



Developing Effective Readmission Mechanisms in the Russian Federation through Practical and Flexible Approach: *EC Aeneas Programme and Its First Year Results Assessment*

The International Organization for Migration (IOM), in close cooperation with the Russian Federal Migration Service (FMS of Russia) is implementing the Programme “Assistance to the Government of the Russian Federation in Establishing Legal and Administrative Framework for the Implementation and Development of Readmission Agreements”. The Programme, scheduled to last until February 2009, includes a set of organizational, practical and legislative measures and is funded by the European Commission and the Governments of Germany and Finland. The Programme aims at rendering **practical and technical assistance** in specific issues related to the EU-Russian Federation (RF) Readmission Agreement, effective since June 1, 2007, and serving a **platform for the expertise and knowledge interchange** between the EU and Russia in the field of migrants’ readmission and return.

The main advantage of the joint IOM-FMS programme is exactly its ability to organize subject-specific events, responding promptly to emerging challenges which call for quick solution, and drawing on the expertise of those European Union experts who are the most knowledgeable in specific issues of the return and readmission process.

The Programme activities are grouped around the following three components:

Legislative component: Expert assistance is being provided in the area of national legislative framework development, as well as the development of additional institutes of international migration law needed for an efficient implementation of the EU-RF RA

(amendments to Federal laws and by-laws, implementation protocols drafts, bi-lateral agreements of the RF with countries of origin).

Administrative resource component:

Assistance is being provided in the area of institutional framework development, as well as the creation of necessary infrastructure (expert and informational support to RF governmental structures involved in, the readmission procedure implementation, the creation of a whole system of reception facilities in Russia for hosting third country nationals to be returned via Russia within the EC-RF RA and further agreements with third countries).

Regional component: Support is being provided to the regional dialogue and practical experience exchange among RF, EU and third countries to ensure ‘cluster approach’ to readmission of migrants in irregular situation.



Participants of the technical workshop in Pskov in September 2007

The results of Year 1 of the Programme include the following:

IN THE FIELD OF LEGISLATION:

1. Assistance was provided with **drafting of the Federal Law** on Amending the 'Federal Law on the Legal Status of Foreign Citizens' and the 'Federal Law on the Procedure of Exit from and Entry into the Russian Federation.'¹ The draft is aimed at fully incorporating the readmission institute into the Russian legislation, defining the conditions, procedure and the limit of potential restrictions to the rights and freedoms of readmitted persons, and stipulating the authority of government bodies.
2. The FMS partners were acquainted with a specially prepared overview and analysis of the existing generally accepted practices and international standards concerning the accommodation and reception of third-country nationals with an irregular legal status who are transferred to the RF under a readmission procedure and have to be further returned to their country of origin. This issue is constantly included into the IOM event agenda (technical trainings in the Pskov Readmission Centre in September 2007 and March 2008, study trips to EU countries, a round table discussion with Polish experts in March 2008). The collected experience of managing irregular migrant accommodation centres will be taken into account while drafting a Russian Government resolution on conditions for temporary accommodation and reception of readmitted migrants, as well as model documents specifying the management of relevant institutions (typical rules, procedures for admission, accommodation, and maintenance).



Temporary accommodation centres for foreign citizens with an irregular status in Europe. Source: www.migrationeducation.org

¹ The draft was approved in the first reading by the State Duma on January 25, 2008, and is now in the final stage of preparation for the second reading.

3. Proposals have been made concerning a **draft typical implementation protocol to the Agreement with the EU**, which sets up a detailed mechanism of implementation. The draft was initiated and developed by FMS and approved by the relevant federal bodies of the executive branch².

4. Assistance is provided in the drafting of **Russia's own treaties with third countries** (Sri Lanka, Vietnam, Tajikistan, Kyrgyzstan). At the Central Asian Technical Consultations, Common Approaches to organizing the activity in the sphere of the development, conclusion and implementation of readmission agreements were coordinated and accepted by the participants (Issyk-kul, November 2007).



Participants of the Regional Technical Consultations at Issyk-Kul in November 2007

5. **Areas of the migration policy requiring further attention** get identified (reintegration of returning Russian citizens, voluntary return institute, harmonization of approaches in the field of involuntary return to the Russian Federation (deportation, administrative expulsion, readmission), as well as the role of various branches of government (administrative bodies, courts) in the decision-making process at various stages of readmission (detention and accommodation in a centre), the need to build a balanced policy of return (voluntary and involuntary, reintegration and adaptation)).

6. The implementation of the Programme brings to the forefront the issue of necessary harmonization of different forms of forced return from the territory of the RF (readmission, administrative expulsion, deportation), as well as the establishment and promotion of

² The draft was accepted as a basis for bilateral talks with EU member states (talks have taken place with more than 10 EU member states).

alternative forms of return to the country of origin, primarily voluntary return, which is considered a preferred form of return, both for the migrant and the state (minimal negative consequences and cost-efficiency).

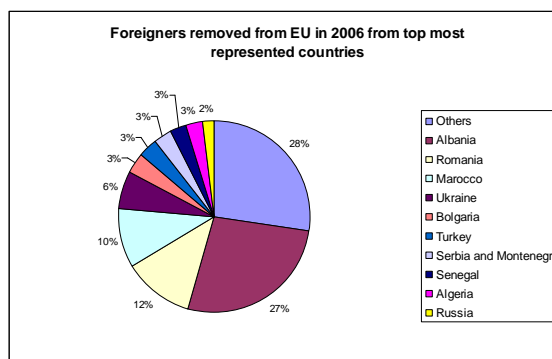


Participant in the Assisted Voluntary Return Programme implemented by IOM UK who received assistance in her repatriation and reintegration in Afghanistan

7. The RF Parliament was sent a letter related to the issue of a possible differentiated approach towards establishing re-entry ban in Russia for foreigners and stateless persons who have been subject to a procedure of administrative expulsion, deportation or readmission.

IN THE FIELD OF CREATING ADMINISTRATIVE FRAMEWORK AND NECESSARY INFRASTRUCTURE

8. IOM has established close cooperation with **senior and mid-level officials from the FMS of Russia** during the Programme implementation and cooperating in the field of developing practical readmission procedures. IOM took an active part in meetings of an ad hoc Readmission Working Group of the FMS, which operated since the spring of 2007, and supported the establishment, since January 1, 2008, of a dedicated FMS department covering this whole field, the Readmission Department. The cooperation with the newly established Department takes place at a very practical level. Organizational assistance and guidance is provided, training activities are jointly developed and held, records and reference materials and overviews of international best practice are specifically developed and discussed.



CIREFI data for 2006, analysis provided by the Russian Federal Migration Service

9. **Support of interagency cooperation on a practical level** is provided during all programme events which are attended by both FMS partners and other agencies (Ministry of Foreign Affairs, Federal Security Service, for example during the Pskov workshop in September 2007, the Regional Technical Consultations at Issyk-Kul, the study trip to Germany in autumn 2007).



Participants of the study trip to Germany in October 2007

10. **Expert support** is provided to the **Pskov Readmission Centre, a federal government institution** set up under Russian Government Order No. 1568-r, dated 6 December 2004, which is fully prepared for receiving and accommodating migrants returning within the readmission framework (designed capacity is 82 persons). The Centre is equipped in accordance with international human rights standards, the fact of which was confirmed by an expert EU delegation who visited the Centre in 2007 within the framework of the joint IOM-FMS Programme.



Pskov Readmission Centre

11. Judging by the current migration situation, it is important to **develop a whole system of readmission-related accommodation institutions**. From this perspective, the FMS of Russia and IOM Moscow are working to convert the Don Temporary Accommodation Centre for Foreigners, a federal government institution for forced migrants, for the purpose of meeting Russia's international treaty commitments in the field of readmission. As a part of this activity, under the IOM aegis and with the assistance of EU experts, the Don centre has been assessed with a view to its possible refurbishment for readmission purposes. An action plan is expected to be put together in the near future by joint efforts of FMS of Russia, IOM and its experts. The Don Centre will be re-equipped using IOM programme funding, before the end of 2008, with the capacity of 50 people. Like the Centre in Pskov, the Don centre will meet the highest international standards in the area of human rights.

IN THE FIELD OF ONGOING DIALOGUE WITH EUROPEAN AND THIRD COUNTRIES ON ISSUES OF RETURN AND READMISSION

12. **Direct technical-level contacts** are established between migration officers involved in implementing the EU-RF Readmission Agreement, which facilitates prompt response to specific problems emerging as first readmission cases are being processed (for instance, during activities organized in EU countries and Russia, direct technical contacts were established with the relevant authorities in Germany, Belgium, Holland, Poland, Finland. The technical workshop scheduled to take place in Moscow in April 2008 will be attended by

experts from Austria, Switzerland and other European countries which are the most important partners in terms of the Readmission Agreement implementation).



Visit to the Foreigners Accommodation Centre in Zirndorf, Bavaria

13. **Specific issues and areas are identified** requiring clarification to EU colleagues in order to enhance their **understanding of the current Russian legislation and procedures** with a direct impact on the implementation of the Agreement and need for additional attention and discussion (procedures of the Russian citizenship confirmation and documenting, issuance of temporary travel documents). IN coordination with the FMS of Russia, additional information materials are being developed (e.g. a guidance leaflet) to be distributed among European colleagues.

14. A lot of effort is given to improving the **algorithm of readmission procedure implementation**, starting from the point of a readmission application submission. This also touches upon such issues as finding the best distribution of functions between Russian and European structures (including the European Commission, EU countries' governments and relevant authorities at a federal and local level, diplomatic missions of EU member states in Russia, Russian agencies involved in the implementation of the readmission procedure)³.

³ Abiding by its international commitments, on July 23 – 25, 2007, during the first meeting of a joint Russian-EC Readmission Committee in Brussels, Russia announced its preparedness to start the readmission process with regard for citizens of Russia and EU member states, even before implementation protocols to the Readmission Agreement with the EU are signed.

In September 2007, the Russian Federation started receiving and processing readmission applications for its citizens. As of March 2008, FMS of Russia has reviewed over 200 readmission applications for Russian citizens, with more

15. The RF authorities believe that the readmission institute will be most effective only if there is a whole system of international treaties on the admission, transfer and transit of people illegally staying in the contracting parties' territory, signed on an equal and mutually advantageous basis. IOM Moscow is coordinating efforts in this area with IOM offices in other countries **to add an extra impetus to the process of developing RF's own readmission agreements**. Proposals have been made to further speed up the negotiation process towards developing readmission agreements within CIS and develop a unified approach and common understanding in this area. There are ongoing discussions about a possibility to draft a model CIS readmission agreement (in terms of reviewing and assessing the relevant international experience and using in-house experts and external consultants).

16. The signature of a readmission agreement implementation has to be complemented with a time-consuming and tedious process of national legislation adaptation. Hence it is worthwhile recommending to CIS countries to use the Russian experience and **start required legislative efforts on a national level already in parallel with negotiations on readmission agreements**. The IOM Programme pays attention to this issue and will result in designing a **model "road map" on the key activities** to be pursued nationally with a view to implementing readmission agreements.

Some conclusions:

The readmission institute is growing into one of the most effective tools against illegal migration, operating due to bilateral and multilateral international treaties. Readmission agreements reflect the contracting countries' desire to maintain the highest level of human rights, which makes it possible to describe readmission as the most humane instrument of forced return for migrants with an irregular legal status.

The readmission experience of European countries and the early stage of EU-Russian Agreement implementation re-emphasize the need to create practical and flexible mechanisms favouring effective solutions to each specific migrant return case, ensuring a

than one-third of those granted.

balance of government interests and guaranteed human rights and freedoms.

Migration management and readmission expertise and knowledge interchange between European and Russian counterparts is a joint exercise. The Programme does not only work as a means to attract the best experts and practitioners of the European Union, but it enables Russian specialists to grasp, on a technical level, the most essential aspects and proposals concerning work on practical procedures of readmission in compliance with the signed Agreement.

Identifying the existing gaps and discrepancies leads to a broader understanding of the practical problems, thus indirectly improving the image of Russia among EU countries who view this as a specific example of Russia's determination to meet its international commitments.

Planned activities for Year 2 of the Programme:

- Technical meeting on the issues of identification and documenting migrants with an irregular legal status (scheduled for April 2008, Moscow).
- Further study tours to EU countries for more detailed experience of readmission (tentatively scheduled for April or May 2008).
- Pilot launch of the programme of assisted voluntary return to and from Russia (April 2008).
- Develop a readmission manual and interactive module (autumn 2008).
- Refurbishment of the Don Centre in the Rostov Oblast for the purpose of readmission agreement implementation (May 2008).
- Regional technical consultations with CIS representatives to discuss the conclusion and implementation of readmission agreements (tentatively scheduled for June 2008, Moscow).

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Further Enhancement of Readmission Mechanisms in the Russian Federation at the Regional and National Levels

EC Aeneas Programme and Its Second Year Results Assessment

A second year in a row, IOM Moscow has continued providing targeted and practical support to the Russian partners within the programme 'Assistance to the Government of the Russian Federation in Establishing Legal and Administrative Framework for the Implementation and Development of Readmission Agreements', financed through the EC 2005 Aeneas Programme and co-funded by the Governments of Germany and Finland. Building upon the overall achievements of the first year, the second year programme activities assisted in bringing the implementation of readmission procedures in the country to a more advanced level, yielding more sustainable results and further refining the evolving practical mechanisms.

In January 2008, specifically created to coordinate all matters related to readmission agreements development and implementation in the country, the Readmission Department of the Federal Migration Service (FMS) of Russia was facing considerable challenges on its way. Among its key tasks became *the further refinement of the legislative framework*, particularly related to readmission of third country nationals and their accommodation in special facilities before transfer to the country of their origin, *the establishment of national standards and practices for managing such readmission facilities*, through developing infrastructure and procedures in pilot centres in Pskov, Rostov and Tver, *the streamlining of own nationals' readmission case management*, starting from an application reception, citizenship verification and decision making, *the continuation of Russia's dialogue and negotiations on its own readmission agreements* with the countries of origin for irregular migrants heading towards Russia or transiting it on their way to EU.

The second year activities of the IOM-run Programme managed to provide needed targeted assistance by bringing in international expertise and knowledge on how readmission

procedures are implemented in other countries. Implemented in close collaboration with the Readmission Department of the FMS of Russia, the Programme led to the establishment of working-level contacts with other relevant State partners in this or that way mandated to carry out state functions linked to the evolving practical mechanisms of readmission in the country. These included the Border Guards of the FSB of Russia, the Ministry of Interior, the Ministry of Finance, both chambers of the Federal Assembly. Among foreign partners, representatives of EU member states, EC, third countries within the Eastern Europe and Central Asian region and far abroad were invited to take part in the Programme activities.

The results of Year 2 of the Programme include the following:

Component 1: Building the capacity of the Russian migration authorities for reception and protection of forced returnees in the framework of readmission

1. Legislation Development

Further expert support was provided in the process of the Russian partners' revision and the finalization of the Federal law "On Amending the Federal Law "On Legal Status of Foreign Citizens in the Russian Federation" and certain laws of the Russian Federation"¹. Gone through all ratification stages by 6 May 2008 and, this legal act defines the normative framework for the execution of the readmission procedures in the Russian Federation and stipulates the competence of authorized government bodies in the field, primarily related to the readmission of third country nationals to and from the Russian Federation. In force from 9 June 2008, the Federal Law set up the scene for the development of relevant by-laws for which IOM's expert team continued to

¹ The Federal law on 6.05.2008 N 60-FZ.

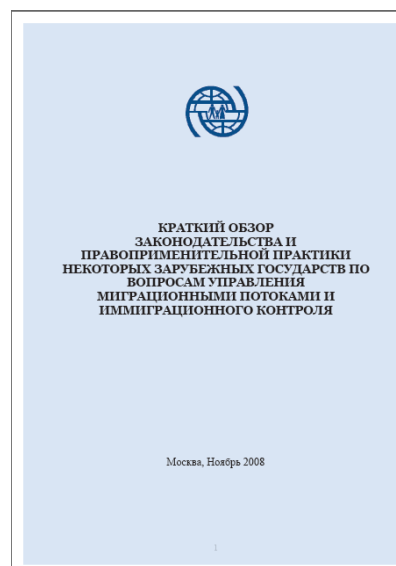
provide its inputs. In particular, comments were given on such legal acts as the Governmental Regulation for organizing security and safety procedures in the readmission-specific facilities², the draft Governmental Regulation on standards and norms for accommodating third country nationals in such facilities³. Further, consultative assistance was provided in preparing other normative documents, including the Presidential Decree “On Amending the Presidential Decree N 928” on specifying in detail the FMS of Russia’s responsibilities in meeting the Russian Federation’s international readmission commitments and coordinating activities of other Russian stakeholders in the field.

To support the Russian partners in further developing the readmission-related legislative framework, IOM provided a number of targeted legal overviews summarizing relevant international experience in this area. Thus, upon a direct request from the FMS of Russia, IOM colleagues in Moscow, Geneva and Vienna prepared a special report – “*Brief Overview on Legislation and Law Enforcement Practices of Certain Foreign States in the Field of Migration Flows’ Management and Immigration Control*”.

The Overview provides an integrated summary of existent and internationally recognized approaches in the sphere of immigration control and migration management, inquires into the questions of the mandate of different countries’ competent authorities carrying out immigration control procedures, looks into grounds and limits of possible restrictions to the rights and freedoms of aliens who are subject to immigration control, examines sanctions which could be applied for migration offences and misdemeanors. Building upon the findings of the Overview, certain concrete suggestions on further enhancement of the Russian competent authorities’ activities in the immigration control sphere were developed and presented to the FMS of Russia’s attention.

² RF Governmental Regulation N 58 from 27 January 2009.

³ Still undergoing coordination among relevant State entities.



“Brief Overview on Legislation and Law Enforcement Practices of Certain Foreign States in the Field of Migration Flows’ Management and Immigration Control”

Further, of special attention remain issues related to the legal status of third country nationals who will be accommodated in the readmission facilities once the third national clause of the EC-RF Agreement comes into force on 1 June 2010. In particular this concerns the length of aliens’ accommodation in the centres, the issue of documentation if their identity was not established but the grounds for keeping them in such facilities have been exhausted. A number of consultations were carried out with the Russian partners on this topic, with the FMS of Russia’s and the Parliament’s representatives receiving update on how this issue is solved in other countries, including the standards specified in the newly adopted EU directive on the return of irregular migrants.

The cooperation and contacts with representatives of both chambers of the RF Parliament are presently moving towards a very practical level with the aim to support a number of legal initiatives addressing the above issues of unidentified third country nationals’ and their return to home counties. A further specific aspect of the return process also concerns the creation of a possibility for a differentiated approach to establishing the re-entry ban to Russia for foreigners and stateless persons who have been subject to forced removal.

2. Regional Trainings on International Migration Law and Readmission

As FMS officials at the federal level lead the process of developing a readmission-related legislative framework in the Russian

Federation, migration officials from the regions should be made aware about the new developments and the evolving regulations and practices of implementing readmission agreements in Russia. One key Programme activity has been aimed at addressing this need to raise the awareness on readmission in the regions by organizing training courses for FMS senior and mid-level officials on International Migration Law and readmission agreements and their legislative basis. Following up on first similar trainings in Yekaterinburg (December 2007) and Pskov (March 2008), a third training was held in the Moscow Region on 9-10 December 2008.



Training on International Migration Law and Readmission, Moscow, December 2008

The training was carried out jointly with the FMS of Russia's representatives in the form of a working seminar. Following the direct request from the FMS of Russia, the training was centred around practical aspects of the FMS of Russia's work in readmission agreements implementation and served as a platform for sharing the already accumulated experience in the area among representative from different parts of the country. Participants of the training came from six regions (Moscow, Leningrad, Pskov, Republic of Chechnya, Rostov and Tver) representing the regional FMS offices and three special centres for readmitted persons. Representatives of FMS offices in the cities of Moscow and St. Petersburg were also present.

On the first day, presentations of the following topics were made IOM and FMS officials: (i) readmission in International Migration Law; (ii) readmission in the legal acts and practices of the Russian Federation; (iii) legislative work of FMS of Russia and latest developments in the readmission field.

The second day was dedicated to the discussion of the FMS of Russia's practical work in processing readmission applications of Russian nationals, verifying Russian citizenship with the support of the regional FMS offices and other federal bodies. At the end of the day, a presentation on foreign practices on irregular migrants' detention was made, showing the pictures taken in temporary accommodation facilities for migrants in Germany, Austria and the Netherlands. The presentation raised a lot of interest from the representatives of the readmission centres some of which had themselves taken part in the Programme study tours and, thus, could share their own impressions of how such facilities were functioning in other countries.

3. Institutionalizing International and Russian Experience in the Field of Readmission Agreements Implementation: a Two-Volume Manual and an Electronic Training Module

With the purpose to summarize the international experience of implementing readmission agreements, as well as to develop a reference tool for the practitioners in Russia, IOM continued its work on the development of a Readmission Manual envisaged by the Programme. The Manual will consist of two volumes: Foreign Practices on Readmission and Return (1) and Implementation of Readmission Agreements – the Russian context (2). The Manual will deal with the issues of the readmission institute emergence and evolution, its legal base at the international and national levels, will draw on the experience of a number of EU countries (Poland, Hungary, Bulgaria). The analysis and the comparison of the readmission agreements concluded by the RF will be presented, raising awareness of how to practically implement the agreements and of the challenges lying ahead. Mainly targeting the practitioners from the Russian Federation, the Manual's audience will also include migration officials from the countries which are only now starting to consider the possibility of concluding readmission agreements.

The manual readers will benefit from a concise reference tool containing key findings and practical recommendations collected in one manual. Upon completion, the manual will be further processed into a form of an electronic training module, which will be jointly developed by IOM team and the Domodedovo Institute of Advance Studies of the Russian

Ministry of Interior. It is envisaged that the module will be included into educational courses for migration officials at the beginners' and advanced levels.

4. Getting Acquainted with Practical Experience of Implementing Readmission Agreements and Organizing Return Procedures: Visits to Austria, Germany and the Netherlands in July 2008

During the second year of the Programme implementation, IOM continued to support the Russian authorities by acquainting them with other countries' practical experiences of readmission agreements implementation. Thus, during July 2008, IOM organized two technical visits to partner EU countries for Russian officials directly responsible for readmission agreements implementation in Russia. In addition to practice learning, the visits also assisted representatives from the competent authorities in EU member states and Russia to strengthen their practical ties and clarify some of the procedural issues affecting the agreement efficient implementation.

First study tour was organized between 8 and 11 July to facilitate the Russian delegates' learning of **national practices of the Netherlands**, one of the main destinations of irregular migrants in the EU, focusing on the structure building, management and financial operation of centres for temporally accommodation of migrants before their expulsion.

During the study visit, Russian officials were briefed on issues concerning financial management, budgetary planning, safety and security measures including calamity plans in reception centres for irregular migrants. Dutch authorities also spoke about the existing mechanisms of inter-agency cooperation and distribution of responsibilities. Detailed attention was paid to return procedures implemented in the Netherlands within the framework of the EU legislation including an AVR project implemented jointly by the Government and the IOM mission in Hague. One of the focus areas during briefings was the identification and documentation of migrants.



Visit to Detention Centre "Alphen aan den Rijn" in the Netherlands, July 2008

During the three-day trip a total of two migrant accommodation centers were visited. The Alphen aan den Rijn newly established facility provides accommodation for irregular migrants during the process of establishing their identity and arranging documents for return to their country of origin. Technologies, structural arrangements and procedures used in the center were studied in detail and found by the Russian delegation as a useful example to take into consideration while Russia builds its own new facilities of this kind. One more center in the Schiphol airport was visited and presented an example of how different types of migrants could be accommodated in the same facility while their legal status was being determined. In both centers the Russian delegation was able to obtain information on the daily routine and the operational cooperation with other agencies involved in the return of migrants. During these site visits the Russian officials were able to exchange experiences in management strategies with their Dutch counterparts.

The second **technical visit to Germany and Austria** was organized on 20-25 July 2008. Throughout the visit, the key emphasis was on the practical implementation of the EC-RF Readmission Agreement, bilaterally between the governments of the RF and the Federal Republic of Germany; and the governments of the RF and the Republic of Austria.

The programme included a series of bilateral discussion meetings in Berlin, Munich and Vienna; and site visits to initial reception centers in Munich (Germany) and Traiskirchen (Austria), and two closed facilities pending removal in Austria: Eisenstadt and Vienna.



Technical Visit to Germany and Austria, July 2008

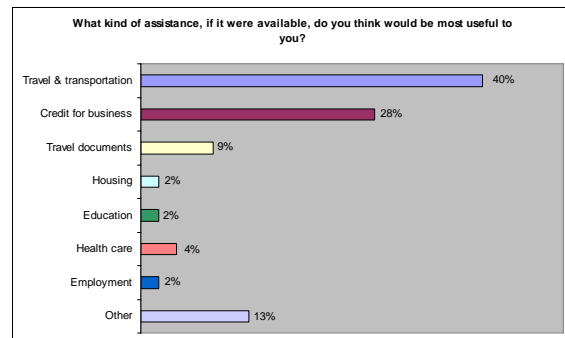
Central to the work of the technical meetings were discussions on: 1. procedures related to submission, review and replying on readmission applications – means of communication for the purposes of correspondence; 2. organization and conduction of interviews for the purposes of verifying identity and confirming the RF citizenship; and 3. return transportation arrangements. The role and functioning of the competent authorities as well as the procedures concerning asylum applications and removal of irregular migrants in the German and Austrian immigration management systems were extensively presented. The members of the Russian delegation acquired valuable information about every aspect of the day-to-day works related to handling of asylum applications and detention, removal processes and were constantly in discussions with relevant authorities throughout the study tour. At the same time, the Russian officials had an opportunity to explain in detail the procedures for the RF citizenship verification and conditions for issuing of a return certificate, which raised a lot of interest from the side of their EU colleagues. The technical discussion meetings confirmed that willingness to consult or negotiate, and generally engage in a regular dialogue was a key to successful implementation of a Readmission Agreement.

5. Profiling Potential Returnees within Readmission Framework: Preparing for Reception and Reintegration

IOM Moscow is currently implementing a research activity within the framework of the Programme which is called the ‘Snapshot Study on the Profiles of Irregular Russian Migrants in the EU and Challenges for their Reintegration upon Return to the Russian Federation’.

The study’s main objectives are:

1. Assessing the number and characteristics of irregular migrants of Russian origin in the selected EU Member States (learning what brought them to the EU, what are their expectations for the future, would they consider returning home, what kind of counseling/support they would need after returning home, etc.);
2. Identifying the migration dynamics from Russia to Europe;
3. Developing a research base which would lead to the deeper understanding of migrants’ motivations and needs;
4. Assisting the Russian Government in building mechanisms in helping those irregular Russian migrants in the EU who wish to return to their homes voluntarily; and
5. Providing assistance to the Russian Government in establishing adequate reintegration programmes vis-à-vis the migrants’ needs.



IOM research on Irregular Migrants of Russian Origin in European Union (EU) countries

In-depth interviews with 60 irregular migrants of Russian origin were carried out in a few EU countries (Poland, Slovakia, the Czech Republic). Also, 23 former migrants already returned back to Russia were surveyed within the framework of this study.

It is envisaged that the report will be ready for a presentation at the final seminar in June 2009.

Component 2: Development of model mechanisms for return and readmission

6. Technical Workshop on Identification & Documentation

On 24-25 April 2008, one month before the third sitting of the Joint EC-Russian Federation Readmission Committee, representatives of competent authorities from the Russian Federation (RF) and EU member states

gathered in Moscow to discuss the process of the EC-RF Readmission Agreement implementation with the focus on irregular migrants' identification and documentation.

The two-day Technical seminar was attended by experts from Austria, Belgium, Denmark, Estonia, Germany, Latvia, the Netherlands, Poland, Sweden, as well as Switzerland. The Russian side was represented by officials from the Federal Migration Service of the Russian Federation (FMS of Russia), the Ministry of Foreign Affairs and the Border Guards Service. The European Commission (EC) representatives from Brussels and Moscow were also present, with Marc Franco, Head of the EC Delegation to Russia, making an opening speech together with Enrico Ponziani, IOM Moscow Chief of Mission, and Vitaliy Yakovlev, FMS Readmission Department Head.



Technical Workshop on Identification & Documentation, Moscow, April 2008

At the time of the seminar and one year after the Agreement entered into force on 1 June 2008, there have been around 600 readmission applications filed for the RF citizens who no longer fulfilled the conditions of stay in EU. As the practice had shown, the process of irregular migrants return within the readmission framework did not always happen in a smooth way. A number of technical issues, including identification and documentation, still required further coordination and practical mechanisms development. As was noted by all the participants, the Technical seminar was particularly successful in revealing such key areas where cooperation is needed and paved the road for further discussions at bilateral and multilateral levels.

The event once again demonstrated that the efficient implementation of the Agreement was much dependent on the trust and practical collaboration among the competent authorities and served the interest of all involved sides. An instrument of irregular migration counteraction and a necessary condition for the simplification of the visa regime between Russia and the EU, the Agreement also ensures that the return of irregular migrants goes in line with all key international standards safeguarding fundamental rights and freedoms of migrants.

7. Voluntary Return as an Alternative to Readmission

The general approach of EU and IOM is that voluntary form of return is a much preferred option for a migrant in an irregular situation. To complement the on-going work on creating efficient mechanisms of readmission in Russia, in August 2008, IOM launched a pilot Assisted Voluntary Return (AVR) Project which aims to assist irregular stranded and destitute migrants currently in the Russian Federation who choose to voluntarily return home and whose countries of origin or permanent residence are not the CIS or OECD or EU Member States.

The beneficiaries are selected on the basis of their particular vulnerability. The general criteria of candidate selection is that the applicant is in irregular situation, stranded and destitute and is willing to return home voluntarily however has no means and/or permission to leave the Russian Federation. IOM's assistance includes counseling and provision of information on the availability of voluntary return assistance; support in obtaining necessary travel documentation through relevant consular authorities and the Federal Migration Service of the Russian Federation; return transportation arrangements; and departure assistance.

By March 2009, IOM was able to assist a total of 25 persons who were found eligible to benefit from the AVR Programme. The pilot AVR project targets to assist up to 100 persons with returning to their homes by the end of the Programme and will also be extended to a number of vulnerable irregular migrants of Russian origin currently staying in EU countries and having no means to return back to Russia.

Component 3: Assistance in the strengthening of dialogue and regional cooperation on readmission

On 6-7 October 2008, IOM Moscow organized the Regional Technical Consultations in Eastern Europe and Central Asia (EECA) on 'Sharing Experience in Return and Readmission'.

The event was attended by more than 45 heads of department level authorities representing nine countries across the EECA Region.



Participants of the Regional Technical Consultations, Moscow, October 2008

The participants included representatives of the European Commission (from both the Headquarters in Brussels and the Delegation in Moscow), Ministry of Foreign Affairs and Migration Services as well as the diplomatic missions of Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan and Ukraine. The Russian Federation was represented by the Federal Migration Service, the Ministry of Foreign Affairs, the Ministry of Internal Affairs as well as the Border Service of the Federal Security Service.

Opening remarks were made by Mr. Enrico Ponziani, Chief of Mission, IOM Moscow; Ms. Ekaterina Egorova, Deputy Director, Federal Migration Service, Russian Federation; and Mr. Paul Vandoren, Deputy Head of Delegation, The Delegation of the European Commission to Russia. Every country delegation had the opportunity to share their experiences and insights vis-à-vis irregular migration and negotiating, implementing readmission agreements. Meeting attendees exchanged statistical and practical information about return of aliens from their territories and readmission. The delegates also found the opportunity to learn other countries' legal and regulatory frameworks and processing mechanisms concerning readmission of own nationals and

third-country nationals. Last but not least the delegates had the occasion to meet their counterparts in person which, in line with the objectives of the technical meeting, further contributed to the establishment of contacts among the EECA States that would result in close collaboration towards counteracting irregular migration. Based on the participants' feedback it can be concluded that the technical meeting supported the establishment of a reliable, open, mutually beneficial and constructive interstate dialogue on readmission among the EECA countries which benefits the interests of both migrants and the states.

Planned activities:

- Extension of pilot programme of assisted voluntary return to and from Russia (till July 2009);
- Two expert meetings on Data Protection and on Human Rights of Migrants in Detention (April 2009, Moscow);
- Development of a readmission manual and an interactive module (April 2009);
- Two Workshops on International Migration Law (IML) (1st - April 2009, Rostov-on-Don; 2nd - to be determined);
- Refurbishment of Don Migrant Accommodation Centre (June - July 2009);
- Programme Wrap-Up Conference (24-26 June 2009, Moscow).

For details of the Programme, contact Enrico Ponziani, Chief of IOM Office in Moscow, and Marina Manke, Readmission Programme Coordinator.

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