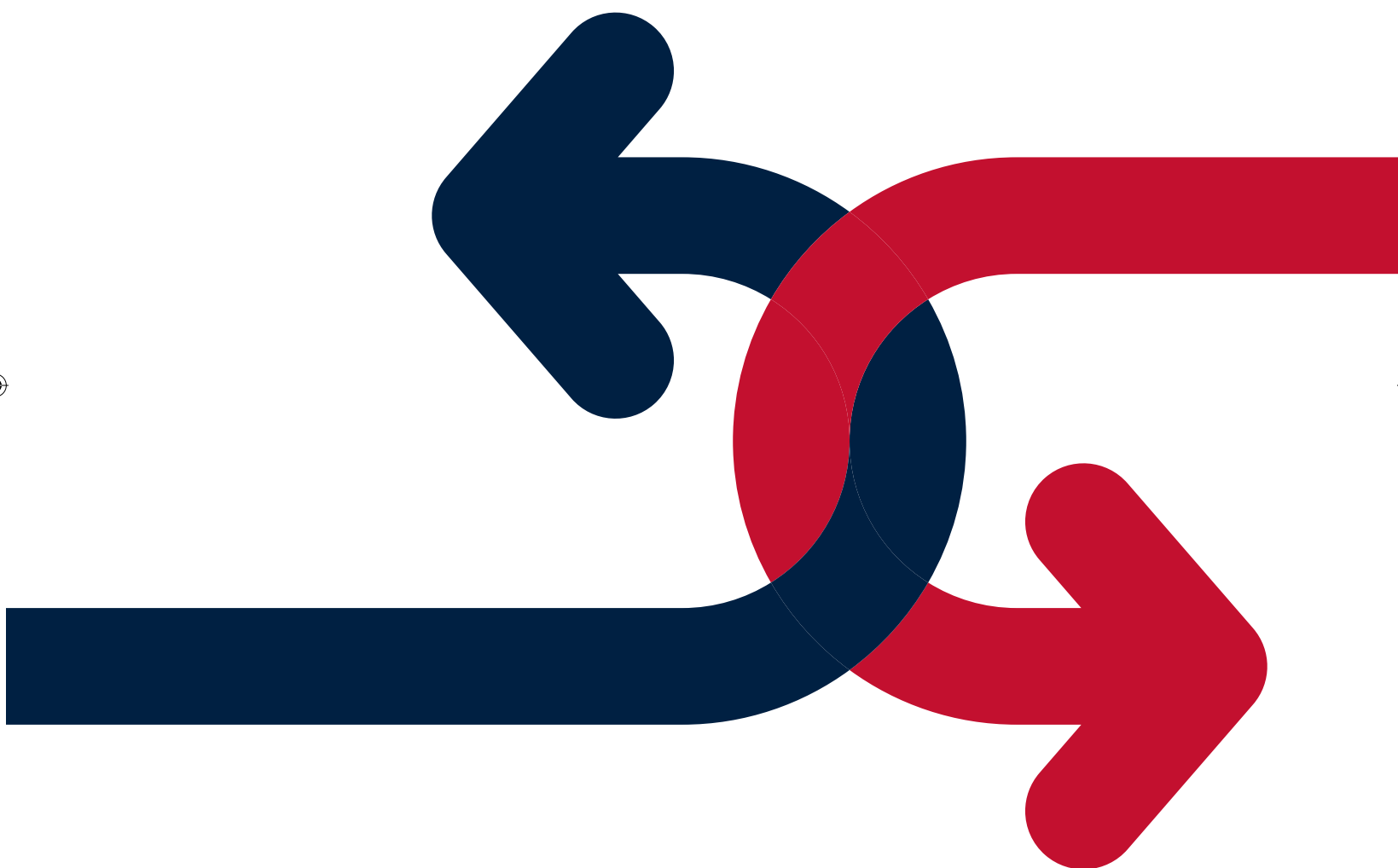


LESSONS LEARNED AND BEST PRACTICES

Preparation and implementation of return operations
in Denmark and EU Member States





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Increased numbers of return operations and political pressures for more efficiency have put a strain on authorities dealing with return. Policy ambitions need to be translated into concrete return practices that ensure sustainability by increasing the success of voluntary returns, ensure respect for returnee rights and emphasize the human dignity of the returnee in the return process.

Voluntary returns compared to forced returns entail obvious and concrete advantages for the returning authorities; in the form of an improved image when less force is used, and in the form of very concrete practical, financial and staff-related advantages.

1. Practical gains

- Reduced use of force
- Less resources required when arranging voluntary returns

2. Financial gains

- Fewer chartered airplanes as there is a possibility to use commercial airplanes
- Less staff hours spent on escorted returns
- Fewer expenses on flights, hotels and subsistence allowances to escorting police officers.
- Fewer cost-intensive detentions

3. Staff gains

- Fewer police officers have to exercise force, exposing them to psychological stress

1. Introduction

Since January 2008, the Danish Refugee Council (DRC) and the Danish National Police have in close cooperation implemented a project 'Support to improved preparation and implementation of return operations in Denmark and EU Member States', funded by the European Commission. The Dutch Council for Refugees has also been involved in the implementation of this project.

The project had two key objectives. Firstly, to provide training to the Danish National Police on returnee rights and standards for dignified and sustainable return operations. Secondly, to disseminate best practices and training concepts relating to practical return management amongst state agencies and civil society organisations in other Member States.

In order to learn from both good and bad practices in other Member States, to gain new experiences and to learn from the experiences of a variety of stakeholders, a number of activities were implemented.

To **learn from good as well as bad practices** in other Member States, a desk study was prepared which provided an introduction to return practices in Sweden, Belgium, the UK and Netherlands; a study trip to the Netherlands was undertaken; and a representative from the Norwegian return authority gave an introduction to return practices in Norway. During the study trip to the Netherlands, meetings were arranged with civil society organisations and state agencies involved in the preparation, implementation and monitoring of return operations.

To **gain new experiences** DRC staff monitored both preparatory activities and a forced return operation of a Russian family implemented by the Danish National Police; and a visit to a receiving country – Kosovo – was carried out. In Kosovo, meetings were arranged with civil society organisations, state officials, and returnees from Denmark and other European countries.

To **exchange experiences and learn from other stakeholders**, a workshop was hosted in Copenhagen. Eighteen professionals participated in the workshop, including representatives from: Amnesty International; the European Council of Refugees and Exiles (ECRE); the Serbian organisation Group 484; the International Organisation for Migration (IOM); operators of Danish reception facilities and detention facilities; the DRC; the Dutch Council for Refugees; and the Danish National Police. The focus of the workshop was on how to secure dignity and sustainability in the return process.

The first aspect of the project – training of Danish National Police – was carried out in November 2008. Across three seminars, each lasting two days, 120 police officers working with return on a daily basis were trained using a curriculum similar to the enclosed training material. In May 2009, an evaluation seminar was held with 10 participating police officers. Debate and exchange of experiences were key elements of the training.

These activities were all prepared and implemented by a resource team consisting of staff from the DRC and the Danish National Police. The DRC was represented by two experienced legal advisors who have worked with asylum seekers, including rejected asylum seekers, for several years. The Danish National Police were represented by two equally experienced superintendents with long careers in the Aliens Department of the Danish National Police, who have worked on all aspects of aliens, including return. Representing two often very different approaches to return management, representatives from DRC and the National Police have in the entire process of this project worked closely together with a common goal of improving return management. Experiences have been shared, attitudes and ways of thinking have been challenged and out of this new ideas and approaches have been developed.

Based on the experiences gained both from implementing the above mentioned project activities, including the training sessions with Danish Police officers and the follow-up seminar, and from the ongoing debates and exchange of experiences between resource team staff, this paper draws out the main lessons learned and seeks to identify best practices for the preparation and implementation of return operations.

The lessons learned during the project are very much in line with both the EU Return Directive of December 2008 and the Council of Europe's Twenty Guidelines on Forced Return of September 2005. Where particularly relevant, reference is made to these documents.

2. Acceptance of return/voluntary return, dignity and sustainability

The implemented project focused on how returning authorities prepare and implement return operations, and how this can be improved. Given this focus, the decision by the authorities to reject residency or expel the foreign national has been presumed to be correct and has not been questioned; nor did the project look at whether or how schemes for reintegration support should be implemented. Rather, the focus of the project and of this report is on how the relevant authorities, within the mandate they are given, can improve the way in which they prepare and implement return operations by promoting acceptance of return, dignity and sustainability.

During the implementation of the project, concepts such as ‘voluntariness’, ‘dignity’ and ‘sustainability’ have caused considerable debate: can return be voluntary when there is no actual alternative to leaving? Does it even make sense to discuss sustainability without discussing reintegration assistance?

While many humanitarian organisations prefer the term ‘mandatory return’, many returning authorities have continued to use the term ‘voluntary return’ when a rejected asylum seeker or another person with an obligation to leave the country returns without being escorted by the authorities. For several reasons, the terminology ‘acceptance of return’ or ‘accepted return’ (equivalent to mandatory return) is chosen here: it reflects the reality well; it is easy to use; and it acknowledges the difficult situation of the returnee.

The aim of the project is return of both rejected asylum seekers and others with no legal right to stay in the country. The term ‘returnee’ has therefore been chosen to describe any person towards whom return-related activities are directed.

At the workshop in Copenhagen the following elements were suggested as crucial for a dignified return process: Information in due time, respect, empathy, trust between the returnees and the authorities, confidence in the process, being well prepared, having time to prepare, consent/voluntariness, a smooth travel, a feeling of safety, practical assistance, education, money, reintegration, being well received in the country of origin and having perspectives for the future. Receiving correct information and counselling and not being treated as a criminal are also often stressed as important factors for a dignified return.

While education, money, reintegration and how the person is received in the country of origin are most often out of the hands of the returning authority, the remaining elements are to a large extent within the authority’s mandate to promote if they choose to do so.

Education, money and how the person is received in the country of origin are usually also considered to be key elements to achieve successful reintegration, and thereby sustainable return. In most countries, it is not within the mandate of the returning authority to really offer any of these things. However, there are other factors which are equally important for a successful reintegration which are within the mandate of the returning authority. These include: achieving the returnee’s acceptance of the return; avoiding traumatic forced return operations; giving the returnee a chance to prepare and to have a voice in the process; and ensuring that the rights and dignity of the returnee are respected.

3. Lessons learned

a. Stakeholders involved in the return process

Both the resource team's own personal experience of learning from each other and experiences gathered through the project activities revealed that stakeholders involved in the return process often do not fully respect each other and lack knowledge of each other's role, mandate and tasks. This can be observed not only in the cooperation between non-governmental organisations (NGOs) and returning authorities, but also between different NGOs.

Within the resource team, the two Danish National Police representatives and the two DRC representatives initially approached a lot of the issues surrounding return in quite different ways. As the project progressed, it became obvious that some of the prejudices or misunderstandings that existed between the parties were simply due to a lack of knowledge of the considerations each party makes when fulfilling their purpose in the return process. For instance, the Police need to be highly aware of security issues, which can sometimes collide with the ambition to involve the returnee more deeply in the preparation for a return.

Some of the discussions during the project revealed that NGOs and returning authorities often start from a traditional approach based on the perception that their part of the return process can stand alone – but it soon became clear that all relevant parties share a common interest in making the return management process as professional as possible and that this requires cooperation and appreciation of the role of other stakeholders in the process.

The need for cooperation and sharing of information between stakeholders involved with return has been emphasised throughout the project for several reasons:

At the Copenhagen workshop, close cooperation between stakeholders was identified as a way to avoid false rumours and myths appearing about other stakeholders and in particular about the return-managing authorities. Keeping in mind the difficult and vulnerable situation of a returnee in a foreign country, there is a significant risk of such counterproductive rumours and myths arising.

Cooperation between stakeholders is often necessary if the relevant information is to actually reach the target group. For example, DRC has implemented various programmes to assist rejected asylum seekers returning to Kosovo since 2006. Several returnees interviewed in Kosovo mentioned that before their return they had been referred to DRC by the National Police for counselling and reintegration assistance. Although DRC had disseminated fact sheets and newsletters, several rejected asylum seekers who were eligible for these programmes only learned about them through the National Police.

Knowledge and information sharing also helps to ensure that returning authorities possess sufficient information to prepare and implement dignified and sustainable return operations. In some cases, important information regarding e.g. medication or prior suicide attempts has not been shared. In at least one case where this vital information was not shared, the returnee committed suicide shortly after arrival.

From the Copenhagen workshop and from the implementation of the project in general, it seems obvious that the exchange of experiences between stakeholders is a prerequisite for the continued development and improvement of return management.

Different actors with different mandates and competences each have something to offer, but no one actor is able to offer everything. Being a returnee in a foreign country is extremely difficult and it is

virtually impossible to have a complete overview of the different stakeholders and the different ways in which they may potentially provide assistance. The need for stakeholders to cooperate and to refer returnees according to their needs should therefore be stressed.

In the experience of the Dutch Council for Refugees, the most successful return projects have been those where there has been strong cooperation between different actors, such as the authorities and NGOs, combined with the possibility for returnees to choose whom they wanted to communicate with and how.

The close cooperation between the DRC and the Danish National Police in the implementation of this project has resulted in a much improved relationship between two central actors on the Danish return scene. Reaching a common understanding of each other's role and legitimacy, and the mutual respect (though not necessarily agreement) that has evolved from this, has undoubtedly had a positive effect. This has led to increased willingness to cooperate, to share knowledge and information – within the national legal framework – and to draw on each other's expertise and experience.

From the EU Return Directive of December 2008: (19) Cooperation between the institutions involved at all levels in the return process and the exchange and promotion of best practices should accompany the implementation of this Directive and provide European added value

b. Preparation of return

A key question posed during the implementation of the project – and in many other reports and documents on the subject – is at what point it is best to start preparing the potential returnee for return. Some have argued that this should be done as early as possible, i.e. when an application for asylum/residence permit is filed, or at least before a decision is made. Others have argued that even though information on return should be available at all times, it should not be targeted before *after* the first rejection of asylum/residence permit. There are both practical reasons for this (before then, the asylum seeker/person applying for residency is too focused on obtaining the permit to really comprehend information on return) and ethical reasons (if the applicant is targeted with informed about return before the case is processed, this might cause them to lose confidence in the (asylum) procedure).

Until a final decision is made return preparatory measures should for the same reasons be considerate of and adjusted to the fact that the rejection is not yet final and that return at this point is merely a *probable* outcome.

The aim of the preparation phase should be to promote accepted returns as an inherently more sustainable solution than forced return. Furthermore, priority should be given to maintaining dignity in both the preparation and implementation of return.

The main characteristics of an accepted return, compared to a forced return, are the absence of escorting officers, the absence of detention and the returnee having greater influence over the planning of the return.

The availability of correct information and counselling are usually seen as essential prerequisites for accepted returns.

- Information

The need for information has been emphasized by all stakeholders: the returnees themselves; lawyers; humanitarian organisations; staff at asylum centres; and the returning authorities. Information is needed on a variety of issues: the asylum procedure; the return procedure, including practical information on e.g. procedures at the airport; the situation in the country of return; information on whom to contact for advice and support, both in the host country and in the country of return; etc.

Access to credible information on these issues is necessary for the returnee to make a well-informed decision, for them to have realistic expectations and to achieve a minimum of trust in the procedures – all of which are crucial if acceptance of return is to be achieved and dignity maintained.

There is wide agreement that information is an essential part of dignified and sustainable returns. However, simply providing information is not enough. It is equally important to ensure that this information is fully understood – and this is a challenge of its own.

One returnee – an old lady – who was forcefully returned from Denmark to Kosovo explained that she only realised that she and her husband had been returned to Kosovo when she heard Albanian being spoken at the airport. Both of them had been terrified throughout the flight as they had no idea what was happening to them.

Knowing the general procedures of Danish National Police, it seems highly unlikely that the couple had received no information at all. What is likely, however, is that the relevant officers had not adequately observed whether the returnees understood the information provided to them. There is a significant risk of information being provided but not understood for various reasons, such as a low educational level of some returnees, a high anxiety level and differences in cultural backgrounds and communication traditions. Overcoming this dilemma requires a huge effort from the ‘sender’ of information.

- Counselling

Counselling is often required to help the returnee come to terms with the rejection of their application for asylum/residency, to move on from this and actively deal with the situation – undesirable as it may be – and to take responsibility for the future.

Since basic principles for counselling include the objectivity of the counsellor and the establishment of trust, counselling by independent counsellors is generally considered to be most appropriate and most successful. Obviously, the returning authority cannot easily meet these criteria, but it has been argued that the decisive factor in securing trust and confidence is actually the personality and attitude of the counsellor. Return authorities in many countries have positive experiences of using a ‘counselling approach’ which emphasises cooperation with the returnee. Visiting the Netherlands and meeting the authorities responsible for return, the experiences using a counselling approach: listening to concerns, seeing the returnee as an individual instead of merely a file number and trying to identify and remove obstacles for return was described as very positive. The personal experiences of several of the Danish Police officers participating at the training seminars was that trust and confidence can be obtained, particularly if it is allowed to develop over time.

For a counselling approach to be successful, counsellors need to be open to the concerns and feelings of the individual returnee. In a lecture delivered as part of the training of Danish National Police

officers, an experienced counsellor in repatriation cases emphasised the importance of dialogue, patience, willingness to listen to and recognise the returnee's feelings, concerns and views on return, the need to maintain a positive, creative yet realistic approach to obstacles and possibilities, and of initiating discussions on necessary preparatory measures such as the translation of documents. Experiences from repatriation counselling show that practical issues such as sufficient physical room during counselling sessions, available time, turned off mobile phones and experienced and well prepared interpreters are also important.

The potential of a counselling approach can be illustrated by a case from the Netherlands. A returnee reacted strongly against return. The reason for his resistance turned out to be that he was deeply concerned about a dog he had in the Netherlands – an obstacle that could easily be overcome once it was revealed. Not all obstacles are easily removed, but with a willingness to listen and the establishment of a forum where trust is possible, certain cases have the potential to be solved peacefully to the satisfaction of both the returnee and the returning authority.

Practical preparation before return can have a significant positive impact on reintegration in the home country. This is a lesson learned from several return projects and interviews with returnees. Documents issued in the host country, e.g. birth or marriage certificates, need to be translated, it may be necessary to establish contact with relatives in the country of origin, arrangements on transportation of belongings should be made, preparations regarding employment and housing can be relevant, and the native language skills of returnees' children may need improvement. This can be a both mental and practical challenge for the returnee, and counselling and practical assistance in this regard can be highly relevant.

Recognising the importance of the returnee reaching acceptance of return and the significance of counselling in this regard, there has been some debate as to whether counselling should be somehow compulsory. However, by its very nature counselling depends upon the participation of the counselled person, and this participation cannot be forced. It has been suggested that counselling could be 'insistent'. Considering that coming to terms with a very much undesirable decision will often be a process that takes some time, it seems reasonable for returning authorities to continue to strive to establish dialogue and cooperation even when the returnee is at first hesitant or even reluctant.

Quite often, rejected asylum seekers and others that have been denied residency nevertheless remain in the country for a long time. In such cases contact between the returnee and the returning authority should be maintained. At least in Denmark there will often be frequent contact between the returnee and the returning authorities since the returnee might be detained or obliged to report to the authorities at specified times. Utilising this contact to continuously promote dialogue and cooperation serves at least two purposes: it could help to achieve acceptance of return; and it could avoid creating the perception that reporting to the returning authority is simply a form of harassment.

Maintaining a feeling of control over one's own life is very important if dignity and sustainability are to be promoted in the return process. It has thus been stressed that the returnee should be granted as much influence over the return process as possible, by being included in decisions on i.e. destination, travel route, departure date, which items to bring back to the country of origin and how, etc.

A polite, respectful and empathetic attitude towards the returnee is essential in all aspects of return. Without this, dignity is impossible and a counselling approach is meaningless.

From the EU Return Directive of December 2008: (10) Where there are no reasons to believe that this would undermine the purpose of a return procedure, voluntary return should be preferred over forced return and a period for voluntary departure should be granted

From the European Councils Twenty Guidelines on Forced Return, September 2005 (15): In order to limit the use of force, host states should seek the cooperation of the returnee at all stages of the removal process to comply with their obligations to leave the country.

c. Implementation of forced return

The implementation phase is considered to begin once it is realised that the effort to promote acceptance of return is fruitless, and the focus of the process therefore moves on to the planning and implementation of a forced return of the person in question. However, it should be stressed that the effort to promote accepted return should never be relinquished and that the option of accepting return and avoiding a forced return should remain open throughout the process.

According to returnees interviewed in Kosovo and studies by the Serbian organisation Group 484, forced return can be a very traumatic event for the returnee, e.g. families being separated, parents being handcuffed in front of children and the feeling of being treated as a criminal, etc. The implementation of forced return is thus a highly sensitive issue. Doing this in a way that preserves dignity and promotes sustainability is a huge challenge where many considerations must be taken into account.

Many returnees that were returned to Kosovo described the return operation as a very traumatic experience that left them feeling like criminals. Some were completely taken by surprise when the returning authorities picked them up, sometimes very early in the morning. They were usually given very short time to pack, packing was supervised, they were body-searched and they were given very little information on what was going to happen. In some cases, children had to translate since no interpreter was present. In most cases, returnees were not able to communicate with the escorting officers during the flight. On the other hand, interviewed returnees also stressed some positive elements of how they were escorted. The fact that the escorting officers did not wear uniforms was considered positive, officers were in many cases described as polite, and assistance on practical issues during the flight was appreciated.

Staff from one Danish asylum centre described how the collection of one returnee can sometimes affect the entire centre. In one case, the returning authorities did not know exactly where the returnee was located, and started knocking on doors in an attempt to find the person – thus terrifying many asylum seekers who thought that they were about to be returned. After this episode it took the staff several days and a lot of effort to calm the situation at the centre.

In the forced return monitored by DRC staff, a family was woken up in the morning and before they had answered the door it was opened from the outside and six police officers and an interpreter entered the room, where a young boy was still sleeping. The mother and son were given less than half an hour to get out of bed, get dressed, pack, and say goodbye to a family member who was not to be returned. A wish for a shower was denied and there was no mention of breakfast or something to drink. They were given brief practical information, including the flight number and time of arrival, so that the remaining family member could arrange for someone to meet them at the destination. The officers did not present themselves. Of four escorting officers, three were women. The use of force had been anticipated but was not needed, the officers kept a low profile during the flight and the atmos-

phere was fairly relaxed. During the flight the returnees were each served a sandwich and something to drink. At the departure there was no actual leave-taking. The operation has been confirmed to be overall representative of an average return operation.

Obviously, the primary considerations of the returning authority are for the return operation to succeed and to preserve the physical security of both the escorting officers and the returnees. It has been discussed that the operation might not need to succeed at any cost, and it has during project activities been debated how to improve dignity without compromising the return operation as such or the physical safety of everyone involved.

In debates during the training sessions, the importance of making arrangements according to specific needs was emphasised. These needs might include: special foods; nappies; child seats; necessary medicine; translation of necessary medical records; and possibly arranging for medical personnel to participate in the return operation. The importance of honest and thorough information was undisputed; there were also suggestions about extended use of interpreters – if necessary even on the flight.

A polite, respectful and empathic attitude of officers participating in forced return operations is obviously crucial for dignity to be preserved.

Discretion and patience were also mentioned as key elements in the return operation. It was pointed out that the plastic bags returnees from Denmark have to use for hand luggage are neither dignified nor discrete. The Danish National Police are now considering purchasing cheap but regular bags for returnees' hand luggage.

In some cases, it can be relevant to examine beforehand who will meet the returnee at the airport, in order to help the returnee to feel a little more secure about the situation. For instance, it could be a local NGO that assists the returnee with practical matters such as transport, information on possibilities regarding assistance, etc.

Some have suggested that in order to promote accepted return and avoid forced returns where possible, the returnees should be allowed at least one chance to leave the country on their own – i.e. the authorities should simply provide the returnees with a departure time and expect them to comply. However, it was argued that previous experiences of such methods in Denmark were less than convincing: few returnees complied with the order and thus substantial resources were wasted.

Both returnees and stakeholders close to the returnees emphasised the importance of the escorts knowing the returnee and being familiar with the case. The participation of the case worker in the return operation can calm the situation significantly and make the returnee less anxious. When it has been considered suitable and practical, the Danish National Police have arranged meetings about the return operation between the returnee and the escorting staff prior to the actual forced return. This most often contributes to a smoother operation, but the counterargument has been that this increases the risk of the returnee absconding.

Escorting police officers have the option of using physical force towards the returnee if the situation requires. Both returnees interviewed and police officers stressed that the use of force should be strictly limited to emergency situations. The Danish National Police have internal guidelines on the use of physical force which also emphasise that force should only be used with great caution.

From the EU Return Directive of December 2008 (art. 8,4): Where Member States use – as a last resort – coercive measures to carry out the removal of a third-country national who resists removal, such measures shall be proportionate and shall not exceed reasonable force. They shall be implemented as provided for in national legislation in accordance with fundamental rights and with due respect for the dignity and physical integrity of the third-country national concerned.

From the European Councils Twenty Guidelines on Forced Return, September 2005 (18): Escort staff should be carefully selected and receive adequate training, including in the proper use of restraint techniques. The escorts should be given adequate information about the returnee to enable the removal to be conducted safely, and should be able to communicate with the returnee. Member states are encouraged to ensure that at least one escort should be of the same sex as that of the returnee. Contact should be established between the members of the escort and the returnee before the removal.

d. Detention

Detention is a very radical interference in a person's life, and during the project it was repeatedly pointed out that such intervention is very stressful for a human being. This was emphasised by a psychiatrist who pointed out that long-term detention may cause people to develop PTSD.

The fact that detention may have traumatizing consequences of various kinds was furthermore illustrated with a case where a boy reacted very strongly when his father was detained in Denmark. It turned out that in the past, the father had been detained in the country of origin and had returned back to his family with clear signs of physical abuse – the son feared that this would happen again.

In most countries, a thorough and individual evaluation is required in every single case regarding the necessity of detaining a person, so that detention is only used if it is necessary to support the work of the returning authorities and if there are no circumstances or methods for supporting the authorities' work in the same way without detention. The general impression is that these requirements are far from always fully respected and that detention is used far more often than strictly necessary.

Given that detention is a radical step and that the necessity of the detention should be thoroughly considered as noted above, the Danish National Police are planning to publicise a new strategy in 2009 with a view to reducing the number of detentions and reducing the length of detentions that do take place.

From the EU Return Directive of December 2008 (art. 15,1): Unless other sufficient but less coercive measures can be applied effectively in a specific case, Member States may only keep in detention a third-country national who is the subject of return procedures in order to prepare the return and/or carry out the removal process, in particular when: (a) there is a risk of absconding or (b) the third-country national concerned avoids or hampers the preparation of return or the removal process.

Any detention shall be for as short a period as possible and only maintained as long as removal arrangements are in progress and executed with due diligence.

e. Monitoring

Since forced return is a highly sensitive issue, monitoring has a role to play both in securing the rights of the returnee and in ensuring that there is continuous debate and development in this field of work.

The project included the monitoring of a return operation in order to obtain first-hand knowledge of how the National Police operate in such cases and how returnees react. The DRC representative had absolutely no authority while monitoring the return operation; the aim was purely to observe and to learn. The monitoring activity did indeed provide greater insight and understanding into the forced return process, which improved the quality of further discussion and helped to identify elements for improvement.

Monitoring activities are very suitable as a way of raising the quality of the debate between different stakeholders and of ensuring further development, awareness and improvement to the return operation process. Monitoring seems an obvious way of securing returnees' rights, but this was not considered in sufficient detail during the project to identify detailed best practices.

From the European Councils Twenty Guidelines on Forced Return, September 2005 (20,1): Member states should implement an effective system for monitoring forced returns.

f. Vulnerable groups

Throughout the project, there were frequent discussions about how best to deal with the return of vulnerable groups such as families with children, single women, unaccompanied minors or sick people. Special considerations or arrangements are often required:

How to provide the necessary information and ensure that it is understood

How to ensure that the return operation does not traumatise the returnee.

The desk study found that if the returnee is sick or disabled, it is very important that the returnee receives thorough information concerning medical aid and medication in their home country and that key medical records have been translated.

As noted above, special preparations should be made when returning families with infants, e.g. ensuring that the car to the airport is stocked with nappies, baby food and child seats.

One returnee interviewed in Kosovo explained that her children had served as interpreters. Several similar examples were heard of during project activities. It is widely agreed that this is not appropriate, particularly during the very sensitive process of implementing return.

Another returnee interviewed in Kosovo explained that his children were traumatised by the experience of being separated from their parents and put in an asylum centre alone while their mother was in hospital and their father was detained as part of the return operation. This separation still affected the children, months later.

One group of returnees that are especially vulnerable is unaccompanied minors. A special procedure for return of unaccompanied minors has been developed in Denmark in order to ensure that all necessary factors are taken into account. Amongst other things, this means that the usual authority responsible for return – the Danish National Police – is not involved in returning this group.

It was noted at the workshop that when returning unaccompanied minors, it is very important to spend the right amount of time on the case – the time spent preparing (and waiting) for return must be neither too short nor too long. The stress and trauma faced by children in the return process can mean that they are unable to remember people they meet and forget important messages delivered to them throughout the process. Hence the process might have to be explained to them several times.

It was also pointed out that unaccompanied minors should preferably be followed to the country of origin by e.g. the legal guardian in the host country. This person should stay with the returnee for at least 5-7 days upon arrival in the home country if the child has no relatives. In case of receiving relatives it was suggested that relevant information regarding the child should be passed on to the parents/relatives.

Any issues concerning trafficking should of course be investigated thoroughly. In Denmark, a special procedure has also been developed regarding the return of trafficked women.

From the EU Return Directive of December 2008 (art. 5): When implementing this Directive, Member States shall take due account of: (a) the best interest of the child; (b) family life; (c) the state of health of the third-country national concerned...

From the EU Return Directive of December 2008 (art. 10,2): Before removing an unaccompanied minor from the territory of a Member State, the authorities of that Member State shall be satisfied that he or she will be returned to a member of his or her family, a nominated guardian or adequate facilities in the state of return.

g. Training of returning authorities

This report proposes various procedures and methods as best practices. In Denmark, and probably in most other countries, return authority personnel will probably require training in preparing and implementing return operations according to these best practices. As noted above, one goal of this project was to draw up a training concept for police officers in the Danish National Police who are involved in the return process.

It was assessed that training was needed in Denmark regarding police officers attitudes as well as concrete skills, in order to strengthen their competences and qualifications and ensure that they can carry out their assignments in the best possible way and in accordance with the recommendations of this report.

Training in Denmark included, among other things, coaching, intercultural communication, and 'the good interview'. Given the increased focus on dignity and the assumption that increased co-operation will lead to more accepted returns, it was thought useful to strengthen police officers competencies around talking to and cooperating with the returnee and enhancing the involvement of the returnee in the return process.

Work was done on attitudes, with a view to enhancing police officers respect and empathy for returnees. Assuming that respect and empathy are best achieved through knowledge and insight, the training reviewed topics like PTSD, the narrow criteria necessary to obtain asylum, and returnees' rights. Beyond this, the training also facilitated a general exchange of experiences between participating police officers, which led to fruitful discussions about good and bad return practices.

There were of course disagreements between participating police officers regarding the relevance of the training and how significant the concepts of dignity and sustainability really are. There were also varying opinions about the amount of effort necessary to promote acceptance of returns. These discussions will no doubt continue following the training. The training at the Danish National Police has given rise to a lively debate, which seems to be ongoing, about sustainability and dignity in the return process, as well as about wider topics such as work culture, moral and ethics.

During an evaluation seminar held five months after the training, several police officers said that they had sometimes felt provoked during the training, but that in fact this had probably been a quite healthy experience. Several would now like additional competence development regarding, among other things, 'coaching' and good discussion techniques. It was agreed that the training had given rise to a good debate and that several considerations introduced during the training were now factored into the planning and implementation of the returns. Among other things, one story was told about a colleague who had been at home in his kitchen early one morning before a forced return, making a lunchbox for returnees.

From the European Councils Twenty Guidelines on Forced Return, September 2005 (15,2):
Escort staff should be carefully selected and receive adequate training...

4. Best practices

Regarding stakeholders:

1. Knowledge, respect and co-operation amongst stakeholders should be promoted to ensure optimal use of common resources

Regarding preparation of return:

2. Return preparatory activities should be initiated after the first rejection of residency. Until a final decision is made the activities should thus be adjusted to the fact that the decision of return is not yet final.
3. As an inherently more sustainable and dignified solution, returning authorities should continuously promote accepted return.
4. Correct information should be provided on a variety of issues: the asylum procedure; the return procedure; the procedure in the airport; the situation in the country of return; and contact information for relevant authorities and organisations both in the host country and in the country of return. It is also important to ensure that this information is understood by the returnee.
5. Authorities should apply a counselling approach which emphasises cooperation with the returnee and fully considers each returnee's concerns and views on return.
6. To achieve the trust and confidence necessary to implement a counselling approach, the personality and attitude of the case worker is essential. It is recommended that one case worker handles the same case throughout the return process.
7. A fair time limit should be given that allows a person or family to properly prepare for their departure and arrival in the country of return. Dignity in return should be strengthened by focusing on increasing the returnee's participation in planning and preparing for departure and reintegration. Counselling and assistance should be provided in this regard.

Regarding implementation of forced return:

8. Efforts to promote accepted return should be maintained continuously, and the possibility of accepting return and avoid being forcefully returned should remain open throughout the process.
9. In order to secure dignity and promote sustainability in the sensitive phase of implementing return, the focus should be on ensuring that the returnee is not traumatised, avoiding any unnecessary use of force, maintaining a polite, empathetic and respectful attitude, and protecting the rights of the returnee.
10. If possible and appropriate, the returnees should be given at least one chance to return on their own, by being provided with information on the time of departure and other necessary instructions.
11. When preparing for a forced return, careful consideration should be given to any special needs or particular arrangements that are relevant to the returnee.

12. When preparing for a forced return, careful consideration should be given to the composition of the group of escorting officers. Factors for consideration include whether escorting officers of both genders should be present, whether they possess appropriate language skills to communicate with the returnee, and how well the escorting officers know the case in question. If the case worker is not taking part in the return operation, the escorting officers should be thoroughly briefed about the returnee and the case.
13. If possible, a meeting should be arranged between the escorting officers and the returnee prior to the return operation. If the returnee has been detained and there is thus no risk that they will abscond, a prior meeting should always be arranged.
14. If the returnee is to be picked up from an asylum centre, careful consideration should be given to the possible impact on other asylum seekers at the centre.
15. When picking up returnees, returnees should be given appropriate time to prepare for the journey. They should have time: to pack; to say their goodbyes; to contact relatives or others in order to arrange to be met on arrival; to eat and drink; to go to the bathroom; etc. High priority should be given to providing honest and thorough information on what will happen next and ensuring that the returnee has understood this information. An interpreter should be used to the extent necessary.
16. The escorting officers should perform their duties in as understated a fashion as possible. The use of force should be limited to emergency situations and should be applied proportionately and with respect of the rights and dignity of the returnee.

Regarding detention:

17. Detention should only be applied when absolutely necessary.
18. A national strategy is recommended to limit the use and duration of detention

Regarding monitoring:

19. Arrangements for occasional monitoring should be considered to ensure continued debate about and development of return operations.
20. Some form of arrangement for monitoring in order to secure returnee rights should be investigated.

Regarding vulnerable groups:

21. Special considerations and arrangements should be made regarding vulnerable groups.
22. The development of special strategies to handle the return of vulnerable groups should be considered.

Regarding training of return authorities:

23. To secure respect and empathy towards returnees, officers responsible for preparing and implementing return should be adequately trained, raising their awareness of return issues and providing them with relevant skills.



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