareness of the Possibility of Remittances and Increasing Financial Literacy*, implemented during the year 2009. It is implemented by IOM Prague in cooperation with IOM Chisinau and the national employment agency of the Moldavian Ministry of Economy. One of the goals of this project is to contribute to sustainable reintegration of the Moldavian citizens who are currently staying in the CR and are willing to return to Moldova. The reintegration assistance is the key element of this project – the returnees in various regions of Moldova are offered profession-related consultancy and reintegration assistance⁴⁸, with the possibility of obtaining a contribution of up to 700 USD for an adult person.

The project from the year 2008 “*Support of the Migration Management in Moldova with Emphasis on Work Migration*”, implemented by IOM Prague, was also important. The goal of implementation of the development plan of the project was to strengthen the capacities of the migration organisational structures of Moldova and to do so by sharing experience with the Czech experts in the field of migration management, with a special emphasis on work migration, and to strengthen capacities in data collection and analysis and to support proactive employment policies. The project was supposed to contribute, in this way, to elimination of the pressure to emigrate and was to help reintegrate the returnees in the Moldavian labour market on a sustainable basis.

⁴⁸ Foreign language courses, computer courses, profession-specific courses, financial support of self-employment, etc.

5.2.3 Armenia, Moldova and Ukraine – Prevention of Illegal Migration

In the years 2005-2007, a project titled *Prevention of Irregular Migration from Armenia through Profession-specific Training and Creation of Job Opportunities* was implemented in Armenia. A similar project titled *Assistance in Stabilisation of Potential Migrants and Prevention of Irregular Migration of Minors – Moldova* was also implemented in Moldova. Although these projects are not directly related to reintegration of returnees under the programmes of voluntary returns, they are important in the context of prevention of illegal migration, whereby they significantly influence the actual need to carry out voluntary returns and the possible related reintegration measures. The goals of both projects was to reduce irregular migration by supporting economic integration and by creating job opportunities for financially weak students who are about to complete the Armenian and Moldavian boarding schools. In Moldova, the project had a focus on vocational training courses in sewing, weaving and traditional hand production but also on computer courses, including the provision of financial support for the financially weakest students. In Armenia, the range of the types of professional training was even broader. The project was financed by the DAMP MoI CR under International Development Cooperation and was implemented by IOM Prague in cooperation with IOM Yerevan and IOM Chisinau.

A project with a similar focus was also implemented in Ukraine in cooperation with other entities. This was involvement in the implementation of two multilateral projects with a focus on strengthening the migration and border-area management in Ukraine – GDISC ERIT programme for Ukraine under the Community fund AENEAS 2006 and Strengthening Capacities and Cooperation in Identification of Forged and Altered Documents in Ukraine under the auspices of ICMPD.

5.3 Sustainability of Returns

As concerns the sustainability of the returns of foreign nationals, it is not systematically monitored in the CR. Since a large part of the foreign nationals who participate in the voluntary programmes are foreign nationals with a ban to enter the territory of the CR, it is guaranteed for this part of returnees that they cannot return to the CR for the period defined in the relevant decision. Depending on the reason for imposition of such a ban, this period can amount to the maximum of 10 years. It applies to those foreign nationals who took advantage of the possibility of return for illegal migrants under Section 123a of the Act on the Residence of Foreign Nationals that until a foreign national does not reimburse the MoI CR for half of

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the transport costs of his/her return, he/she is put on the list of personae non gratae until he/she pays the amount or for the maximum period of 6 years.

The intended analysis of data with the purpose to find out an estimate of the number of foreign nationals who returned again to the CR after they had returned to their countries of origin could not be carried for technical reasons on the part of the FPS CRP. For this reason, more detailed statistical data on sustainability of returns are not available for the CR.

As concerns the returns of failed asylum seekers, the RFA does not have the relevant data. It only has data on repatriations it carried out and it is unable to find out whether the repatriated person returned back to the CR. The returns of the participants of the Voluntary Returns Projects or the victims of human trafficking under the programme designed for them back to the CR are not monitored.

6 CONCLUSIONS

The experts regard the **identification of returnees** and the related determination where a foreign national should be returned as the main problem with voluntary returns. Also, **the lengthiness of the procedure in implementation of the returns and their high administrative demands** are also perceived as problematic. The legislation governing the programmes of voluntary returns for illegally staying foreign nationals still does not fully correspond to the requirements of the practice; there is a lack of a longer-term strategy of addressing the returns of legally staying foreign nationals or the returns of foreign nationals who are staying illegally but have travel documents. In this context, it can be presumed that the successful implementation of the Voluntary Returns Projects will have a favourable impact on the change of the legislation governing the returns of legally staying foreign nationals.

The certain current **inconsistency of voluntary returns** is also a certain problem – the individual programmes of returns are implemented by various entities; a comprehensive umbrella of this area in the form of strategic materials has not appeared in the CR until the implementation of the European Return Fund and the plan for the establishment of a Return Centre.

Thus, **the implementation of the European Return Fund** brings a major benefit to the area of voluntary returns – not only with respect to the practical implementation of the returns and the finances for their implementation but also with respect to the definition of a return policy in general. It is particularly necessary to highlight the above-mentioned **plan to establish a Return Centre**, which would suitably unify and create an umbrella for the return projects and programmes with a focus on the individual groups of returnees from among foreign nationals. The concept of this centre, the goal of which is generally to improve the efficiency of the implementation of voluntary returns in the CR and to unify the national procedure in this area, is being finalised at present. Parties that are involved in this area were invited to participate in the creation of the concept.

In order to improve the effectiveness of the return policy, it would be also suitable to ensure **a complete range of services** for the implementation of the returns, which could be offered to the third-country nationals concerned.

The Expert Report by IOM Prague, which has been carrying out voluntary returns in the CR since 1990s and has considerable experience in this field, identifies the main problematic areas of the current practice of voluntary returns programmes similarly as this report – this

concerns three types of problems. The first one is the **non-systemic nature of consultancy**. Consultancy is sometimes provided without coordination and not quite accurately. Another type of problem is the above-mentioned **fragmentation of the return programmes** – the programmes for the individual categories of returnees are different; the programmes are financed from various sources, which requires an inadequate amount of administrative operations and makes the system of returns difficult to understand for foreign nationals. The third type of problems, representing an opportunity for improvement of effectiveness, is considered to be the **problem with the fact that the Foreign Police prefer readmission agreements to voluntary returns**.

Based on the experience of the parties implementing the returns, one of the most problematic areas appears to be **cooperation with the relevant authorities of the country of return** or the country of origin of the third-country nationals concerned. These are the cases of third-country nationals who do not have travel documents or who do not have any identity documents at all and therefore establishing or verifying their identity is complicated to a considerable degree, if not completely impossible, for the Czech authorities .

Another important finding of this study is the identification of the areas within the return programmes, on which **sufficient information or sufficiently detailed information is not available**. This is particularly the case of unavailability of statistical data structured as required in the instructions for this study – for example, in the CR, information on the education or occupations of returnees is not monitored in any of the types of return programmes. Also, sufficiently complete information on the financial costs of the individual return programmes is not available. The obtained information mostly only indicates a part of the total costs incurred. Also, information on the evaluation of the programmes by foreign nationals and on the degree of sustainability of the returns is missing. Certain incoherence between the statistics provided by the DAMP MoI CR and the FPS CRP is also problematic.

As concerns the settings of the permanent return programmes of the government of the CR, it can be recommended, from a long-term perspective, that **the return programme for illegally staying foreign nationals** under Section 123a of the Act on the Residence of Foreign Nationals should be extended in such a way so that returns under this programme are made possible for a greater spectrum of foreign nationals – for example, even for those who have travel documents.

The **Voluntary Returns Projects**, limited in time and implemented in connection with

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addressing the impacts of the economic crisis, can be described as an example of good practice. Foreign nationals evaluate these projects favourably and the quotas for participants have been filled. These projects were the most frequent topic of the public debate in the CR – otherwise return programmes are not a priority in political debates.

During the reference period, reintegration measures in the country of origin have not yet been a common part of the return programmes in the CR. Nevertheless, especially with regard to the implementation of projects under ERF and, more recently, under ERetF, reintegration measures to be taken in the country of return have started to be included in projects.

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Annex 1 – Statistics – Overall Overview of Forced and Voluntary Returns in the Years 2004-2008

| Returns of foreign nationals | | 2004 | 2005 | 2006 | 2007 | 2008 |
|-------------------------------------|---|--------------|--------------|--------------|-------------|-------------|
| Forced | Judicial expulsion | 699 | 623 | 545 | 415 | 351 |
| | Administrative expulsion without assistance by IOM (detained foreign nationals) | 276 | 536 | 466 | 134 | 227 |
| | Total number of forced returns | 975 | 1 159 | 1 011 | 549 | 578 |
| Voluntary | Administrative expulsion with assistance by IOM (detained foreign nationals) | 150 | 208 | 196 | 94 | 60 |
| | The returns of illegally staying foreign nationals, with assistance by IOM (non-detained foreign nationals) | x | x | x | x | 6 |
| | Failed seekers of international protection | 550 | 433 | 351 | 107 | 96 |
| | Programme of Support and Protection for Victims of Human Trafficking | 0 | 0 | 26 | 5 | 10 |
| | Total number of voluntary returns | 700 | 641 | 573 | 206 | 172 |
| Total number of returns | | 1 675 | 1 800 | 1 584 | 755 | 750 |

Note: The number of persons returned under the Programme of Support and Protection for Victims of Human Trafficking also includes the EU citizens besides third-country nationals. The information on the number of returnees in 2006 includes the number for the entire first three years of the operation of the programme in 2004-2006.

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Annex 2 – Statistics – Returns of Illegally Staying Foreign Nationals

a. Voluntary returns of foreign nationals under Section 123a(1)(b) of the Act on the Residence of Foreign Nationals – non-detained illegally staying foreign nationals with administrative expulsion without travel documents – applications and their outcome, structured by citizenship

| Year 2008 Citizenship | Number of applications | Outcome | | | Pending |
|--------------------------|------------------------|----------|-----------|-------------------------------|----------|
| | | Granted | Dismissed | Proceedings were discontinued | |
| Armenia | 2 | | | 2 | |
| Georgia | 2 | 1 | 1 | | |
| Mongolia | 2 | | 2 | | |
| Russia | 1 | 1 | | | |
| Uzbekistan | 1 | 1 | | | |
| Ukraine | 5 | 2 | 3 | | |
| Syria | 1 | | 1 | | |
| Egypt | 1 | | 1 | | |
| Kazakhstan | 1 | | 1 | | |
| Moldova | 1 | 1 | | | |
| Côte d'Ivoire | 1 | | | | 1 |
| Total | 18 | 6 | 9 | 2 | 1 |

Source: MoI CR – Report on the situation concerning migration in the territory of the Czech Republic for the year 2008

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b. Voluntary returns of foreign nationals under Section 123a(1)(a) of the Act on the Residence of Foreign Nationals – detained illegally staying foreign nationals with administrative expulsion who voluntarily participate in the programme of returns with IOM

Year 2008

| Year 2008 | Total | Men | | | | | Women | | | | | Gender unknown | | |
|--------------------------|-----------|--------------|------|----------|-----------|-----------|-------|----------------|------|-------|----------|----------------|-------|----------|
| Citizenship | | Men in total | 0-14 | 15-19 | 20-34 | 35-64 | 65+ | Women in total | 0-14 | 15-19 | 20-34 | | 35-64 | 65+ |
| Armenia | 3 | 2 | | | 1 | 1 | | | | | | | | 1 |
| Byelorussia | 3 | 2 | | | 1 | 1 | | 1 | | | 1 | | | |
| China | 3 | 3 | | | 2 | 1 | | | | | | | | |
| Egypt | 3 | 3 | | | 3 | | | | | | | | | |
| Ghana | 1 | 1 | | | 1 | | | | | | | | | |
| Georgia | 1 | 1 | | | 1 | | | | | | | | | |
| India | 3 | 3 | | | 3 | | | | | | | | | |
| Iraq | 3 | 3 | | 1 | 2 | | | | | | | | | |
| Kazakhstan | 1 | 1 | | | | | 1 | | | | | | | |
| Kyrgyzstan | 2 | 2 | | | 2 | | | | | | | | | |
| Lithuania | 1 | 1 | | | | | 1 | | | | | | | |
| Macedonia | 3 | 3 | | 1 | 2 | | | | | | | | | |
| Moldova | 1 | 1 | | | | | 1 | | | | | | | |
| Mongolia | 13 | 7 | | | 3 | 4 | | 6 | | | 5 | 1 | | |
| Nigeria | 1 | 1 | | | | | 1 | | | | | | | |
| Romania | 1 | 1 | | | | | 1 | | | | | | | |
| Russia | 1 | | | | | | | 1 | | | | 1 | | |
| United States of America | 2 | 2 | | | 2 | | | | | | | | | |
| Serbia | 1 | 1 | | | | | 1 | | | | | | | |
| Syria | 2 | 2 | | | 2 | | | | | | | | | |
| Turkey | 5 | 4 | | | 4 | | | | | | | | | 1 |
| Vietnam | 6 | 4 | | | 1 | 3 | | 2 | | | 1 | 1 | | |
| Total | 60 | 48 | | 2 | 30 | 16 | | 10 | | | 7 | 3 | | 2 |

Source: FPS CRP

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Year 2007

| Year 2007 Citizenship | Total | Men | | | | | Women | | | | | Gender unknown | | |
|------------------------------|-----------|--------------|------|-------|-----------|-----------|-------|----------------|------|----------|-----------|-------------------|-------|----------|
| | | Men in total | 0-14 | 15-19 | 20-34 | 35-64 | 65+ | Women in total | 0-14 | 15-19 | 20-34 | | 35-64 | 65+ |
| Albania | 1 | 1 | | | | 1 | | | | | | | | |
| Algeria | 1 | 1 | | | 1 | | | | | | | | | |
| Armenia | 1 | 1 | | | 1 | | | | | | | | | |
| Byelorussia | 6 | 5 | | | 4 | 1 | | 1 | | | | 1 | | |
| Benin | 1 | 1 | | | | 1 | | | | | | | | |
| China | 10 | 4 | | | 3 | 1 | | 6 | | | 5 | 1 | | |
| Dominican Republic | 1 | | | | | | | 1 | | | 1 | | | |
| Egypt | 5 | 5 | | | 4 | 1 | | | | | | | | |
| Georgia | 7 | 7 | | | 6 | 1 | | | | | | | | |
| Guinea | 1 | | | | | | | 1 | | | 1 | | | |
| India | 1 | 1 | | | 1 | | | | | | | | | |
| Iraq | 5 | 3 | | | 2 | 1 | | 2 | | | 2 | | | |
| Kazakhstan | 1 | 1 | | | 1 | | | | | | | | | |
| Democratic Republic of Congo | 1 | 1 | | | 1 | | | | | | | | | |
| Kyrgyzstan | 3 | 2 | | | 1 | 1 | | 1 | | | 1 | | | |
| Moldova | 7 | 5 | | | 5 | | | 2 | | | 1 | 1 | | |
| Mongolia | 9 | 5 | | | 3 | 2 | | 4 | | 1 | 3 | | | |
| Russia | 7 | 5 | | | 3 | 2 | | 1 | | | 1 | | | 1 |
| Sierra Leone | 1 | 1 | | | 1 | | | | | | | | | |
| Serbia | 1 | 1 | | | | 1 | | | | | | | | |
| Serbia and Monte Negro | 1 | 1 | | | | 1 | | | | | | | | |
| Syria | 1 | 1 | | | 1 | | | | | | | | | |
| Turkey | 4 | 4 | | | 1 | 3 | | | | | | | | |
| Ukraine | 1 | | | | | | | | | | | | | 1 |
| Venezuela | 1 | 1 | | | 1 | | | | | | | | | |
| Vietnam | 16 | 12 | | | 4 | 8 | | 4 | | | 2 | 2 | | |
| Total | 94 | 69 | | | 44 | 25 | | 23 | | 1 | 17 | 5 | | 2 |

Source: FPS CRP

*EMN Study – Assisted Return to and Reintegration in Third Countries
Czech Republic*

Year 2006

| Year 2006 Citizenship | Total | Men | | | | | | Women | | | | | | Gender unknown |
|--------------------------|------------|--------------|------|----------|-----------|-----------|-----|----------------|------|-------|-----------|-----------|-----|-------------------|
| | | Men in total | 0-14 | 15-19 | 20-34 | 35-64 | 65+ | Women in total | 0-14 | 15-19 | 20-34 | 35-64 | 65+ | |
| Algeria | 3 | 3 | | | 3 | | | | | | | | | |
| Armenia | 3 | 2 | | | 2 | | | 1 | | | 1 | | | |
| Bangladesh | 6 | 4 | | | 3 | 1 | | 2 | | | | 2 | | |
| Byelorussia | 18 | 16 | | | 13 | 3 | | 2 | | | 1 | 1 | | |
| Bulgaria | 10 | 5 | | | 1 | 4 | | 5 | | | 4 | 1 | | |
| China | 17 | 15 | | | 10 | 5 | | 2 | | | | 2 | | |
| Dominican Republic | 6 | | | | | | | 6 | | | 5 | 1 | | |
| Egypt | 1 | 1 | | 1 | | | | | | | | | | |
| Ethiopia | 1 | | | | | | | 1 | | | 1 | | | |
| Georgia | 6 | 6 | | | 3 | 3 | | | | | | | | |
| India | 8 | 8 | | 2 | 6 | | | | | | | | | |
| Iraq | 4 | 4 | | | 3 | 1 | | | | | | | | |
| Kazakhstan | 5 | 4 | | | 1 | 3 | | 1 | | | | 1 | | |
| Comoros | 2 | 2 | | | 2 | | | | | | | | | |
| Congo | 1 | 1 | | | 1 | | | | | | | | | |
| Kyrgyzstan | 4 | 3 | | | 2 | 1 | | 1 | | | 1 | | | |
| Lebanon | 1 | 1 | | 1 | | | | | | | | | | |
| Lithuania | 2 | 2 | | | 1 | 1 | | | | | | | | |
| Macedonia | 1 | 1 | | | | 1 | | | | | | | | |
| Moldova | 6 | 4 | | | 1 | 3 | | 2 | | | 2 | | | |
| Mongolia | 14 | 8 | | 1 | 4 | 3 | | 6 | | | 4 | 2 | | |
| Nigeria | 1 | 1 | | | 1 | | | | | | | | | |
| Pakistan | 1 | 1 | | | 1 | | | | | | | | | |
| Peru | 1 | | | | | | | 1 | | | | 1 | | |
| Romania | 11 | 9 | | | 6 | 3 | | 2 | | | 2 | | | |
| Russia | 20 | 12 | | 1 | 7 | 4 | | 8 | | | 4 | 4 | | |
| Serbia and Monte Negro | 9 | 8 | | | 2 | 6 | | | | | | | | 1 |
| Sri Lanka | 2 | 2 | | | | 2 | | | | | | | | |
| Syria | 1 | 1 | | | 1 | | | | | | | | | |
| Turkey | 3 | 3 | | | 3 | | | | | | | | | |
| Ukraine | 2 | 2 | | | | 2 | | | | | | | | |
| Uzbekistan | 3 | 3 | | | 1 | 2 | | | | | | | | |
| Vietnam | 23 | 21 | | 1 | 14 | 6 | | 2 | | | 2 | | | |
| Total | 196 | 153 | | 7 | 92 | 54 | | 42 | | | 27 | 15 | | 1 |

Source: FPS CRP

*EMN Study – Assisted Return to and Reintegration in Third Countries
Czech Republic*

Year 2005

| Year 2005 Citizenship | Total | Men | | | | | | Women | | | | | | Gender unknown |
|--------------------------|------------|--------------|------|----------|------------|-----------|-----|----------------|----------|----------|-----------|----------|-----|-------------------|
| | | Men in total | 0-14 | 15-19 | 20-34 | 35-64 | 65+ | Women in total | 0-14 | 15-19 | 20-34 | 35-64 | 65+ | |
| Algeria | 1 | 1 | | | | 1 | | | | | | | | |
| Byelorussia | 17 | 14 | | | 14 | | | 2 | | | | 2 | | 1 |
| Bulgaria | 5 | 4 | | | 3 | 1 | | 1 | | | 1 | | | |
| China | 33 | 26 | | | 18 | 8 | | 7 | | 1 | 5 | 1 | | |
| Egypt | 1 | 1 | | | 1 | | | | | | | | | |
| Georgia | 8 | 7 | | | 6 | 1 | | 1 | | | 1 | | | |
| India | 2 | 2 | | | 1 | 1 | | | | | | | | |
| Jordan | 2 | 2 | | | 2 | | | | | | | | | |
| Kazakhstan | 2 | 2 | | | 1 | 1 | | | | | | | | |
| Kyrgyzstan | 2 | 1 | | | 1 | | | 1 | | | 1 | | | |
| Macedonia | 2 | 2 | | | 1 | 1 | | | | | | | | |
| Moldova | 42 | 25 | | | 17 | 8 | | 17 | | | 13 | 4 | | |
| Mongolia | 17 | 10 | | | 8 | 2 | | 7 | | | 6 | 1 | | |
| Peru | 3 | 1 | | | 1 | | | 2 | | 1 | 1 | | | |
| Romania | 7 | 7 | | | 4 | 3 | | | | | | | | |
| Russia | 12 | 8 | | | 7 | 1 | | 4 | 1 | | 3 | | | |
| Serbia and Monte Negro | 4 | 4 | | | 2 | 2 | | | | | | | | |
| Turkey | 13 | 12 | | 2 | 8 | 2 | | | | | | | | 1 |
| Ukraine | 3 | 1 | | | | 1 | | 2 | | | 2 | | | |
| Vietnam | 32 | 29 | | | 17 | 12 | | 1 | | | 1 | | | 2 |
| Total | 208 | 159 | | 2 | 112 | 45 | | 45 | 1 | 2 | 34 | 8 | | 4 |

Source: FPS CRP

*EMN Study – Assisted Return to and Reintegration in Third Countries
Czech Republic*

Year 2004

| Year 2004 Citizenship | Total | Men | | | | | | Women | | | | | | Gender unknown |
|--------------------------------|------------|--------------|----------|----------|-----------|-----------|-----|----------------|----------|-------|-----------|-----------|-----|-------------------|
| | | Men in total | 0-14 | 15-19 | 20-34 | 35-64 | 65+ | Women in total | 0-14 | 15-19 | 20-34 | 35-64 | 65+ | |
| Albania | 1 | 1 | | | 1 | | | | | | | | | |
| Algeria | 2 | 2 | | | 2 | | | | | | | | | |
| Armenia | 2 | 2 | | | 2 | | | | | | | | | |
| Byelorussia | 14 | 11 | | | 9 | 2 | | 3 | | | 3 | | | |
| Bosnia and Herzegovina | 1 | 1 | | | | | 1 | | | | | | | |
| Bulgaria | 4 | 2 | | | | | 2 | 1 | | | | 1 | | 1 |
| China | 28 | 22 | | 2 | 13 | 7 | | 6 | | | 4 | 2 | | |
| Philippines | 3 | | | | | | | 3 | | | 1 | 2 | | |
| Georgia | 6 | 4 | | 1 | 2 | 1 | | 2 | | | | 2 | | |
| Kyrgyzstan | 2 | | | | | | | 2 | | | 1 | 1 | | |
| Lithuania | 9 | 9 | | | 6 | 3 | | | | | | | | |
| Macedonia | 1 | 1 | | | | | 1 | | | | | | | |
| Moldova | 28 | 20 | | | 16 | 4 | | 8 | | | 6 | 2 | | |
| Mongolia | 6 | 1 | | | 1 | | | 5 | 1 | | 3 | 1 | | |
| Peru | 3 | 3 | | 1 | 2 | | | | | | | | | |
| Romania | 3 | 3 | | | 3 | | | | | | | | | |
| Russia | 22 | 15 | 1 | | 8 | 6 | | 7 | 1 | | 4 | 2 | | |
| Sri Lanka | 2 | 1 | | | 1 | | | 1 | | | 1 | | | |
| Federal Republic of Yugoslavia | 5 | 2 | | | 1 | 1 | | 1 | | | | 1 | | 2 |
| Thailand | 1 | 1 | | | 1 | | | | | | | | | |
| Turkey | 2 | 2 | | | 1 | 1 | | | | | | | | |
| Ukraine | 1 | 1 | | | | 1 | | | | | | | | |
| Vietnam | 4 | 4 | | | 3 | 1 | | | | | | | | |
| Total | 150 | 108 | 1 | 4 | 72 | 31 | | 39 | 2 | | 23 | 14 | | 3 |

Source: FPS CRP

Annex 3 – Statistics – Returns of Failed Seekers of International Protection

**Returns under Section 54a of the Asylum Act in the years 2004-2008,
structured by citizenship**

| Citizenship | 2004 | 2005 | 2006 | 2007 | 2008 |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| Afghanistan | 6 | 2 | | | |
| Albania | | 1 | | | |
| Algeria | 2 | | 1 | | 2 |
| Armenia | 12 | 7 | 4 | | 2 |
| Azerbaijan | 1 | 7 | | | |
| Bangladesh | | 1 | | | |
| Byelorussia | 20 | 7 | 6 | 5 | 1 |
| Bosnia and Herzegovina | | 2 | | | |
| Bulgaria | 11 | 7 | 2 | 3 | |
| China | 4 | 1 | 1 | 2 | 3 |
| Egypt | | | 81 | 29 | |
| Ethiopia | | | 1 | | |
| Georgia | 14 | 7 | 5 | 6 | |
| India | | | 1 | 1 | |
| Iraq | 4 | | 5 | 7 | |
| Jordan | | 1 | 1 | | |
| Kazakhstan | 5 | 1 | | 2 | 8 |
| Kosovo | | | | | 1 |
| Kyrgyzstan | 19 | 2 | 8 | 2 | 4 |
| Lithuania | 1 | | | | |
| Libya | | | | | 1 |
| Macedonia | | 1 | | 1 | 1 |
| Moldova | 13 | 4 | | | |
| Mongolia | 10 | 11 | 14 | 6 | 28 |
| Nepal | | | | | 1 |
| Nigeria | | | 1 | | 3 |
| Romania | 5 | 4 | | | |
| Russia | 134 | 23 | 30 | 13 | 14 |
| Senegal | 1 | | 1 | | |
| Slovakia | 232 | 319 | 137 | 13 | |
| Serbia | | | | 3 | 1 |
| Syria | | | | 1 | |
| Thailand | | | | | 1 |
| Tunisia | 1 | | | | |
| Turkey | | 1 | 1 | 7 | 16 |
| Ukraine | 43 | 23 | 45 | 1 | 2 |
| Uzbekistan | 11 | | 2 | | 6 |
| Vietnam | | 1 | 4 | 2 | 1 |
| stateless | 1 | | | 3 | |
| Total | 550 | 433 | 351 | 107 | 96 |

Source: RFA

Note: According to the experience of the RFA, 99 % of the repatriates return to their countries of origin (according to their citizenship).

*EMN Study – Assisted Return to and Reintegration in Third Countries
Czech Republic*

Returns under 54a of the Asylum Act in 2008, structured by citizenship, age and gender

| Age / gender | Age 0-17 years | | | Age 18+ | | |
|---------------------|-----------------------|--------------|--------------|----------------|--------------|--------------|
| Citizenship | Men | Women | Total | Men | Women | Total |
| Armenia | | | | 1 | 1 | 2 |
| Byelorussia | | | | 1 | | 1 |
| China | | | | 1 | 2 | 3 |
| Kazakhstan | | 5 | 5 | 1 | 2 | 3 |
| Kosovo | | | | | 1 | 1 |
| Kyrgyzstan | | | | 2 | 2 | 4 |
| Libya | | | | 1 | | 1 |
| Macedonia | | | | 1 | | 1 |
| Mongolia | 1 | | 1 | 15 | 12 | 27 |
| Nepal | | | | 1 | | 1 |
| Nigeria | | 2 | 2 | | 1 | 1 |
| Russia | 1 | 1 | 2 | 8 | 4 | 12 |
| Serbia | | | | 1 | | 1 |
| Thailand | | | | | 1 | 1 |
| Turkey | | | | 16 | | 16 |
| Ukraine | | | | 1 | 1 | 2 |
| Uzbekistan | | | | 4 | 2 | 6 |
| Vietnam | | | | 1 | | 1 |
| Grand total | 2 | 8 | 10 | 57 | 29 | 86 |

Source: RFA

*EMN Study – Assisted Return to and Reintegration in Third Countries
Czech Republic*

Returns under Section 54a of the Asylum Act in 2007, structured by citizenship, age and gender

| Age / gender | Age 0-17 years | | | Age 18+ | | | |
|--------------------|----------------|----------|-----------|-----------|-----------|-----------|-------|
| | Citizenship | Men | Women | Total | Men | Women | Total |
| Egypt | | | | 29 | | | 29 |
| India | | | | 1 | | | 1 |
| Kazakhstan | 1 | | | 1 | 1 | | 1 |
| Mongolia | 1 | | | 1 | 2 | 3 | 5 |
| Russia | | | | 11 | 2 | | 13 |
| Serbia | | | | 3 | | | 3 |
| Syria | | | | 1 | | | 1 |
| Turkey | | | | 7 | | | 7 |
| Ukraine | | | | 1 | | | 1 |
| Vietnam | | | | 2 | | | 2 |
| Bulgaria | 2 | | | 2 | | 1 | 1 |
| Georgia | | | | 6 | | | 6 |
| Macedonia | | | | 1 | | | 1 |
| Kyrgyzstan | | | | 1 | 1 | | 2 |
| China | | | | 2 | | | 2 |
| Slovakia | 3 | 5 | | 8 | 3 | 2 | 5 |
| Iraq | 2 | 1 | | 3 | 3 | 1 | 4 |
| stateless | | | | 3 | | | 3 |
| Grand total | 9 | 6 | 15 | 79 | 12 | 91 | |

Source: RFA

*EMN Study – Assisted Return to and Reintegration in Third Countries
Czech Republic*

Returns under Section 54a of the Asylum Act in 2006, structured by citizenship, age and gender

| Age / gender | Age 0-17 years | | | Age 18+ | | |
|--------------------|----------------|-----------|------------|------------|-----------|------------|
| | Men | Women | Total | Men | Women | Total |
| Armenia | | | | 3 | 1 | 4 |
| Byelorussia | | | | 5 | 1 | 6 |
| Bulgaria | | | | 1 | 1 | 2 |
| China | | | | 1 | | 1 |
| Egypt | | | | 81 | | 81 |
| Ethiopia | | | | 1 | | 1 |
| Georgia | | | | 4 | 1 | 5 |
| India | | | | 1 | | 1 |
| Iraq | | | | 2 | 3 | 5 |
| Jordan | | | | 1 | | 1 |
| Kyrgyzstan | | | | 6 | 1 | 7 |
| Mongolia | 3 | | 3 | 4 | 7 | 11 |
| Nigeria | | | | 1 | | 1 |
| Russia | 2 | 4 | 6 | 6 | 5 | 11 |
| Russia-Chechnya | 4 | 1 | 5 | 4 | 4 | 8 |
| Senegal | | | | 1 | | 1 |
| Slovakia | 45 | 37 | 82 | 27 | 28 | 55 |
| Turkey | | | | 1 | | 1 |
| Ukraine | 2 | 4 | 6 | 22 | 17 | 39 |
| Uzbekistan | 1 | | 1 | | 1 | 1 |
| Vietnam | | | | 3 | 1 | 4 |
| Grand total | 57 | 46 | 103 | 176 | 71 | 247 |

Source: RFA

*EMN Study – Assisted Return to and Reintegration in Third Countries
Czech Republic*

Returns under Section 54a of the Asylum Act in 2005, structured by citizenship, age and gender

| Age / gender Citizenship | Age 0-17 years | | | Age 18+ | | |
|-----------------------------|----------------|------------|------------|------------|------------|------------|
| | Men | Women | Total | Men | Women | Total |
| Albania | | | | 1 | | 1 |
| Armenia | 1 | 1 | 2 | 3 | 2 | 5 |
| Azerbaijan | | 3 | 3 | 2 | 2 | 4 |
| Bosnia and Herzegovina | | | | 1 | 1 | 2 |
| Bangladesh | | | | 1 | | 1 |
| Byelorussia | | | | 7 | | 7 |
| Bulgaria | | | | 4 | 3 | 7 |
| China | | | | 1 | | 1 |
| Georgia | 1 | 1 | 2 | 3 | 2 | 5 |
| Jordan | | | | 1 | | 1 |
| Kazakhstan | | | | | 1 | 1 |
| Kyrgyzstan | 1 | | 1 | | 1 | 1 |
| Macedonia | | | | 1 | | 1 |
| Moldova | | | | 2 | 1 | 3 |
| Moldova | | | | 1 | | 1 |
| Mongolia | 3 | | 3 | 3 | 5 | 8 |
| Romania | 1 | 2 | 3 | | 1 | 1 |
| Russia | 1 | 1 | 2 | 11 | 10 | 21 |
| Slovakia | 89 | 92 | 181 | 66 | 72 | 138 |
| Turkey | | | | 1 | | 1 |
| Ukraine | 4 | 1 | 5 | 10 | 8 | 18 |
| Vietnam | | | | 1 | | 1 |
| Grand total | 101 | 101 | 202 | 122 | 109 | 231 |

Source: RFA

*EMN Study – Assisted Return to and Reintegration in Third Countries
Czech Republic*

Returns under Section 54a of the Asylum Act in 2004, structured by citizenship, age and gender

| Age / gender | Age 0-17 years | | | Age 18+ | | | |
|--------------------|----------------|------------|------------|------------|------------|------------|------------|
| | Citizenship | Men | Women | Total | Men | Women | Total |
| Afghanistan | | 1 | 4 | 5 | | 1 | 1 |
| Algeria | | | | | 2 | | 2 |
| Armenia | | 1 | 2 | 3 | 5 | 4 | 9 |
| Azerbaijan | | | | | 1 | | 1 |
| Byelorussia | | 3 | 7 | 10 | 3 | 7 | 10 |
| Bulgaria | | | 1 | 1 | 3 | 7 | 10 |
| China | | | | | 4 | | 4 |
| Georgia | | | 2 | 2 | 9 | 3 | 12 |
| Iraq | | 1 | 1 | 2 | 1 | 1 | 2 |
| Kazakhstan | | | 1 | 1 | 2 | 2 | 4 |
| Kyrgyzstan | | 2 | 1 | 3 | 10 | 6 | 16 |
| Lithuania | | | | | 1 | | 1 |
| Moldova | | 2 | 1 | 3 | 4 | 6 | 10 |
| Mongolia | | 1 | 2 | 3 | 4 | 3 | 7 |
| Romania | | 1 | | 1 | 3 | 1 | 4 |
| Russia | | 32 | 26 | 58 | 38 | 38 | 76 |
| Senegal | | | | | 1 | | 1 |
| Slovakia | | 68 | 57 | 125 | 53 | 54 | 107 |
| Tunisia | | | | | 1 | | 1 |
| Ukraine | | 5 | 2 | 7 | 13 | 23 | 36 |
| Uzbekistan | | | | | 11 | | 11 |
| stateless | | | | | 1 | | 1 |
| Grand total | | 117 | 107 | 224 | 170 | 156 | 326 |

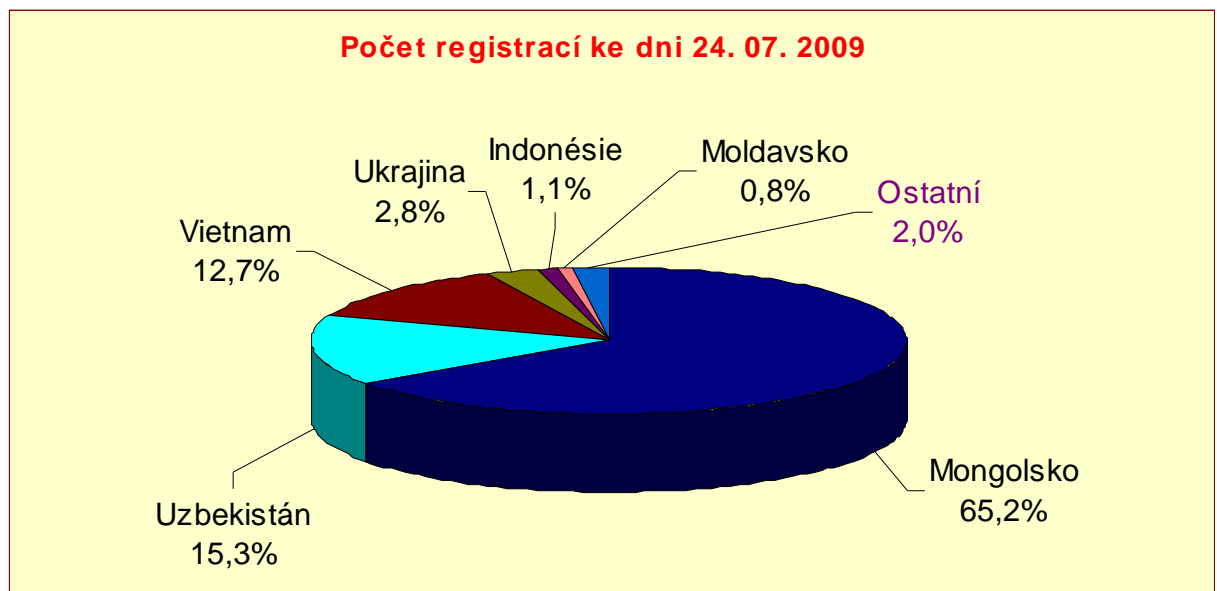
Source: RFA

Annex 4 – Statistics – Returns of the Participants of the Voluntary Returns Projects

The number of registrations in Phase I of the project titled Voluntary Returns for Legally Staying Foreign Nationals
(during the operation of the project: 16 February – 24 July 2009)

| | | |
|---------------------------------------|--------------|--------------|
| Total number of registrations: | | |
| | 1,871 | 100 % |
| of which | | |
| Mongolia | 1,220 | 65.2 |
| Uzbekistan | 287 | 15.3 |
| Vietnam | 239 | 12.7 |
| Ukraine | 52 | 2.8 |
| Indonesia | 20 | 1.1 |
| Moldova | 15 | 0.8 |
| Georgia | 7 | |
| Bosnia and | 3 | |
| Kazakhstan | 3 | |
| Russian Federation | 8 | |
| Serbia | 1 | |
| Kyrgyzstan | 1 | |
| Kosovo | 1 | |
| India | 9 | |
| Azerbaijan | 1 | |
| Byelorussia | 3 | |
| Tajikistan | 1 | |

Source: Unit of Immigration of the DAMP MoI CR

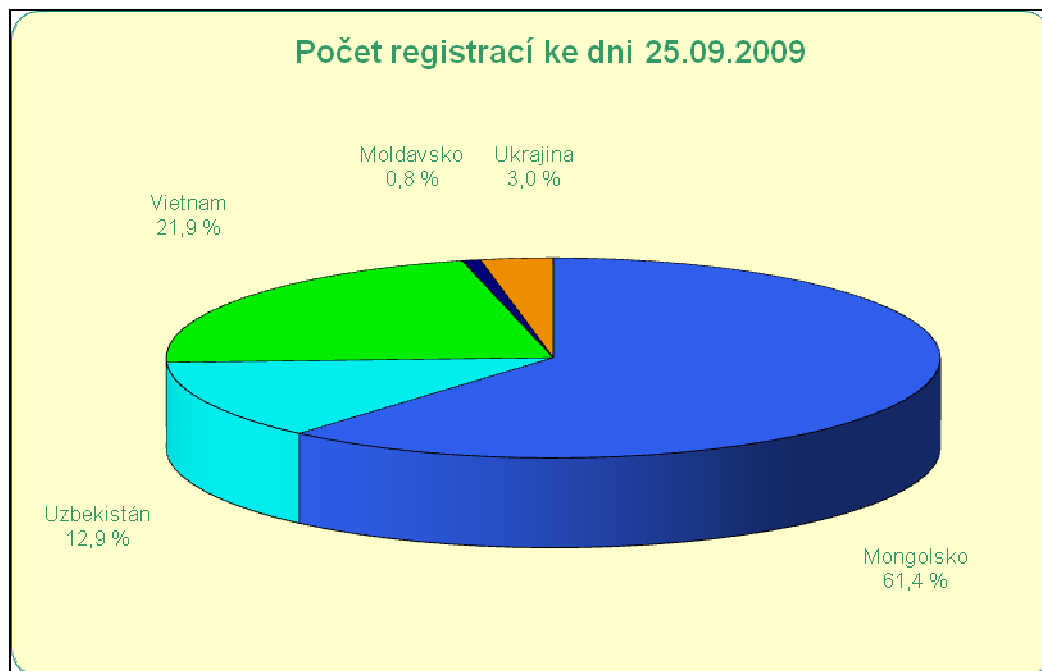


Source: Unit of Immigration of the DAMP MoI CR

The number of registrations in Phase II of the project titled Voluntary Returns for Legally Staying Foreign Nationals
(for the period from 27 July to 25 September 2009)

| | | |
|---------------------------------------|------------|--------------|
| Total number of registrations: | 132 | 100 % |
| of which | | |
| Mongolia | 81 | 61,4 |
| Uzbekistan | 17 | 12,9 |
| Vietnam | 29 | 21,9 |
| Moldova | 1 | 0,8 |
| Ukraine | 4 | 3,0 |

Source: Unit of Immigration of the DAMP MoI CR



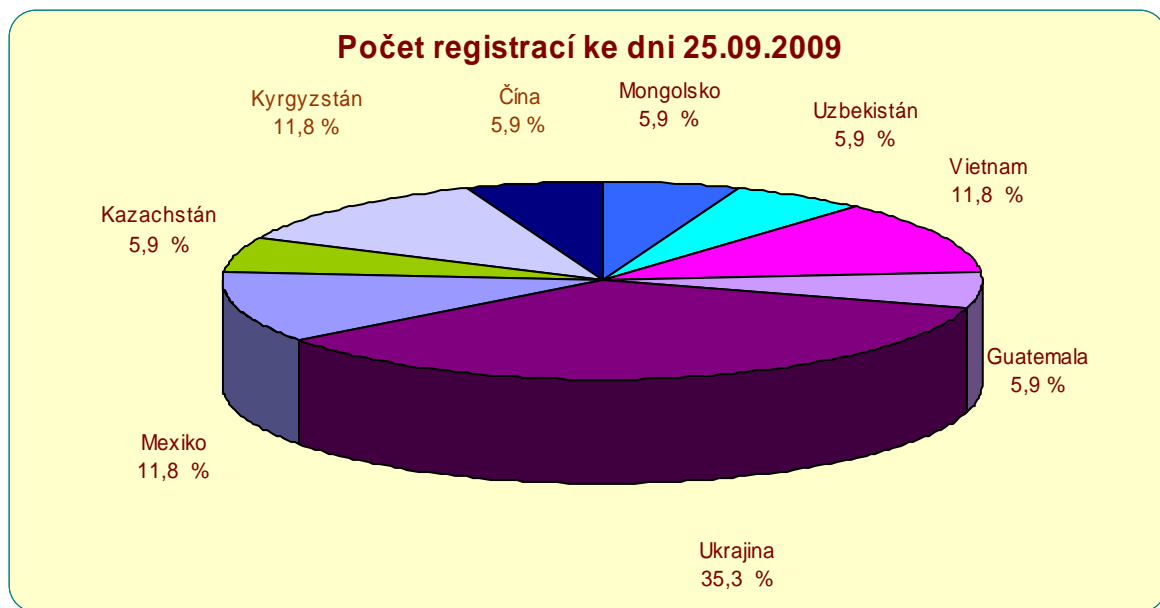
Source: Unit of Immigration of the DAMP MoI CR

The number of registrations in the project titled Voluntary Returns for Illegally Staying Foreign Nationals

(for the period from 15 September to 25 September 2009)

| | | |
|---------------------------------------|-----------|--------------|
| Total number of registrations: | | |
| | 17 | 100 % |
| of which | | |
| Ukraine | 6 | 35,3 |
| Kyrgyzstan | 2 | 11,8 |
| Vietnam | 2 | 11,8 |
| Mexico | 2 | 11,8 |
| Uzbekistan | 1 | 5,9 |
| Kazakhstan | 1 | 5,9 |
| Guatemala | 1 | 5,9 |
| Mongolia | 1 | 5,9 |
| China | 1 | 5,9 |

Source: Unit of Immigration of the DAMP MoI CR



Source: Unit of Immigration of the DAMP MoI CR

*EMN Study – Assisted Returns to and Reintegration in Third Countries
Czech Republic*

Annex 5 – Statistics – Forced Returns

Returns of judicially expelled foreign nationals and detained foreign nationals with administrative expulsion who did not cooperate and did not participate voluntarily in the returns with IOM – structured by citizenship, gender and age

Year 2008

| Year 2008 | Total | Men | | | | | | Women | | | | | | Gender unknown |
|------------------------|------------|--------------|------|----------|------------|------------|----------|----------------|------|----------|-----------|-----------|----------|----------------|
| | | Men in total | 0-14 | 15-19 | 20-34 | 35-64 | 65+ | Women in total | 0-14 | 15-19 | 20-34 | 35-64 | 65+ | |
| Byelorussia | 14 | 14 | | | 10 | 4 | | | | | | | | |
| Bulgaria | 5 | 5 | | | 3 | 2 | | | | | | | | |
| Monte Negro | 1 | 1 | | | 1 | | | | | | | | | |
| China | 11 | 10 | | | 4 | 6 | | 1 | | | | 1 | | |
| Georgia | 3 | 3 | | | 2 | 1 | | | | | | | | |
| Israel | 1 | 1 | | | 1 | | | | | | | | | |
| Kazakhstan | 1 | 1 | | | | 1 | | | | | | | | |
| Kosovo | 1 | 1 | | | | 1 | | | | | | | | |
| Kyrgyzstan | 2 | 2 | | | | 2 | | | | | | | | |
| Lithuania | 12 | 12 | | | 9 | 3 | | | | | | | | |
| Macedonia | 4 | 4 | | | 2 | 2 | | | | | | | | |
| Moldova | 22 | 21 | | 1 | 16 | 3 | 1 | 1 | | | 1 | | | |
| Mongolia | 28 | 23 | | | 11 | 12 | | 5 | | | 1 | 4 | | |
| Nigeria | 3 | 3 | | | 2 | 1 | | | | | | | | |
| Pakistan | 1 | 1 | | | | 1 | | | | | | | | |
| Poland | 13 | 13 | | | 5 | 8 | | | | | | | | |
| Romania | 11 | 11 | | | 7 | 4 | | | | | | | | |
| Russia | 17 | 13 | | | 10 | 3 | | 4 | | | 2 | 2 | | |
| Slovakia | 66 | 59 | | | 30 | 29 | | 7 | | | 3 | 4 | | |
| Serbia | 2 | 2 | | | 1 | 1 | | | | | | | | |
| Serbia and Monte Negro | 1 | 1 | | | | 1 | | | | | | | | |
| Syria | 1 | 1 | | | | 1 | | | | | | | | |
| Turkey | 3 | 3 | | 1 | 2 | | | | | | | | | |
| Ukraine | 275 | 244 | | 3 | 124 | 117 | | 30 | | | 13 | 16 | 1 | 1 |
| Vietnam | 80 | 61 | | 1 | 32 | 28 | | 18 | | 2 | 12 | 4 | | 1 |
| Total | 578 | 510 | | 6 | 272 | 231 | 1 | 66 | | 2 | 32 | 31 | 1 | 2 |

Source: FPS CRP

*EMN Study – Assisted Returns to and Reintegration in Third Countries
Czech Republic*

Year 2007

| Year 2007 Citizenship | Total | Men | | | | | Women | | | | | Gender unknown | | |
|----------------------------------|------------|-----------------|------|----------|------------|------------|-------|-------------------|------|-------|-----------|-------------------|-------|-----|
| | | Men in total | 0-14 | 15-19 | 20-34 | 35-64 | 65+ | Women in total | 0-14 | 15-19 | 20-34 | | 35-64 | 65+ |
| Albania | 2 | 2 | | | 1 | 1 | | | | | | | | |
| Angola | 2 | 2 | | | | 2 | | | | | | | | |
| Azerbaijan | 1 | 1 | | | | 1 | | | | | | | | |
| Byelorussia | 21 | 18 | | | 10 | 8 | | 3 | | | 2 | 1 | | |
| Bosnia and Herzegovina | 1 | 1 | | | | 1 | | | | | | | | |
| Bulgaria | 5 | 5 | | | 3 | 2 | | | | | | | | |
| China | 6 | 5 | | | 3 | 2 | | 1 | | | 1 | | | |
| Egypt | 6 | 6 | | | 6 | | | | | | | | | |
| Georgia | 15 | 15 | | | 10 | 5 | | | | | | | | |
| Guinea | 2 | 2 | | | 2 | | | | | | | | | |
| Croatia | 1 | 1 | | | 1 | | | | | | | | | |
| India | 1 | 1 | | | | 1 | | | | | | | | |
| Israel | 1 | 1 | | | | 1 | | | | | | | | |
| Democratic Republic of Congo | 1 | 1 | | | | 1 | | | | | | | | |
| Kyrgyzstan | 3 | 2 | | | 1 | 1 | | 1 | | | | 1 | | |
| Lebanon | 1 | 1 | | | 1 | | | | | | | | | |
| Lithuania | 11 | 11 | | | 7 | 4 | | | | | | | | |
| Latvia | 1 | 1 | | | 1 | | | | | | | | | |
| Hungary | 3 | 3 | | | 2 | 1 | | | | | | | | |
| Macedonia | 2 | 2 | | | 1 | 1 | | | | | | | | |
| MaYearo | 1 | 1 | | | | 1 | | | | | | | | |
| Moldova | 26 | 23 | | | 15 | 8 | | 3 | | | 3 | | | |
| Mongolia | 10 | 8 | | | 5 | 3 | | 2 | | | | 2 | | |
| Germany | 4 | 3 | | | | 3 | | 1 | | | 1 | | | |
| Nigeria | 5 | 4 | | | 2 | 2 | | 1 | | | 1 | | | |
| Poland | 8 | 8 | | | 6 | 2 | | | | | | | | |
| Romania | 19 | 18 | | | 7 | 11 | | 1 | | | | 1 | | |
| Russia | 17 | 16 | | | 10 | 6 | | 1 | | | 1 | | | |
| Slovakia | 84 | 78 | | 1 | 40 | 37 | | 6 | | | 5 | 1 | | |
| United States of America | 1 | 1 | | | | 1 | | | | | | | | |
| Serbia | 2 | 2 | | | | 2 | | | | | | | | |
| Sri Lanka | 1 | | | | | | | 1 | | | 1 | | | |
| Syria | 2 | 2 | | | 2 | | | | | | | | | |
| Tunisia | 2 | 2 | | | 2 | | | | | | | | | |
| Turkey | 2 | 2 | | | 1 | 1 | | | | | | | | |
| Ukraine | 232 | 214 | | 2 | 133 | 79 | | 18 | | | 8 | 10 | | |
| refugee under Convention of 1951 | 1 | 1 | | | 1 | | | | | | | | | |
| Uzbekistan | 1 | 1 | | | 1 | | | | | | | | | |
| Vietnam | 45 | 42 | | 1 | 23 | 18 | | 3 | | | 3 | | | |
| Total | 549 | 507 | | 4 | 297 | 206 | | 42 | | | 26 | 16 | | |

Source: FPS CRP

*EMN Study – Assisted Returns to and Reintegration in Third Countries
Czech Republic*

Year 2006

| Year 2006 Citizenship | Total | Men | | | | | | Women | | | | | | Gender unknown |
|--------------------------|-------------|-----------------|------|----------|------------|------------|-----|-------------------|------|----------|-----------|-----------|-----|-------------------|
| | | Men in total | 0-14 | 15-19 | 20-34 | 35-64 | 65+ | Women in total | 0-14 | 15-19 | 20-34 | 35-64 | 65+ | |
| Algeria | 6 | 6 | | | 4 | 2 | | | | | | | | |
| Armenia | 5 | 5 | | | 1 | 4 | | | | | | | | |
| Byelorussia | 19 | 17 | | | 15 | 2 | | 2 | | | 1 | 1 | | |
| Bosnia and Herzegovina | 1 | 1 | | | 1 | | | | | | | | | |
| Bulgaria | 10 | 9 | | | 3 | 6 | | 1 | | | 1 | | | |
| China | 3 | 3 | | | 2 | 1 | | | | | | | | |
| Egypt | 1 | 1 | | | 1 | | | | | | | | | |
| Georgia | 5 | 5 | | | 3 | 2 | | | | | | | | |
| India | 14 | 14 | | 1 | 12 | 1 | | | | | | | | |
| Israel | 1 | 1 | | | 1 | | | | | | | | | |
| Jordan | 1 | 1 | | | | 1 | | | | | | | | |
| Kazakhstan | 4 | 4 | | | 4 | | | | | | | | | |
| Lithuania | 22 | 22 | | | 15 | 7 | | | | | | | | |
| Macedonia | 3 | 3 | | | 2 | 1 | | | | | | | | |
| MaYearo | 1 | 1 | | | 1 | | | | | | | | | |
| Moldova | 25 | 23 | | 1 | 17 | 5 | | 2 | | | | 2 | | |
| Mongolia | 8 | 7 | | | 4 | 3 | | 1 | | | 1 | | | |
| Germany | 8 | 8 | | | 4 | 4 | | | | | | | | |
| Nigeria | 5 | 3 | | | 1 | 2 | | 2 | | | 2 | | | |
| Poland | 11 | 11 | | | 6 | 5 | | | | | | | | |
| Austria | 1 | 1 | | | | 1 | | | | | | | | |
| Romania | 18 | 18 | | | 12 | 6 | | | | | | | | |
| Russia | 18 | 15 | | | 8 | 7 | | 3 | | | 3 | | | |
| Slovakia | 92 | 79 | | 2 | 34 | 43 | | 13 | | | 10 | 3 | | |
| Serbia | 1 | 1 | | | 1 | | | | | | | | | |
| Serbia and Monte Negro | 7 | 7 | | | 3 | 4 | | | | | | | | |
| Syria | 1 | 1 | | | 1 | | | | | | | | | |
| Tunisia | 3 | 3 | | | 1 | 2 | | | | | | | | |
| Turkey | 1 | 1 | | | 1 | | | | | | | | | |
| Ukraine | 656 | 548 | | 2 | 351 | 195 | | 105 | | 3 | 42 | 60 | | 3 |
| Uzbekistan | 1 | 1 | | | | 1 | | | | | | | | |
| Vietnam | 59 | 54 | | | 29 | 25 | | 5 | | | 4 | 1 | | |
| Total | 1011 | 874 | | 6 | 538 | 330 | | 134 | | 3 | 64 | 67 | | 3 |

Source: FPS CRP

*EMN Study – Assisted Returns to and Reintegration in Third Countries
Czech Republic*

Year 2005

| Year 2005 Citizenship | Total | Men | | | | | | Women | | | | | Gender unknown | |
|------------------------------|-------------|--------------|----------|-----------|------------|------------|----------|----------------|------|----------|-----------|-----------|----------------|----------|
| | | Men in total | 0-14 | 15-19 | 20-34 | 35-64 | 65+ | Women in total | 0-14 | 15-19 | 20-34 | 35-64 | | 65+ |
| Albania | 1 | 1 | | | 1 | | | | | | | | | |
| Algeria | 7 | 7 | | | 5 | 2 | | | | | | | | |
| Armenia | 2 | 2 | | | | 2 | | | | | | | | |
| Byelorussia | 32 | 31 | | 1 | 22 | 8 | | 1 | | | | 1 | | |
| Bosnia and Herzegovina | 1 | 1 | | | | 1 | | | | | | | | |
| Bulgaria | 7 | 3 | | | 2 | 1 | | 4 | | | 2 | 2 | | |
| China | 10 | 10 | | 2 | 7 | 1 | | | | | | | | |
| Egypt | 5 | 5 | | | 4 | 1 | | | | | | | | |
| Estonia | 3 | 3 | | | | 2 | 1 | | | | | | | |
| France | 1 | 1 | | | 1 | | | | | | | | | |
| Georgia | 6 | 6 | 2 | | 2 | 2 | | | | | | | | |
| Guinea | 1 | 1 | | | | 1 | | | | | | | | |
| Iraq | 1 | 1 | | | 1 | | | | | | | | | |
| Italy | 1 | 1 | | | | 1 | | | | | | | | |
| Israel | 1 | 1 | | | 1 | | | | | | | | | |
| Democratic Republic of Congo | 1 | 1 | | | 1 | | | | | | | | | |
| Kyrgyzstan | 1 | 1 | | | | 1 | | | | | | | | |
| Libya | 1 | 1 | | | 1 | | | | | | | | | |
| Lithuania | 26 | 26 | | | 19 | 7 | | | | | | | | |
| Macedonia | 5 | 5 | | | 2 | 3 | | | | | | | | |
| Moldova | 49 | 41 | | | 28 | 13 | | 7 | | | 7 | | | 1 |
| Mongolia | 13 | 12 | | | 6 | 6 | | 1 | | | | 1 | | |
| Germany | 3 | 3 | | | 1 | 2 | | | | | | | | |
| Nigeria | 3 | 2 | | | 1 | 1 | | 1 | | | 1 | | | |
| Pakistan | 1 | 1 | | | 1 | | | | | | | | | |
| Peru | 12 | 8 | | | 7 | 1 | | 4 | | 1 | 3 | | | |
| Poland | 14 | 14 | | | 6 | 8 | | | | | | | | |
| Romania | 27 | 25 | | | 19 | 6 | | 2 | | | 2 | | | |
| Russia | 21 | 19 | | 1 | 12 | 6 | | 2 | | | | 2 | | |
| Slovakia | 71 | 65 | | 2 | 33 | 27 | 3 | 6 | | | 4 | 2 | | |
| United Kingdom | 1 | 1 | | | | 1 | | | | | | | | |
| Serbia and Monte Negro | 6 | 6 | | | 3 | 3 | | | | | | | | |
| Sweden | 1 | 1 | | | 1 | | | | | | | | | |
| Tunisia | 5 | 5 | | | 4 | 1 | | | | | | | | |
| Turkey | 5 | 4 | | | 4 | | | 1 | | | 1 | | | |
| Ukraine | 755 | 641 | 1 | 9 | 407 | 222 | 2 | 109 | | 1 | 57 | 51 | | 5 |
| Vietnam | 59 | 52 | | | 24 | 28 | | 7 | | | 4 | 3 | | |
| Total | 1159 | 1008 | 3 | 15 | 626 | 358 | 6 | 145 | | 2 | 81 | 62 | | 6 |

Source: FPS CRP

*EMN Study – Assisted Returns to and Reintegration in Third Countries
Czech Republic*

Year 2004

| Year 2004 Citizenship | Total | Men | | | | | Women | | | | | Gender unknown | | |
|--------------------------------|------------|--------------|------|-----------|------------|------------|----------|----------------|----------|----------|-----------|----------------|-------|----------|
| | | Men in total | 0-14 | 15-19 | 20-34 | 35-64 | 65+ | Women in total | 0-14 | 15-19 | 20-34 | | 35-64 | 65+ |
| Algeria | 11 | 11 | | | 9 | 2 | | | | | | | | |
| Armenia | 5 | 3 | | 2 | 1 | | | 2 | 1 | | | 1 | | |
| Bangladesh | 1 | 1 | | | 1 | | | | | | | | | |
| Byelorussia | 35 | 34 | | | 31 | 3 | | 1 | | | 1 | | | |
| Bosnia and Herzegovina | 1 | 1 | | | 1 | | | | | | | | | |
| Bulgaria | 20 | 19 | | | 8 | 11 | | 1 | | | 1 | | | |
| China | 16 | 10 | | | 7 | 3 | | 6 | | | 2 | 4 | | |
| Dominican Republic | 1 | | | | | | | 1 | | | | 1 | | |
| Egypt | 2 | 2 | | | 1 | 1 | | | | | | | | |
| Estonia | 1 | 1 | | | | 1 | | | | | | | | |
| Georgia | 8 | 7 | | | 4 | 3 | | 1 | | | 1 | | | |
| Guinea | 2 | 2 | | | | 2 | | | | | | | | |
| Chile | 1 | 1 | | | | 1 | | | | | | | | |
| Croatia | 1 | 1 | | | 1 | | | | | | | | | |
| Italy | 2 | 2 | | | 1 | 1 | | | | | | | | |
| Israel | 1 | 1 | | | 1 | | | | | | | | | |
| Jordan | 1 | 1 | | | | 1 | | | | | | | | |
| Canada | 1 | 1 | | | | 1 | | | | | | | | |
| Kazakhstan | 2 | 2 | | | | 2 | | | | | | | | |
| Democratic Republic of Congo | 1 | 1 | | | 1 | | | | | | | | | |
| Kyrgyzstan | 3 | 1 | | | | 1 | | 1 | | | | 1 | | 1 |
| Lithuania | 26 | 25 | | 2 | 17 | 6 | | 1 | | | | 1 | | |
| Latvia | 1 | 1 | | | | 1 | | | | | | | | |
| Macedonia | 3 | 3 | | | 2 | 1 | | | | | | | | |
| Ma Yearo | 2 | 2 | | | 2 | | | | | | | | | |
| Moldova | 33 | 32 | | | 22 | 10 | | 1 | | | | 1 | | |
| Mongolia | 8 | 7 | | | 4 | 3 | | 1 | | | | 1 | | |
| Germany | 3 | 3 | | | | 3 | | | | | | | | |
| Nigeria | 2 | 2 | | | 1 | 1 | | | | | | | | |
| Poland | 13 | 13 | | | 8 | 4 | 1 | | | | | | | |
| Austria | 2 | 2 | | | 1 | 1 | | | | | | | | |
| Romania | 13 | 13 | | 1 | 10 | 2 | | | | | | | | |
| Russia | 23 | 19 | | | 12 | 7 | | 4 | | | 3 | 1 | | |
| Greece | 2 | 2 | | | 2 | | | | | | | | | |
| Senegal | 1 | 1 | | | | 1 | | | | | | | | |
| Slovakia | 92 | 81 | | 2 | 42 | 37 | | 11 | | | 9 | 2 | | |
| Serbia and Monte Negro | 2 | 2 | | | | 2 | | | | | | | | |
| Federal Republic of Yugoslavia | 3 | 3 | | | | 3 | | | | | | | | |
| Tunisia | 5 | 5 | | | 5 | | | | | | | | | |
| Turkey | 2 | 2 | | | 1 | 1 | | | | | | | | |
| Ukraine | 593 | 502 | | 5 | 330 | 166 | 1 | 87 | | 2 | 48 | 37 | | 4 |
| Vietnam | 30 | 26 | | | 10 | 16 | | 4 | | 1 | 2 | 1 | | |
| Total | 975 | 848 | | 12 | 536 | 298 | 2 | 122 | 1 | 3 | 67 | 51 | | 5 |

Source: FPS CRP

Annex 6 – Costs of the Expulsions of Detained Foreign Nationals Carried Out

The costs of the forced returns of detained foreign nationals (the judicially expelled ones and the administratively expelled ones who do not participate in a voluntary return with IOM) and the costs of the voluntary returns of detained foreign nationals

Summary of the costs for the years 2004-2008

| | 2004 | 2005 | 2006 | 2007 | 2008 | Total CZK |
|--|------------------|------------------|------------------|------------------|------------------|-------------------|
| Voluntary returns of detained foreign nationals with the assistance by IOM | 2 233 818 | 2 799 346 | 3 507 556 | 1 577 633 | 997 160 | 11 115 513 |
| Forced returns of detained foreign nationals – administrative and judicial expulsion without the assistance by IOM | 5 919 423 | 6 807 879 | 6 410 286 | 6 282 723 | 4 956 193 | 30 376 504 |
| Total | 8 153 241 | 9 607 225 | 9 917 842 | 7 860 356 | 5 953 353 | 41 492 017 |

Note: This does not include the costs of expelling foreign nationals by land transport, which is used in the overwhelming majority of forced returns – ca one half or two thirds of these forced returns. Thus, the actual costs are substantially higher.

The costs broken down by years

| Year 2008 | Numbers of cases | Total costs (CZK) |
|--|------------------|-------------------|
| Returns with the assistance by IOM | 60 | 997 160 |
| Other returns (without the assistance by IOM) | 578 | 4 956 193 |
| Total | 638 | 5 953 471 |
| of which the number of cases in which the costs have not been quantified | 372 | |

Source: FPS CRP

| Year 2007 | Numbers of cases | Total costs (CZK) |
|--|------------------|-------------------|
| Returns with the assistance by IOM | 94 | 1 577 633 |
| Other returns (without the assistance by IOM) | 549 | 6 282 723 |
| Total | 643 | 7 860 356 |
| of which the number of cases in which the costs have not been quantified | 329 | |

Source: FPS CRP

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| Year 2006 | Numbers of cases | Total costs (CZK) |
|--|-------------------------|--------------------------|
| Returns with the assistance by IOM | 196 | 3 507 556 |
| Other returns (without the assistance by IOM) | 1 011 | 6 410 286 |
| Total | 1 207 | 9 917 842 |
| of which the number of cases in which the costs have not been quantified | 785 | |

Source: FPS CRP

| Year 2005 | Numbers of cases | Total costs (CZK) |
|--|-------------------------|--------------------------|
| Returns with the assistance by IOM | 208 | 2 799 346 |
| Other returns (without the assistance by IOM) | 1 159 | 6 807 879 |
| Total | 1 367 | 9 607 225 |
| of which the number of cases in which the costs have not been quantified | 863 | |

Source: FPS CRP

| Year 2004 | Numbers of cases | Total costs (CZK) |
|--|-------------------------|--------------------------|
| Returns with the assistance by IOM | 150 | 2 233 818 |
| Other returns (without the assistance by IOM) | 975 | 5 919 423 |
| Total | 1 125 | 8 153 241 |
| of which the number of cases in which the costs have not been quantified | 715 | |

Source: FPS CRP