

## **Assisted Voluntary Return Programme: the case of Cyprus**

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### **Abstract**

*The article draws attention to the Assisted Voluntary Return (AVR) process. It is viewed as integral aspect of a wider migration policy which ensures the dignified and humane return of Third Country Nationals(TCNs) who, due to their residence and working legal status, they cannot remain in the host country. It describes the design and implementation of the first AVR programme in Cyprus and reflects on the experience gained from the frontline. A number of prohibit and enabler factors both at strategic and operational levels have to be understood and procedures to be carefully designed, leading to more effective changes for achieving greater quality of services.*

**Key Words:** Assisted Voluntary Return, Migration, Cyprus

### **1. Introduction**

The complexity of the migration process has created a continuous need for countries to introduce and implement measures between origin, transit and destination countries. The increased number of migrants in EU member states in relation to the current economic recession, led to the decision to review their numbers and ability to facilitate their integration into the local societies. A promoted solution was to initiate the process of Assisted Voluntary Return and Reintegration (AVRR). It refers to the act of returning to the country of origin (Davies *et al.*, 2011). It is perceived as a cost-effective procedure for the host country, while it promotes collaboration between the countries involved in the process.

In a similar vein, the Republic of Cyprus, either because it currently faces economic recession and/or through a pressure from EU institutions adopted a similar strategy to tackle the issue of increased numbers of migrants (legal and irregulars) (Solidarity Funds, 2010). It can also be seen as a reaction to the increase of unprecedented inflows of mixed migration, since the time Cyprus joined EU (2004) as a member state (Cochliou and Spaneas, 2009).

This article explores the Assisted Voluntary Return (AVR) scheme that it has been recently initiated in Cyprus. Firstly it discusses the historical development of Cypriot AVR scheme, to scrutinise afterwards the relevant national legal framework. Reflecting on the current experience gained it critically raises issues about measures that need to be adopted to enquire into and address practicalities that need to be implemented at the operation level. The paper concludes by suggesting a number of fundamental factors that need to be developed for the sustainable operation of such schemes.

### **2. Historical Overview: Understanding the past to interpret the current situation**

The Republic of Cyprus constitutes a natural border for access to the EU from the South East point. In the recent years, therefore, it is confronted with an increased number of immigrants and refugees (Spaneas and Cochliou, 2013; Hadjivasilis, 2009).

The increased demand for labour force in the late 80s prompted the national migration policy to become more flexible. In particular, during the decade of 1990 a large number of foreign workers were provided with temporary work visas (Spaneas and Zachariades, 2014b).

With the accession of Cyprus to the EU in 2004 a rapid increase was observed, on the asylum applications as it was considered as an additional gate to other EU countries (Spaneas and Cochliou, 2013). The State was not prepared to accommodate and manage the unprecedented migration flows into the country (Cochliou and Spaneas, 2009). In order to effectively respond to the arising challenges, EU guidelines were incorporated in the national level legislation to define both legal migration and combat illegal immigration (Spaneas and Cochliou, 2013; Solidarity Funds, 2010). A further decision was to dramatically reduce any residence permits to foreign workers and allow entry only in working sections which could not be fulfilled by either indigenous or European workers (Spaneas and Zachariades, 2014b).

For the reader to understand the number of foreign habitants in Cyprus, almost one in four citizens is non-Cypriot. According to the latest statistical details (CyStat, 2012), the foreign workers are estimated to be 68,000, who are mainly employed in the areas of domestic labour, the service sector (including tourism), in agriculture and in the construction industry. Adding to the above number 128,000 European citizens as well as an undocumented number of irregular migrants ranging from ten to forty thousands, reside on the island (Solidarity Funds, 2010).

The above mentioned factors led the State to adopt a systematic effort to tackle the migration issue, by developing processes to effectively manage regular and irregular migration (Solidarity Funds, 2010). Relevant legislations and regulations were amended on annual basis, by increasing the restrictions of foreign workers employment into the labour market. As an immediate result of this policy decision, approximately 10-12,000 irregular migrants were returned to their countries of origin following forced return procedures and voluntary repatriations in the last three years. At the same time, the first policy for voluntary return was introduced as an alternative solution. Nevertheless, only recently Cyprus has begun to develop and implement assisted voluntary return actions.

### **3. National Legislation that governs AVR**

The Aliens and Migration Law 153 (I) as amended in 2011 regulates the process of return for TCNs (Third Country Nationals). The Republic of Cyprus harmonized the relevant legislation to be in line with the European Return Directive 2008/115/EC of the European Parliament and the Council of Europe (Cyprus Ombudsman Office, 2013). This included the distinct definitions of Return, Entry Bans, Readmission Agreements and Reintegration processes; voluntary return is understood as the immediate process which TCNs have to follow within the timeframe indicated in their deportation orders (Aliens and Immigration Law Chapter 105, article 180(3) of 153 (I) of 2011). The interpretation of the specific article allows the implementation of either voluntary or forced return. It is actually the justifying reason where, in several occasions, deportation orders may be accompanied by a number of additional measures. Irregulars may be arrested and placed for a period of time in a detention centre or the competent authorities may put them under reporting obligations, financial or involving other forms of guarantee (Cyprus Ombudsman Office, 2013; Spaneas and Zachariades, 2014b).

However, due to public criticism as well as the intervention of the Cyprus Ombudsman Office (2013) the voluntary repatriation of irregular migrants is preferred compared to forced return, which may also imply police escort to the country or origin. At this point, it is worth noted a main difference from other countries. While in other countries the vast majority of irregulars are considered those who have extended their residence in a country followed their rejected asylum application, for the case of Cyprus, the irregulars are foreign workers who came with valid visas and then, although their working visas permit was expired, they decided to extend their stay in the country illegally. Very few of them were asylum seekers whose applications were rejected and thereafter overstayed illegally in the Republic (Spaneas and Zachariades, 2014b).

### **4. Assisted Voluntary Returns, Policy and Practice**

A decision that a complete policy has to be implemented under the monitoring of independent organisations was adopted. Both a report by the Cyprus Ombudsman Office (2013) and a pressure from European institutions contributed to that direction. The report clearly indicated that voluntary return processes should be preferred for irregulars as they pose less threat to human rights. Furthermore, preparatory actions such as psychosocial assistance to support those who will decide to return should be provided along to the full coverage of travel expenses to the countries of origin (Cyprus Ombudsman Office, 2013).

The first phase of such a scheme began on 2015; national resources with the co-funding of European Return Fund were utilised to setup a Migrant Information Centre for Assisted Voluntary Returns. A pilot programme was initiated with the purpose of setting the basis for the establishment of a permanent AVRR programme.

The programme's main objectives were to facilitate the process of Assisted Voluntary Return by providing information to potential collaborations, psychosocial support, all the necessary administrative work for their travel documents which might need to be printed and/or (re)issued along to financial and material support to either irregular TCNs or asylum seekers (Spaneas and Zachariades, 2014a). Any non-European Economic Area (EEA) citizen, whether they have ever applied for asylum, had their asylum application rejected or not, or have illegally extended their residence in the country. The scheme was delivered by a consortium of national and international NGOs, which had to design and implement a humane, safe, legal, and dignified return, along with systematic reintegration (Spaneas and Zachariades, 2014a).

The delivery of services was organised in four main stages (Danish Refugee Council, 2008; Black *et al.*, 2004). The first phase, which it is referred as the Pre-Departure, gave emphasis to publicity and provision of information. An awareness strategy was designed to inform potential applicants from the target group about what the return process entails, without any obligation to enrol in the AVRR programme (Sward, 2009). Those who would express a willingness to participate in the programme and pursue a voluntary return were invited to attend an individual meeting with the Centre's personnel. There was a mutual agreement on the process they would have to follow and consequent appointments were then scheduled to build confidence, which allows the person concerned to progress towards the next stage (Rabat Process, 2012; Spaneas and Zachariades, 2014a).

The preparation phase also included individual counselling sessions to prepare and assess potential returnees' willingness to return. It was considered as an important method which provided time to applicants to express their feelings and anxiety about the new suggested beginning as well as to have a general overview of all possible available options. Parallel to that, administrative assistance was provided, in terms of filling out the necessary forms to obtain valid travel documents, to issue flight tickets, to make transportation arrangements and to arrange a specific timeperiod for the completion of return. A multidisciplinary approach was adopted by involving a number of different professionals in this process (i.e social workers, social advisors and clinical psychologists). Moreover, a person-centre approach in multi-cultural settings characterised the whole supporting process towards the accommodation of a potential returnee's general and distinct needs (Rabat Process, 2012; Spaneas and Zachariades, 2014a).

The following stage was the 'Departure'. In that phase, returnees received financial assistance as in kind support to purchase personal materials along with further financial assistance in cash to be used in the destination country for the first few months. A standard procedure to escort them to the airport was setup; in the case of vulnerable group's specialised support (medical assistance) were provided.

The last stage of return was the 'Arrival'. A vast network of local organisations in the destination countries was setup under the coordination of the international partner Caritas International which is located at Belgium. Reintegration assistance such as airport reception, transportation, reconnecting with family or friends, temporary accommodation and home visits took place to assess their psychosocial needs were some of the services provided (EMN, 2007).

Parallel to the return process a monitoring procedure related to the outcomes of the centre was developed. The purpose was to review the whole practice followed from the time of information provision until the first months of return to the countries of origin. It was deemed as necessary to assess the process followed and recommend suggestions for improvement. Both quantitative and qualitative criteria were introduced to construct a methodological toolkit that will address possible gaps and introduce effective monitoring processes in relation to voluntary return. A first reflection of tacit and explicit experience gained is presented on the following section.

## **5. Practical Issues Related to the Return Process**

The legislation pressure of deportation orders can be defined as a major issue for discussion. In the majority of European countries the voluntary return philosophy is overshadowed by the relevant legislation of deportation decision. That means that applicants whose application have been rejected or they illegally extended their residence to the host country they have to select between voluntary and forced return (ECRE, 2011). For the case of Cyprus this was particular obvious, as all irregulars were under the emotional fear of police arrestment and forced deportation in a few days. This is a general issue that needs to be further discussed.

A potential way is to promote the AVR scheme from the very first day a migrant arrives in the country, either to work or to apply for asylum. The pilot phase of the scheme, as it was expected by its character, was restricted only to irregular migrants who overstayed their visas, and to beneficiaries of international protection and asylum seekers whose applications were rejected or those who chose to withdraw their applications (Spaneas and Zachariades, 2014a). However, it is suggested that similar future schemes should also include regular migrants who are at risk of losing their jobs and/or their working contracts come to the end. In such case, the scheme will act preventively and will, potentially, actively contribute to the elimination of irregular migrants. To succeed within this area, an additional information provision strategy has to be organised in close collaboration and coordination with relevant ministries such as the Ministry of Labour and Social Insurance as well as the Cyprus Employers & Industrialists Federation and other professional associations which currently employ a large number of migrants. It has to be considered as the fundamental step to establish a *trustworthy* relationship between the professionals and the target group; objective and thorough information needs to be provided without necessarily lead to 'pressure' for decision to return (Bendixsen *et al.*, 2014). Potential applicants have to gain a perception of 'individualised' service on understanding their current situation and thereafter the different available options which involve the 'start of a new beginning'

The experience from the pilot scheme raised the issue of mistrust. A difficulty was apparent at the beginning to believe the professionals and what the scheme could offer to them. An important part of the success rate is to understand what creates mistrust, so as the information actors to provide to potential applicants verifiable confirmations about the process and accomplishments; photos and videos in addition to other proofs and details are helpful towards becoming trustworthy.

Relating to the above issue are the difficulties that may arise from interpretation. Cultural sensitivity is equally crucial as competent interpretation per se. Translating conversation from one language to the other contains feelings emotions, meanings and knowledge base (Cooper, 2006). The selection of appropriate, even experienced interpreters, who they will receive appropriate training is an essential component for the either the successful completion of the AVR process and the overall operation of such programmes. The frontline provision of services also revealed that unless requested by the applicant, family members or friends should not serve as interpreters, as they tend to become emotional, they paraphrase meanings and/or getting in longer discussions with applicants leading the conversation away from the expected outcome. Interpreters should be used from the first appointment otherwise the applicants may immerse in a complex, alien bureaucracy with no idea where to turn for explanations (Burgess, 2004).

Furthermore, a better clarification and indication of whom the target group is consisted will benefit any AVR programmes. The identification of key characteristics of potential applicants such as sex, age, socio-economic background, ethnicity, religion will assist professionals to understand the influential factors on how migrants experience their decision to return (Boyd and Grieco, 2002; Ghanem, 2003; Ypeij, 2005; Houte and Mireille, 2008).

Reflecting on the experience gained from the pilot scheme, a bureaucratic management style which characterizes the system public authorities operate; such as strict procedure a land time-consuming approaches, often posed obstacles in implementing quick returns. To meet those challenges, the design of a more flexible organisation structure is recommended; a possible solution is to initiate decentralisation strategy into smaller decision-making groups is promoted alongside a more centralising strategy on the top hierarchy (Spaneas, 2009).

Closely related factor to this subject is the absence of a unified electronic database in relation to obtaining valuable information about returnees which is necessary to complete the process (Lapsley *et al.*, 2010; Coulshed *et al.*, 2006). Such information may contain their residence and working status, any criminal activity and/or other juridical obligations (i.e. traffic fines, pending court issues, etc.) they have to fulfil to be eligible to leave the country. The pilot phase provides the opportunity to highlight the above mentioned difficulties and resolve operational issues before the implementation of similar projects at larger scales.

The lack of training in relation to the limited awareness for both professionals of public and NGOs organisations of what constitutes 'Assisted Voluntary Return' and 'Forced Return', created, occasionally, misleading perceptions that the scheme was acting as an implementer and/or unofficial partner of relevant migration public authorities to facilitate only 'quick returns'. Of course, it is understood that 'voluntary return' is depicted as ambiguous - not only because AVR is continually confronted as an 'alternative' to forced return, but also because the migrant's return will be at a certain point «mandatory» (Bendixsen *et al.*, 2014).

Thus, more comprehensive training sessions need to be established with an emphasis on developing multi-professional attitude. Professionals may also need further training to enhance their abilities and therefore achieve more efficient and practical outcomes (Roberts, 2002). Although both the bibliography and the experience of other European countries mention the necessity of involving NGOs in the return process as they have easier access to the target group (ECRE, 2011), in Cyprus, the number of NGOs which are working in the discussed area is limited. Their practice points to the provision of advocacy services and mediation with the relevant public authorities. It can be argued that their practice reflects a 'poor' or an 'incomplete' model as it fails to incorporate a holistic approach based on a systematic procedure. Their role is concentrating into minimising the "force" aspect of return (Black and Gent, 2006; Black and King, 2004), rather than providing steady solutions to the target group.

## 6. Concluding remarks

Setting up a sustainable return scheme entails the prevention of organisational, ethical and legal obstacles. The lack of comprehensive information-provision services, targeting psychosocial counselling and, lack of interagency collaboration and coordination between institutions as well as the lack of establishing common electronic monitoring systems impose important barriers to the sustainability of return (Kratzman *et al.*, 2010; Kahanec and Zimmermann, 2011; Koch, 2013). In this context, the article attempted to approach sustainability of return from a different angle. It is suggested that newly developed countries in area of AVRR such as Cyprus have to establish firm foundations by setting up pilot phase and reflecting on the tacit knowledge gained on the field.

The activities of an AVRR process require great flexibility and quickness on behalf of the personnel during the return process so as to anticipate as well as overcome various obstacles during the process. The diverse background of TCNs requires the adoption of different approaches. Their perception regarding return to their countries of origin is strongly related, among other things, to the cultural traits which affect their cognitive processes (Koch, 2013). A client centre approach needs to be generated which will allow professionals to attend to the needs of returnees and overcome intrapersonal obstacles.

To conclude, Cyprus has made noticeable progress in this area, even though the return process was recently initiated. A need for relevant authorities to concentrate their efforts to develop a comprehensive voluntary return policy is considered as necessity at this phase.

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