

FRONTEX CONSULTATIVE FORUM ON FUNDAMENTAL RIGHTS

REQUEST FOR INFORMATION

Article 70 (5) of the European Border and Coast Guard Regulation ‘...the Consultative Forum shall have effective access to all information concerning respect for fundamental rights.’¹

CONSULTATIVE FORUM REQUEST

Requestor:	Consultative Forum
Date of the request:	30/05/2018
Subject of the request:	<ul style="list-style-type: none"> - Operational plan Flexible operational activities in return 2018 - Evaluation of Flexible operational activities in return 2017 - Information on Frontex pre-return activities - Evaluation methodology, in particular evaluation methodology of JO Themis
Justification of the request:	<p>According to Article 70(1) of the European Border and Coast Guard Regulation the Consultative Forum is mandated to assist the Executive Director and the Management Board with independent advice on fundamental rights matters. In addition, the CF priorities for 2018 include the support to the Agency in Fundamental rights in Frontex operations and return support activities (See http://frontex.europa.eu/assets/Partners/Consultative_Forum_files/Consultative_Forum_Program_of_Work_2018.pdf).</p> <p>With this request, the Consultative Forum seeks to obtain the abovementioned information to enable the members to effectively fulfil its duties as per Program of Work and, generally, its role in assisting the Frontex Executive Director and Management Board in fundamental rights matters as per Article 70(1) of the European Border and Coast Guard Regulation.</p>

FRONTEX RESPONSE

Date of registration:	30/05/2018
Date of Frontex response:	20/06/2018
Response submitted/approved/handled by:	ECRet
Frontex response:	Information provided: Yes <input checked="" type="checkbox"/>

¹ Regulation (EU) No 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard , available at http://frontex.europa.eu/assets/Legal_basis/European_Border_and_Coast_Guard.pdf

	No <input type="checkbox"/> Partially (please specify) <input type="checkbox"/>
If information is not provided or is provided partially, please outline the reasons/justification:	Evaluation of Flexible operational activities in return 2017 - <u>The report has been finalised however not officially approved for release</u>
List of attached documents (if any)	1) Operational plan Flexible operational activities in return 2018 - <u>see below</u> 2) Evaluation of Flexible operational activities in return 2017 - <u>The report has been finalised however not officially approved for release</u> 3) Information on Frontex pre-return activities - <u>see below</u> 4) Evaluation methodology, in particular evaluation methodology of JO Themis - <u>attachment FER template for JOs</u>

As regards the operational plan (activity plan) Flexible operational activities in return 2018 (FOA-R 2018):

Operational Aim:

The operational aim is to support MS when implementing the obligation to return third-country nationals who are subject to final and enforceable return decisions issued by the competent authorities in MS. The Agency will provide the appropriate technical and operational assistance in the field of return related activities. The scope of the operational activity will include the enhancement and facilitation of practical cooperation in return-related issues among relevant authorities of MS and third countries, other EU Agencies and bodies with a view to raise the effectiveness of MS in responding to their obligation to return third-country nationals.

Objectives and activities:

1. Improve the return systems of MS facing particular challenges in the field of return;
2. Increase the use and quality of relevant IT-systems in the field of return;
3. Increase the number of identified third-country nationals and the acquisition of travel documents via administrative and/or consular cooperation with third countries;
4. Establish and increase in the use/awareness of best practices in return matters, improve the exchange of information between MS and other relevant stakeholders;
5. Build synergies and connect Union-funded programmes and networks in the field of return;
6. Increase the effectiveness of national and EU-return policies and practices by coordinating or organising return operations;
7. Support the protection and compliance with fundamental rights in activities encompassed by the Flexible Operational Activities in Return 2018.

Fundamental rights:

- 5) Frontex developed a Fundamental Rights Strategy adopted Frontex Code of Conduct applicable to all persons participating in Frontex operational activities and established a complaints mechanism.²
- 6) Frontex is obliged to ensure that staff allocated to the return pools have received, prior to their participation in operational activities, training in relevant EU and international law, including fundamental rights and access to international protection.
- 7) According to Article 72(1) of the Regulation, Frontex has established a complaints mechanism for any person who is directly affected by actions of staff involved in Return-related Activities.

² Available on the Frontex website on the following link:

https://frontex.europa.eu/assets/Publications/General/Code_of_Conduct_for_Joint_Return_Operations.pdf

As regards the Frontex evaluation report FOA-R 2017:

The report has been finalised however not officially approved yet.

As regards the Frontex pre-return activities:

- 8) **Return Specialists:** Frontex manages the pool of these experts and deploys them to MS with the aim to provide MS/SAC with support in consular engagement to facilitate the identification process and acquisition of travel documents, to identify bottlenecks in the return system and propose relevant solutions/recommendations, to provide support in managing and structuring the work related to the organization of return operations and to support development of operational procedures for specific countries of return. So far Return Specialists have been deployed to Greece and Bulgaria, discussion with other MS are ongoing.
- 9) **Identification missions:** Frontex coordinates Identification Missions to address the challenges and obstacles MS/SAC are facing in identification and documentation of third-country nationals. Support is provided in the organisation of both short-term and long-term identification missions of TC experts for one or more MS. Recent and ongoing missions include long-term Identification Missions to [REDACTED], short-term Identification Missions: [REDACTED]
[REDACTED]
- 10) **RECAMAS:** Frontex provides support to MS/SAC to develop national REturn CASE Management Systems with the aim to streamline national procedures and facilitate smoother cooperation between the MS/SAC. Based on the MS/SAC experts' input a theoretical model for a RECAMAS, consisting of a functional part and a technical part, is being developed by Frontex. This model will be used as a baseline for a gap-analysis of the existing national systems. Frontex may offer support within the boundaries of its mandate to reduce or eliminate any shortcomings identified during the aforementioned gap-analysis. The first versions of theoretical RECAMAS model has been shared with MS/SAC.
- 11) **EURLO pilot project:** Frontex is the associated partner in the EURLO Programme. Frontex, the European Commission, the EURLO Steering Group Committee (SGC), and the EURLO Secretariat, decided on a gradual phase-in of the EURLO Programme into Frontex at the end of 2016. For the purpose of testing the feasibility of such integration, the European Centre for Returns (ECRet) of the Agency has developed a "Pilot Project on the deployment of EURLO by Norway, under the legal and financing scheme of Frontex". Negotiations [REDACTED]
- 12) **Hand-over IRMA:** Frontex is foreseen to take over the management of IRMA (Integrated Return Management Application). IRMA will be further developed into THE platform for return related activities for the EU. IRMA will combines various operational and strategic functionalities, including (the already existing) access to FAR (Frontex Application for Returns - operational), a knowledge store of Third Country cooperation, collection of data, and information on EU funded projects. The hand-over of IRMA platform to the Agency as well as management of the system and its further development by Frontex, require extensive preparations, both internally and with the COM. For that purpose, an internal Working Group on IRMA has been established.
- 13) **Operational coordination of the EU-Funded programmes Eurint and ERRIN:** the hand-over of the Eurint CWGs is envisaged by 01/01/2020. Frontex and Eurint have gradually outlined a framework for the phasing in/out of Eurint Network activities, an exercise which started on 5 September 2016 and continued up to date. The Action Plan includes 4 phases, currently being under phase 2. Identification missions, workshops, inward and outward missions have been already phased-into Frontex and all CWGs are co-chaired by Frontex. CWGs and TWGs will be fully phased-in in 2019-2020. As regards ERRIN, the activities of the existing European Reintegration Network (ERIN) have been incorporated in a new EU-funded project ERRIN (European Returns and Reintegration Network). Since reintegration activities are currently not covered by the mandate of the Agency, Frontex and ERRIN will work closely together with to maximize the complementarity of both actor's activities, with a strategic vision of possibly integrating some of ERRIN's activities in Frontex by the end of 2019.
- 14) **Third Country cooperation:** ECRet is actively involved in the negotiation on EU level and MSSAC level on the establishment of formal and informal arrangement with Third Countries, aiming at improving the cooperation in the field of identification and return. Currently, initiatives are done in [REDACTED]
[REDACTED]