



Ad-Hoc Query on voluntary return counselling

Requested by the BE National Contact Point on 30th April 2013

Compilation produced on 6th June 2014

Responses from Austria, Belgium, Bulgaria, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovak Republic, Sweden, United Kingdom plus Norway (20 in Total)

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1. Background Information

This ad hoc query doesn't concern the content of the voluntary return programme organised by IOM (the practicalities of organizing the return journey - a plane / bus ticket and usually a return premium) and in some cases additional reintegration support to start a project in the country of origin.

In Belgium we are currently conducting an internal review of our **approach to voluntary return (prior to departure)** to critically assess the content and organisation of the **return counselling** our social workers provide to (ex)asylum seekers in the reception facilities. The main aim of our review is to establish whether any changes are required to the Belgian approach. We are therefore interested in comparing our approach with that of other Member States.

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QUESTIONS:

1. Is counselling on voluntary return of (ex) asylum seekers provided for in law or legislation in your country? And is voluntary return counselling mandatory?
2. Is counselling on voluntary return an integral part of the social counselling and guidance of (ex)asylum seekers in the reception facilities?
3. How and when is the topic of voluntary return raised? Are there fixed key moments (inside and/or outside the reception facilities, during and/or after the asylum procedure) and who is responsible for addressing the topic?
4. Are there specific housing facilities for return provided? If so, how are these facilities organised, and to whom and under which conditions are they accessible? Alternatively, have such facilities existed in the past, and if so, why were they abandoned?

2. Responses

		Wider Dissemination?	
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Belgium	Yes	<p>1. Yes, the law amending the legislation on the reception of asylum seekers dd. 19th January 2012 has made changes to the Reception Act dd. 12th of January 2007. One of the most important novelties concerns the introduction of the return path (Article 6/1 of the Reception Act). The return path is an individual (personalized) counseling path offered in reception facilities of the reception network of Fedasil (Federal Agency responsible for the reception of asylum seekers) in order to return to the country of origin when the asylum application fails. The return path is formalized in a document, signed by the beneficiary of reception, that states the rights and obligations of the asylum seeker and a concrete timing for the return. Once the asylum procedure is terminated, the failed asylum-seekers are allocated an “open” return place where the staff has specific expertise on voluntary return, and where a cooperation exists between Fedasil and the Immigration Office (responsible for the access to the territory, the residence, the establishment and the expulsion of foreigners).</p> <p>It is mandatory for the return path to commence at the latest 5 days after a negative decision (refusal of recognition of refugee status and refusal to grant subsidiary protection status) by the Commissioner General for refugees and stateless persons (CGRS) when the applicant will receive information with respect to the possibilities relating to the return path.</p> <p>2. Yes. From the moment a foreigner has lodged an asylum application, return counselling becomes an integral part of the accompaniment offered to asylum seekers in all reception facilities. The return path is divided into two main phases 1) voluntary return counselling while the asylum procedure is still ongoing and 2) voluntary return counselling in a return facility. As per the return path, asylum seekers get tailored voluntary return counselling in all reception structures of the reception network during the course of their asylum procedure. This counselling is an integral part of the individualized and permanent (ongoing) social guidance</p>

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		<p>provided by the social worker during the entire stay of the beneficiary of reception in the reception center. Asylum seekers whose applications for asylum have been rejected are assigned to specialized return places where they get an intensive return counselling during a short time (max 30 days).</p> <p>3.</p>	
During the asylum procedure in the regular reception facilities for asylum seekers			
When	Fixed moment	What / How	Responsible
1. when applying for asylum at the Immigration Office	yes	brochure with information about voluntary return (Fedasil & IOM)	Immigration Office
2. during the intake in the reception facility	yes	<p>explanation of</p> <ul style="list-style-type: none"> - the voluntary return programme (with IOM and the possibility of additional reintegration support); - the return path, including the assignment to a return facility in case of a negative outcome of the asylum procedure 	Social worker of the reception facility
3. during the examination of the asylum application, the subject of voluntary return can be raised and further discussed every time there is a reason/a need for it	no	discussions/information on voluntary return	Asylum seeker and/or social worker
4. refusal of recognition of refugee status and refusal to grant	yes	- the asylum seeker receives from the Immigration Office an order to leave the territory along with a second information brochure	Immigration Office

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			subsidiary protection status) by the Commissioner General for refugees and stateless persons (CGRS)		about voluntary return	
			5. within 5 days after the refusal of recognition of refugee status and refusal to grant subsidiary protection status) by the Commissioner General for refugees and stateless persons (CGRS)	yes, from this moment the return path becomes formally mandatory	- the asylum seeker is actively encouraged to think about his future prospects, including the option of voluntary return, he is informed about the possibilities offered by the programmes for voluntary return (IOM). - this talk/discussion is formalized in a document (part one of the return path plan that is kept in the social file of the asylum seeker)	Social worker
			6. approximately one month after the appeal with the Council for Alien Law Litigation against an unfavourable decision from the CGRS	yes	- discussion regarding the future prospects (based on elements and results of previous conversations) and the topic of voluntary return is raised once again	Social worker
			7. after the Council for Alien Law Litigation confirms the negative decision of the CGRS + assignment to a return facility	yes	- the social worker informs the ex-asylum seeker about the transfer to the return facility and explains the content of the return path and counselling in these facilities - the ex-asylum seeker is asked to sign part two of the return path plan (by signing this document the ex-asylum seeker acknowledges that he has been informed of the continuation of his return path and takes note of the exchange of information that will take place between the reception structure, Fedasil and the Immigration Office - a copy of this document is kept by the reception structure, one is sent to the assigned return facility and	Social worker <u>Note:</u> some categories of (ex)asylum seekers are exempt from a transfer to a return facility and remain in

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		one copy is given to the ex-asylum seeker) - the ex-asylum seeker can decide voluntarily if he wants to go and has 5 days after the assignment to register at the return facility (the only facility where he still has a right to reception for a specific amount of time before he has to leave the Belgian territory), in any case he must leave his current reception structure	their current reception structure for the duration of their order to leave the country
After the asylum procedure in the return facilities organised by Fedasil for ex-asylum seekers			
When	Fixed moment	What / How	Responsible
1. Arrival and start of the return counselling	yes	a) information: during the intake in the return facility information on the last part of the return path, the actors involved and the division of tasks between Fedasil and the Immigration Office b) identification: an identification sheet is filled out for every adult family member and is passed on to the liaison officer who verifies the data c) start up of a return file with all relevant information and the status of current residence procedures: the liaison officer of the Immigration Office is informed of ongoing procedures – the officer makes sure that these procedures are treated with priority by the Immigration Office	Social worker of the return facility (this social worker is responsible for the social and the procedural accompaniment as well as the return counselling) and liaison officer?
2. Return counselling and evaluation of the return path (evaluation on	yes	a) return counselling: - the ex-asylum seeker is actively informed and sensitized about the possibility of voluntary return - obstacles to voluntary return are identified and the social worker examines how they can be eliminated b) evaluation of the return path: the path is evaluated together with the ex- asylum seeker, the social worker and the liaison officer of the Immigration Office - the goal is to determine whether the voluntary return	Social worker & liaison officer of the Immigration Office & the ex-asylum seeker

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			day 15)		is realistic and whether the ex-asylum seeker cooperates (signed demand for voluntary return, steps to obtain valid travel documents, no introduction of new residence procedures like a new asylum demand)	
			3. End of the return path	yes	<p>a) in case of cooperation on the part of the ex-asylum seeker: the social worker will continue to actively support the ex-asylum seeker in taking the necessary steps to realize the voluntary return (if the execution time of the order to leave the country expires, the right to reception will come to an end, but the period of the order may be extended by the Immigration Office in case an application for voluntary return is filed and a realistic plan for return is put into place)</p> <p>b) in case of non-cooperation on the part of the ex-asylum seeker: the focus shifts from voluntary towards forced return, the Immigration Office takes steps to prepare a forced return. Two days before the expiration of the order to leave the country (and the right to stay in the return facility), the Immigration Office can give instruction to the local police to summon the ex-asylum seeker to the police office in view of his removal of the territory. If the resident does not respond at the end of the legal stay in the return facility, the Immigration Office may give the command to the local police to retrieve the person involved from the return facility</p>	<p>Social worker</p> <p>Liaison officer of the Immigration Office</p>
			<p>4. Yes, if the asylum procedure has come to an end with a negative decision (refusal of recognition of refugee status and refusal to grant of subsidiary protection status), the ex-asylum seekers are assigned to a return facility for the duration of the execution time of their order to leave the territory, in view of preparing the voluntary return. For the duration of their order to leave the country these return facilities are the only places where they are still entitled to reception (material aid).</p> <p>The ex-asylum seekers can decide freely if they want to go to a return facility (no obligation), they have 5 days to do so. If they decide not to go, the right to reception ends and they have to leave their present reception structure.</p> <p>Until now, there are 300 return places. These are open (free to come and go) housing facilities, located in 4 of the regular reception centers managed by Fedasil (Federal Agency for the reception of asylum seekers). Newcomers and ex-asylum seekers are living together and use the same accommodations and facilities in these collective reception center.</p>			

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			<p>The return facilities fall within the scope of the Reception Act and all rights and obligations provided in the Reception Act remain applicable.</p> <p>The internal rules in these facilities are the same as in the regular reception structures of Fedasil and in the facilities of his reception partners like the Red Cross and provide therefore access to the same rights and obligations (right to material assistance, pocket money, community services, leaves, ...).</p> <p>The return path in the return facilities is jointly managed by a social worker of Fedasil (responsible authority for voluntary return) and a liaison officer from the Immigration Office (responsible authority for forced return). The voluntary return has to take place during the execution time of the order to leave the country (max 30 days, in some cases a delay of this term is possible).</p> <p>The duration of the stay in the return facility depends on the cooperation of the ex-asylum seeker with his return path. When the Council for Alien Law Litigation confirms the negative decision of the CGRS the ex-asylum seeker will receive a new order to leave the country with a term of 10 days. This term is renewable twice, provided the ex-asylum seeker cooperates with his return path. For this reason, on day 15 in the return facility, an evaluation with regard to the progress in the return file is held. If, during this evaluation Fedasil and the Liaison Officer of the Immigration Office consider that the ex-asylum seeker does not cooperate sufficiently, the Immigration Office takes charge of the file and prepares for a forced return.</p> <p>As long as the order to leave the country has not expired, no forced return is organized. In this way the 'open' character of these specific reception places is guaranteed.</p> <p>The target group of the return facilities are mainly asylum seekers whose asylum application has come to an end with the confirmation of the refusal of recognition of refugee status and refusal to grant subsidiary protection status by the Council for Alien Law Litigation.</p>
	<p>Bulgaria</p>	<p>Yes</p>	<p><u>According to the Law for the Asylum and Refugees art. 66</u></p> <p>(1) The provisions of the Law for the foreigners in the Republic of Bulgaria shall apply regarding a foreigner for whom a decision for refusal, termination or revoking of a status has been enacted, or regarding whom the proceedings have been terminated.</p> <p>(2) (amend. – SG 52/07) The State Agency for the refugees shall inform in writing the Ministry of Interior about the decision under para 1.</p> <p><u>According to the Law for the Foreigners in the Republic of Bulgaria Art. 39b.</u> (new - SG 36/09)</p> <p>(1) (amend. – SG 23/13) In the order imposing a compulsory administrative measure under Art. 39a, para 1, Items 1 and 2 shall be specified a term between 7 and 30 days, within which foreigners shall voluntarily fulfil their obligation to return.</p> <p>(2) (suppl. – SG 9/11) In order to be provided a term for voluntary departure longer than 30 days, the foreigner shall submit an application to the competent authority, which has issued the order under Para 1 and which shall decide and notify the foreigner within three days. In such cases the specific circumstances shall be taken into account for each individual case, such as: the length of stay, health status, needs of the vulnerable groups, presence of children attending school and other family and social relations. Term for voluntary departure may be prolonged but for no longer than one year.</p> <p>(3) Where a voluntarily departure has been allowed, but it is probable that the foreigner hides himself, the competent authority issuing the order under Para 1 may issue an order to the foreigner to present himself daily at the territorial structure of the Ministry of Interior at the</p>

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		<p>location of his residence.</p> <p>(4) Where the person presents a threat for the national security or for the public order, the competent authority shall not provide a term for voluntary departure.</p> <p><u>The body and the institution responsible for addressing the topic of voluntary return is Migration Directorate within the Ministry of Interior.</u></p> <p><u>According to Art. 44</u></p> <p>(5) (amend. - SG 36/09; amend. – SG 23/13) When obstacles exist for a foreigner to leave the country immediately or to enter another country the foreigner shall be obliged, by an order of the bodies which has issued the order for imposing the coercive administrative measure, to appear on a weekly basis in the territorial structure of the Ministry of Interior at the place of his stay by an order determined by the regulations for implementation of the law, unless obstacles to the implementation of the deportation or expulsion have dropped out and measures are scheduled for the forthcoming escort to the borders.</p> <p>(6) (amend. - SG 36/09; amend. – SG 23/13) When the person who was imposed a compulsory administrative measure under Art. 39a, para 1, Items 2 and 3 has unknown identity, hinders the execution of the order or there is risk from hiding, the authority that has issued the order may issue an order for compulsory accommodation of the person in a special hostel for temporary accommodation of foreigners with the purpose of organising their compulsory escort to the border of the Republic of Bulgaria or their expulsion.</p> <p>(7) (new, SG 37/03; amend., SG 103/03; taking effect in three months from the promulgation of this Act in the State Gazette; amend. – SG 82/06; amend., SG 69/08) Established at the Directorate "Migration" shall be special homes for temporary accommodation of foreigners for whom order has been issued for compulsory taking to the border of the Republic of Bulgaria or for expulsion.</p> <p>(8) (new - SG 36/09; amend. – SG 70/13) The accommodation shall last until the circumstances under Para 6 cease to exist, but no longer than 6 months. Official inspections shall be conducted on a monthly basis by the competent authorities referred to in para 1, together with the Director of the Migration Directorate, in order to ascertain the existence of grounds for forcible placement in special facilities. By exception, where the person refuses to cooperate with the competent authorities, the receiving of the required documents for compulsory escort or expulsion or , the term for accommodation may be additionally extended to 12 months. When, given the specific circumstances of the case, it is established that a reasonable possibility for the deportation of a foreign national no longer exists for legal or technical reasons, the person concerned shall be released immediately.</p> <p>(9) (new - SG 36/09; amend. and suppl. – SG 23/13) By exception, in case of the circumstances under Para 6 the accompanied minors or juveniles shall be issued an order for compulsory accommodation in a special hostel for a period of up to three months. In the specialised hosts under Para 7 shall be separated premises for accommodation of minor and juvenile foreigners with conditions suitable for their age and needs. Compulsory accommodation shall not apply as regards to unaccompanied minors and juveniles. The body that has issued the order imposing the coercive administrative measure shall notify the respective Social Support Directorate, which shall undertake protection measures pursuant to the Child Protection Act.</p> <p>(10) (new, SG 37/03; suppl. – SG 109/07, in force from 01.01.2008; prev. text of Para 08, amend. - SG 36/09) The accommodation of foreigners in the special homes shall be carried out on the grounds of an order for compulsory accommodation, issued by competent officials of the Ministry of Interior, as the order shall explicitly state the necessity of the accommodation and the legal grounds and a copy of the order under para 6 shall be enclosed.</p> <p>(11) (new, SG 37/03; prev. text of Para 09, amend. - SG 36/09) The order of temporary accommodation of the foreigners, including the minors and juveniles, in the special homes, as well as the organisation and their activity shall be determined by an ordinance of the Minister</p>
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EMN Ad-Hoc Query: Voluntary Return Counselling

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			of Interior.
	Cyprus	Yes	
	Czech Republic	Yes	
	Denmark	Yes	
	Estonia	Yes	<p>1. The counselling on voluntary return of (ex) asylum seekers is not stated in law or legislation in <i>expressis verbis</i>. Nevertheless there are common obligations for the state to explain the rights and obligations of the person in the proceedings to the person. In the Estonian Asylum regulation it is stated that an applicant has the right to receive within fifteen days as of the submission of the application for asylum or for residence permit oral and written information in a language which he or she understands concerning his or her rights and obligations and the consequences of the failure to perform the obligations in the asylum proceedings, the proceedings of the residence permit on the basis of temporary protection and during the period. This includes explanations about his/her status on possible future. Therefore the return counselling of (ex) asylum seekers is not mandatory in <i>expressis verbis</i> but is mandatory in principle.</p> <p>2. (Ex) Asylum seekers are provided information about their rights and obligations including information about the possibility of return throughout the whole process and the information is also provided while staying in the accommodation centre.</p> <p>3. (Ex) Asylum seekers are provided information about their rights and obligations including information about the possibility of return throughout the whole process. In the current regulation there is no specific regulation about the return counselling. It is fixed that the information about voluntary return should be provided at least at the initial stage of asylum proceeding and after the application has been rejected. After the person has received a negative decision he/she receives return decision and the possibility of voluntary return is explained and the person receives all relevant information to return.</p> <p>4. There are no specific housing facilities for return provided. The returnee can receive housing on common grounds.</p>
	Finland	Yes	<p>1. Not directly. The legislation states that social workers at the reception centres provide information and counselling on issues concerning social problems and support measures. This includes also counselling concerning voluntary return but it is neither explicit nor mandatory according to the legislation.</p> <p>2. Yes. Counselling and guidance is part of the social services provided at the reception centres.</p> <p>3. There is no exact moment for raising the issue and it depends a bit from the reception centre. Issues concerning voluntary return should be raised in different information session provided for the clients and after a negative decision. There are also leaflets and posters available so clients can contact a social worker at the centre (or directly IOM) in order to get more information. Clients get also information about the possibility to return voluntarily from the police when getting a negative decision.</p> <p>The legislation on voluntary return is under construction and at the same time more exact instructions on when and how information should be given will be put on place.</p>

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			4. No. Person who has decided to return voluntary will reside and wait until the return at the same reception facility where she/he has been waiting for the asylum decision.
	France	Yes	<ol style="list-style-type: none"> 1. Counselling on voluntary return of (ex) asylum seekers is provided for in the circular n° NOR IOCL1114301C of August 19, 2011. Except from this circular, there is no other legal basis in force providing instructions on the dissemination of information during the asylum procedure on AVR programmes. 2. According to the circular, all the presentation documents prepared by the French Office for Immigration and Integration (Office Français de l'Immigration et de l'Intégration = OFII) and available in several languages on the procedure of assisted voluntary return (AVR) should be conveyed to an (ex) asylum seeker in the reception facilities. 3. The documents on the procedure of assisted voluntary return are conveyed to the (ex) asylum seeker: <ul style="list-style-type: none"> - immediately after he/she signed a residence contract in a reception centre for asylum seekers (Centre d'accueil pour les demandeurs d'asile = CADA); - immediately after his/her application for asylum has been rejected (by individualised interviews conducted by the staff of the regional OFII directorate in the CADA, insofar as is practicable). 4. Within the framework of the asylum reform in France, two parliamentarians submitted a report in November 2013 where they proposed to create specific housing facilities for return. The report stated that, in order to encourage ex asylum seekers to be placed in these centers, financial assistance could be provided to them. The two parliamentarians claimed that these centers would provide more counselling and rights to the ex asylum seekers and promoted the opening of an experimental center in the Rhône-Alpes region. However, this center is not operating yet.
	Germany	Yes	<p>1. Counselling on voluntary return in law or legislation</p> <p>No, there is actually no legal frame neither counselling migrants on voluntary returns nor assisting voluntary returns in general.</p> <p>General overview: Due to decentralized structures the 16 Federal States (e.g. Bavaria, Berlin, North Rhine-Westphalia) are legally obliged to provide any social and medical welfare and financial assistance for migrants (e.g. asylum seekers, trafficked persons, persons with temporary stay). This comprises in particular reception and welfare assistance during their stay in the country of host. In terms of providing counselling on return issues there are a few legal provisions only which define basically the responsibilities of the governmental and regional authorities and their duties.</p> <p>a) <u>Regional level</u> (Federal States): Regarding § 61 residence act (Aufenthaltsgesetz) the Federal States shall (!) provide counselling on return for persons who are ordered to leave the country of host. This means that there is neither a legal claim/obligation for counselling nor a claim to provide any financial assistance for voluntary returns. In practical however all Federal States provide a sufficient budget of financial assistance in terms of counselling on voluntary returns. The focus is on strengthening voluntary returns in order to realize a quicker departure than a forced return and to avoid long lasting expenditures</p>

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			<p>on social welfare.</p> <p>b) <u>Federal level:</u> § 75 Nr. 7 residence act contains the provision that the Federal Office for Migration and Refugees (Governmental body, Nuremberg) coordinates all programmes and initiatives on voluntary returns. As the Federal States are (financially) not capable to manage and implement all return matters the Federal Government assists the Federal States significantly in this field on the basis on REAG/GARP. With the basic voluntary return program “REAG/GARP” (since 1979, funded by the Federal Government, Federal States and European return fund / AMIF) for all returnees travelling costs are granted when they want to go back voluntarily to their home countries (Third Countries) and have no own financial means to realise a return.</p> <p>In terms of counselling migrants on voluntary return matters neither the Federal States nor the Federal Government has a legal obligation to provide any measures/assistance for returnees or counselling agencies. There is however a common understanding among all public authorities (and non- governmental agencies as well) that the pillar “counselling” is one of the most important steps to prepare and realise a voluntary return. So all state bodies (foreign offices) and private, ecclesiastical and charitable organizations (e.g. Caritas, Diakonie, Red Cross) dealing with migration and return matters assist mutually and work closely together. In Germany nationwide short distance coverage of public and private counselling agencies is guaranteed to migrants. Some larger return counselling agencies/networks will be financially assisted by the Federal Government and the Federal States.</p> <p>Summary: No legal frame – in practice many counselling possibilities for migrants in terms of voluntary return.</p> <p>2. Counselling on voluntary return as an integral part in reception centres No, counselling is not an integral part in reception centres. Asylum seekers have only a short stay (ca. three months) in reception centres before they are distributed to other accommodation facilities (mostly flats, family apartments) in urban boroughs and villages. During this term they actually wait for their interview in terms of the asylum procedure only and will be apart from that adequately supplied by the reception administration and social organizations. Asylum seekers can contact counselling organizations concerning return matters with full access to all information on possibilities provided. In this early stage of arriving in the country of host the interest to take consideration on a return again is on a lower level despite knowing that the asylum claim might fail.</p> <p>After the final (negative) asylum decision and accordingly the order to leave the country most returnees turn to a counselling centre to discuss their individual case and ongoing procedure. At this (late) stage it becomes an integral part for the returnee.</p> <p>Summary: No integral part in reception centres.</p> <p>3. Topic of voluntary return raised?</p>
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			<p>The topic of voluntary return will actually raise when the asylum application has eventually failed (unappealable decision) and the deportation order has been issued to leave the country latest by a determined date. Due to the lack of a legal provision and before receiving the order to leave the country there is for persons without a legal stay actually no need to contact a return counsellor in order to prepare timely the departure. Although all (roughly 600) foreign offices have to execute the residence act's provisions the actual deportation depends on assessing of the individual case (e.g. personal impediments). So every return case starts at a different stage before a departure may effectively succeed.</p> <p>Summary: Raised voluntary return procedure starts after getting the deportation order.</p> <p>4. Specific housing facilities for return provided</p> <p>Specific housing facilities have never been existed in Germany. Following the political orders migrants (e.g. asylum applicants) live - except the first few months after entering Germany - generally decentralized in apartments and collective dwelling facilities rented or sometimes owned by the Federal States/municipalities. The departure of persons who want to return voluntarily is mostly organized by IOM Germany. Returnees are requested to come to the airport or to a concentration point where they will be carried to the airport and where they get the flight tickets and some financial assistance (start-up). In other cases they get a train ticket or a petrol allowance. Crossing the border they have to hand over a special certificate which states the border crossing ("Grenzübertrittsbescheinigung") to the border police/any other authorities. This is the proof that the person has finally left the country.</p> <p>Summary: No specific housing facilities for return provided.</p>
	Greece	Yes	
	Hungary	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Ireland	Yes	
	Italy	Yes	<p>1. Is counselling on voluntary return of (ex) asylum seekers provided for in law or legislation in your country? And is voluntary return counselling mandatory?</p> <p>2. Is counselling on voluntary return an integral part of the social counselling and guidance of (ex)asylum seekers in the reception facilities?</p> <p>(1-2) Counselling on voluntary return of (ex) asylum seekers, <u>as well as of any other TCN</u>, is provided for by law in Italy, but it is not strictly mandatory. The Decree of the Minister of the Interior dated 27 October 2011 establishes that various activities, including counselling, «may» be provided for in Assisted Voluntary Return programmes «in relation to available financial resources». However, so far, every programme has always included counselling, which has to be considered indispensable in connection with the very nature of Assisted Voluntary Return programmes.</p> <p>3. How and when is the topic of voluntary return raised? Are there fixed key moments (inside and/or outside the reception</p>

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			<p>facilities, during and/or after the asylum procedure) and who is responsible for addressing the topic?</p> <p>Assisted Voluntary Return programmes are implemented through projects that may be submitted by a number of public or private entities (Local Authorities, NGOs, Universities, etc.). In order to draft a project and submit it for approval, these entities must, among other things, describe the project's general and specific goals, and specify the methodology of action, performance indicators and outcome. The Ministry of the Interior, Department for Civil Liberties and Immigration, is responsible for assessing submitted projects and monitoring implementation.</p> <p>4. Are there specific housing facilities for return provided? If so, how are these facilities organised, and to whom and under which conditions are they accessible? Alternatively, have such facilities existed in the past, and if so, why were they abandoned?</p> <p>No specific housing facilities for return are provided. Return programmes mainly provide for allowances in kind (goods and services) for TCNs for implementing entrepreneurial projects in their countries of origin.</p>
	Latvia	Yes	<p>1. No. Counselling on voluntary return of (ex)asylum seekers is not provided in legislation.</p> <p>2. – 3. After person has submitted asylum application he/she is transferred to Accommodation Centre of Detained Foreigners (structure of the State Border Guard) to take photograph and fingerprints of asylum seeker and to have an interview. The State Border Guard shall release a detained asylum-seeker if the original reasons for detention (the identity of the asylum seeker has not been established, there is a reason to believe that the asylum seeker has dishonest intentions and will take advantage of the asylum application procedure, or there is a reason to believe that the asylum-seeker may be a threat to the national security or public order in the community) are no longer applicable. Asylum seekers who have been released from detention may then reside at the open asylum seekers reception centre (structure of the Office of Citizenship and Migration Affairs), where asylum seekers are provided with accommodation, psycho-social assistance, medical help and other support while their asylum applications are being examined. In both these structures there are booklets about asylum application procedure and voluntary return programme (IOM). If asylum seeker is interested in voluntary return, officials explain him this procedure more explicitly.</p> <p>If a final decision has been made and application of asylum seeker has been rejected, officials of the State Border Guard always inform person about possibility to apply for the voluntary return programme (IOM).</p> <p>4. If the application of asylum seeker is refused, officials of the State Border Guard detain (in case if the person doesn't have other legal grounds to stay in Latvia) the person and transfers to Accommodation Centre of Detained Foreigners. The person is under detention until the voluntary return decision is made. After being introduced with voluntary return decision, person is transferred to airport by officials of the State Border Guard or accompanied by the IOM officials (in case if person isn't detained). Procedure is the same in case if asylum seeker during the asylum procedure decides to return to the country of origin.</p>
	Lithuania	No	<p>1. Nothing is stated in Lithuanian law about voluntary return counselling for (ex) asylum seekers and there is no consistent practice to provide counselling for (ex) asylum seekers.</p> <p>2. No, it is not an integral part of social counselling in the reception facilities. Upon request social worker can provide (ex) asylum with leaflets on voluntary return.</p>

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			<p>3. There are no fixed moments for providing information on voluntary return as one of the return option in Lithuania. In the places where third county nationals can apply for asylum and in reception facilities there are posters and leaflets available. A video clip on assisted voluntary return and reintegration is being screened in reception facilities in addition to distributing materials. More detailed information is provided upon request and it is provided by IOM. In some cases information on voluntary return can also be provided by border guards, especially when (ex) asylum seeker is returned to Lithuania under the Dublin Regulation. However, in depth counselling on voluntary return option is provided only by IOM.</p> <p>There is no obligation for Governmental institutions to address voluntary return topic. Awareness raising and informing (ex) asylum seeker about voluntary return is only IOM's duty.</p> <p>In case an asylum seeker gets a negative decision regarding his / her asylum application and responsible authority issues a decision on voluntary return and (ex) asylum seeker applies for assisted voluntary return, IOM takes care of temporary accommodation till his / her departure, provided that ex-asylum seeker doesn't have any means to cover accommodation costs by (her)him-self. Otherwise, he / she has to cover accommodation costs himself / herself.</p>
	<p>Luxembourg</p>	<p>Yes</p>	<p>1. NO. In Luxembourg, counselling on voluntary return of rejected asylum seekers is not expressly provided for in law or legislation. The modified Law on Asylum of 5 May 2006 foresees to inform the asylum seeker on the content of the international protection procedure, his/her rights and obligations and the possible consequences in the event of non-compliance with them and of non-cooperation with the Minister (articles 6 (3)).</p> <p>It is important to mention that article 22(1) of the modified Law on Asylum of 5 May 2006, which is applicable to the rejected international protection seekers establishes that unless s/he represents a risk for public order, public or national security, s/he has a 30 day period from the day he/she was notified of the return decision to leave the country voluntarily and that he can ask an assistance to return voluntarily to his/her country of origin.</p> <p>Article 72 (1) and (4), that refers to the temporary protection regime, establishes that a program for voluntary return can be implemented in cooperation with the concerned international organisations and that any asylum seeker can renounce to his application in any stage of the procedure to benefit of the assisted voluntary return.</p> <p>In principle counselling is not mandatory except under article 72 (3) is mandatory because the person who is going to be returned to his/her country of origin must be fully informed before giving his/her consent.</p> <p>2. YES. From the moment a foreigner has lodged an asylum application, return counselling becomes an integral part of the accompaniment offered to asylum seekers in all reception facilities. The Directorate of Immigration of the Ministry of Foreign Affairs informs also the international protection seekers and the rejected international protection seekers about the Assisted Voluntary Return and Reintegration. A flyer in ten languages published by the OIM explaining the program is distributed.</p> <p>3. The topic of voluntary return is raised by the authorities to the international protection seeker since the beginning of the procedure in the context of the information provided on basis article 6(3) of the modified Law on Asylum of 5 May 2006. A brochure is handed out by the Directorate of Immigration that contains information about the voluntary return.</p> <p>Information sessions are regularly organized by the OIM in the international protection seekers reception centers. The OIM assures a weekly permanence in Luxembourg, in their office outside the reception centers. The information concerning the voluntary return program is in principle given, either by information sessions, individual counselling by OIM and NGO's (i.e. Red Cross, ASTI, CLAE, Caritas). Once that the order to leave the country is notified to the rejected asylum seeker, the brochure is systematically joint to the Directorate of Immigration's decision.</p>

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			4. NO.
	Malta	Yes	<ol style="list-style-type: none"> 1. No, such counselling is not provided for by legislation or made mandatory. 2. It is an integral part as it is one important option discussed and talked about both in one-to-one interventions and within groups. The actual counselling once the asylum seeker has taken a decision to return then lies with the organisation implementing the voluntary return, in this case currently the International Organization for Migration. 3. There are no fixed key moments. However the option is immediately raised during information sessions prior to the asylum procedure. 4. There are no specific housing facilities for returnees provided.
	Netherlands	Yes	<ol style="list-style-type: none"> 1) No to both questions. 2) Yes. 3) The Netherlands prefers voluntary return over forced return. In all return interviews with the foreign national conducted by the national counsellors of the Repatriation and Departure Service (R&DS) the possibilities of voluntary return will be addressed and information on the implementing civil service organisations/ IOM will be shared. The foreign national will also be encouraged to contact the civil service organisations/ IOM himself. This approach is not only introduced in the receptions centers, but in the detention centers (administrative detention) as well. The key moments which can be distinguished during the return process are the following: <ul style="list-style-type: none"> - The foreign national receives a negative decision on his asylum application. Information on IOM is incorporated in the negative decision and the foreign national is referred to IOM for further voluntary return assistance. - After receiving the negative decision made by the Immigration and Naturalisation Service (INS) the R&DS conducts its first return interview with the foreign national. In this interview information on voluntary return will be shared with the foreign national. - Another return interview will be organised by the R&DS once the foreign national has lodged an appeal against the negative decision. The purpose of this interview is to inform the foreign national on the consequences of the possibility that the appeal could be rejected. Apart from that, all possibilities on voluntary return will be shared with the foreign national. - Once the appeal has been rejected, another return interview will be organised. On the one hand the consequences of such an appeal will be explained to the foreign national, but again the option to leave the Netherlands voluntarily will be addressed again. - Once the appeal has been irreversible, the foreign national will be given 28 days to organise his departure himself (voluntarily). During these 28 days return interviews will take place continuously. After the 28 days the foreign national will become removable. If forced return can be conducted, the R&DS will effectuate it. But, on the other hand, if the foreign national has expressed his will to leave voluntarily during these 28 days, the foreign national has to provide information on the developments on his voluntary return process to the R&DS. When necessary and desired, the R&DS will assist the foreign national in organising his actual return. 4) After the statutory period of departure (28 days after appeal) all facilities provided will be terminated if the foreign national has not left the Netherlands, unless the foreign national belongs to one of the categories to whom accommodation is provided. <ul style="list-style-type: none"> - The freedom-restricting location: the target group for this location is foreign nationals who have expressed their will to return voluntarily, but they still need some more time in order to organise their departure well. In principle, the target group can stay in the freedom-restricting location under the condition that the actual return can take place within 12 weeks, because the obligation to leave the Netherlands remains unchanged. Foreign nationals housed in the freedom-restricting accommodation are permitted to leave this location but they have to stay within the boundaries of the respective municipality and report at the location every day

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			<p>(cf. article 56 of the Dutch Aliens Act).</p> <ul style="list-style-type: none"> - The family locations: family locations house families with underage children who no longer have a right to reception. Their request for asylum has been rejected and they must leave the Netherlands. Shelter is provided if this is deemed necessary to prevent the underage children from a situation of humanitarian emergency. The obligation to leave the Netherlands applies unconditionally. Article 56 of the Dutch Aliens Act applies here as well. The provision of the accommodation can be continued until the youngest child in the family has reached the age of 18 years, forced return can be effectuated or the family prefers voluntary return after all.
	Poland	Yes	
	Portugal	Yes	<p>1. The asylum law in force provides that after negative decision of international protection, the citizen is notified that it has a period of 20 or 30 days to leave voluntarily PT. There is a provision on the legal framework of entry, permanence, exit and removal of foreigners into and out of national territory (act n° 29/2012 of 9August) that foresees that the State may assist the voluntary return of foreign citizens who fulfil the demandable conditions in countries of origin, within the scope of cooperation programs established with international organizations, namely the International Organization for Migration or non-governmental organizations. Since 2007, there is a support program of voluntary return implemented by IOM, where either asylum seekers expressly desist their request, either asylum seekers whose application has not been admitted or refused, constitute a target group. During the period granted for voluntary departure the citizen may legally remain and continue to benefit from support aid granted before. After that time period, if he continues in Portugal may be organized a process of coercive expulsion, unless have be submitted an application for support voluntary return along the IOM. In these cases, the support program of voluntary return ensures all necessary measures to welcome and the time limit of legal stay is extended in direct articulation between Immigration and Borders Service and IOM.</p> <p>2. No. Return counselling is not an integral part of the accompaniment offered to asylum seekers in reception facilities.</p> <p>3. Voluntary return is approached only during the asylum procedure when the applicant gives up or when is issued a negative decision (non-admission or refuse international protection). Immigration and Borders Service is the competent authority to examine asylum applications and also is addressing this issue.</p> <p>4. Yes. If the citizen accepted receive support to voluntary return and sign a statement with IOM this will provides according the national programme all the needs of reception as well as all necessary conditions for voluntary return. The IOM conducts the process of assisted voluntary return, after verifying if the citizen meets the requirements and further define the support to be provided according to case.</p>
	Romania	Yes	<p>1. Is counselling on voluntary return of (ex)asylum seekers provided for in law or legislation in your country? And is voluntary return counselling mandatory?</p> <p><i>The counselling on voluntary return of ex-asylum seekers is not provided in our legislation as a specific activity. However, the aliens' act provides the possibility for AVR for aliens who are not able to support their own costs for repatriation. Thus, during all the procedures related to an alien with illegal stay (including ex-asylum seekers) they are informed about the possibility for applying to this procedure.</i></p> <p><i>Furthermore, annually information campaigns are carried out within AVR programmes which include leaflet and posters disseminated also</i></p>

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			<p>at immigration offices and public custody centers, but also radio, TV spots and newspaper articles related to AVR</p> <p>2. Is counselling on voluntary return an integral part of the social counselling and guidance of (ex)asylum seekers in the reception facilities?</p> <p>N/A</p> <p>3. How and when is the topic of voluntary return raised? Are there fixed key moments (inside and/or outside the reception facilities, during and/or after the asylum procedure) and who is responsible for addressing the topic?</p> <p>See answer to question 1</p> <p>4. Are there specific housing facilities for return provided? If so, how are these facilities organised, and to whom and under which conditions are they accessible? Alternatively, have such facilities existed in the past, and if so, why were they abandoned?</p> <p>General Inspectorate for Immigration hasn't special accommodation places for aliens who apply for assisted voluntary return.</p>
	<p>Slovak Republic</p>	<p>Yes</p>	<p>Although this Ad Hoc Query does not concern the content of IOM voluntary returns, IOM is the only subject in the Slovak Republic which implements this kind of programme.</p> <ol style="list-style-type: none"> 1. Legal counselling on voluntary returns is not mentioned in the Act No. 404/2011 Coll. on the Residence of Aliens. However, according to this act, the Police Officer is obliged to inform the third country national in the language he/she can understand or the language which might be assumed he/she can understand about the possibility to apply for an assisted voluntary return (§90 (4e)). Voluntary return counselling is not mentioned in the Act No. 480/2002 Coll. on Asylum. However, according to this act, the Ministry cooperates with IOM on the implementation of voluntary returns of TCNs to their country of origin or on their departure to a third country (§ 44). Moreover, the Ministry can provide accommodation and food in the reception center to those ex-asylum seekers who had withdrawn their asylum application and applied for a voluntary return to their country of origin (§ 47a). Recently, IOM introduced a new procedure according to which there will be a material about the possibility of a voluntary return and associated issues distributed in reception facilities in 15 languages and this is handed over to the third country national along with the decision on his/her administrative expulsion. 2. Yes. 3. The asylum seeker learns about the possibility of voluntary return during the asylum procedure before the first interview or after 15 days since the launch of the procedure the latest. 4. Rejected asylum seekers who applied for a voluntary return to his/her country of origin are provided accommodation in accommodation centers run by the Migration Office of the Ministry of Interior of the Slovak Republic. According to the Act No. 480/2002 Coll. on Asylum, "the Ministry may provide accommodation to the foreigner who had withdrawn his/her application for

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			<p>granting an asylum and applied for a voluntary return to the country of origin, in an accommodation center and provide him/her with food or means for meal and basic toiletries for the duration of the period needed for his/her departure”.</p> <p>Other illegal immigrants who are not detained and ask for a voluntary return might be accommodated by IOM in low-threshold facilities for disadvantaged groups.</p>
	Slovenia	Yes	
	Spain	Yes	
	Sweden	Yes	<ol style="list-style-type: none"> 1. Counselling on voluntary return is not mandatory by law or legislation in Sweden. However it is an important task for the Swedish Migration Board to strive for a high share of voluntary return. Counselling on voluntary return is therefore an obligation for the case officers working with return at the Migration Board. The Swedish police should also try to convince the person in question to return voluntarily. 2. Yes. 3. All through the asylum process, the issue of return and voluntary return is raised. It is raised initially when informing the asylum seeker about the process, his or her rights and obligations and so on. It is also raised during several meetings following a negative decision on their application for international protection. According to standard, at least 5 meetings or interviews are held with the ex-asylum seeker. The first one has the purpose of notifying them about the outcome of their application. If the outcome is negative, they are presented with the different alternatives at hand. They are given the task of providing necessary documents for a return, such as ID and/or passport. This meeting is followed up a couple of weeks later. Then there are meetings/interviews following a decision from the migration court or the Migration Court of Appeal. At each of these occasions, the case officer is trying to reach progress when it comes to a voluntary return by presenting the alternatives and the consequences of not returning voluntarily. More detail of what these interviews consist of can be provided if needed. 4. If an application for international protection is deemed manifestly unfounded, the applicant is housed in facilities close to where they arrived, usually in the proximity of an airport to facilitate a swift return. In other cases, we do not have particular housing for return, except in cases when persons are put in detention facilities prior to a removal.
	United Kingdom	Yes	<ol style="list-style-type: none"> 1. No. Voluntary Return counselling is provided only as part of the AVR services. Anyone accepted for the scheme has up to 3 months to prepare for return and depart from the UK. During this time no enforcement action will be taken, and the applicant can work with the Choices service of Refugee Action, which administers AVR, to make contacts, plan for return and seek advice on any matters relating to employment, housing etc. This pre-departure service is complemented by post-departure support in the key countries of return where Choices has an overseas partner, to ensure continuity. All counselling functions regarding AVR rest with Choices which, as part of the larger NGO Refugee Action, is not part of the UK government. 2. There are no standard reception facilities as such in the UK for asylum seekers. However, from 2014 the UK now has a Consolidated Advisory Service which deals with all reception arrangements including allocating initial accommodation in the community. The organisation delivering this, an experienced NGO entitled Migrant Help, is contracted to raise awareness of AVR at initial contact. All Migrant Help staff are being trained in this capacity, but asylum seekers are advised to contact Choices directly for detailed or specific information. Migrant Help's role is mainly to signpost.

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			<p>3. Much effort is put into raising awareness of AVR in the UK. Choices provide an outreach service which targets community and diaspora leaders as well as faith groups, individuals and key local venues such as places of work. Advertising in ethnic, local and social media is directed at key nationalities. Choices Outreach and pre-decision workers also speak directly to individuals who are considering AVR as an option. The AVR team in the Home Office focuses on informing staff in public facing offices whose staff will be in contact with potential applicants. There is also training provided for the National Health Service staff dealing with migrants and with local authority social services nationally. Foreign embassies are also routinely visited and provided with leaflets and posters explaining the scheme and how to contact Choices. Some presentations are delivered jointly between the Home Office and Choices, and there is overlap on the promotional work. Essentially, all irregular migrants and asylum seekers on contact with the Home Office will receive information about AVR. Resources permitting, staff may discuss how AVR might apply to an individual on an ad hoc basis, but in most cases individuals are directed to contact Choices for further information and to discuss their situation in confidence. AVR is offered at key stages in the process (arrival, any Home Office or Court decisions) and information is included with refusal notices. A recent study has shown that 81% of applications for AVR are received before the Appeal Rights Exhausted stage which requires the person to leave the UK. The high point of AVR application is after the first adverse decision. When the prospect of lawful residence in the UK is less hopeful.</p> <p>No. The UK has three programmes under the AVR scheme. Two of these, aimed at those in the asylum system and also families and children, incorporate financial support which may be used amongst other things for housing (out of scope for this enquiry), and also an element of £500 cash which can be used for immediate relocation needs. Apart from this there are not normally any facilities available other than in Afghanistan where there is a separate bilateral agreement and hostel facilities managed by IOM are available for temporary housing on arrival. In the past, schemes with Afghanistan and Iraq have provided extra 'Return and Rebuild' finance for accommodation but these concluded in 2009. This project was time limited and costly and there are no plans to repeat or further develop such projects</p>
	Croatia	Yes	
	Norway	Yes	<ol style="list-style-type: none"> 1. Counselling on voluntary return of (ex) asylum seekers is not provided for by law, but it is provided for in circulars/practice memos. Voluntary return counselling is mandatory not only after receiving a first refusal on an application, but also after receiving a refusal on appeal. 2. In the majority of the reception centres for asylum seekers UDI has employed return counsellors. The return counsellor carries out counselling with those asylum seekers living in the reception centres (also unaccompanied minor asylum seekers) who voluntarily wish to talk about their plans for the future and about returning home. The main target group consists of applicants who have received a rejection to their asylum claim. 3. The topic of voluntary return is raised as soon as possible at the transit reception centre by staff at the reception centre and IOM representatives. The topic is also raised by The Norwegian Organisation for Asylum Seekers (NOAS) during the first week in the reception center. A government officer/caseworker from the Norwegian Directorate of Immigration will talk about voluntary return during the asylum interview. Information about voluntary return will continue during the stay in the reception centre. 4. The National Police Immigration Service (POD) run a detention centre/removal centre for those who are expected to be deported within a short period of time. During the fall of 2014 UDI plans to start with a practice of strategic placement of asylum seekers who have certain characteristics/profile and where it is expected that they will receive a rejection of their application for asylum

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