



**DISSEMINATION OF INFORMATION ON VOLUNTARY RETURN:
HOW TO REACH IRREGULAR MIGRANTS NOT IN CONTACT
WITH THE AUTHORITIES**

LUXEMBOURG

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The European Migration Network, created by Council Decision no. 2008/381/EC of 14 May 2008, has the objective of supplying up-to-date, objective, reliable and comparable information on migration and asylum in the Community institutions, to the authorities and institutions of the Member States and to the general public with a view to support policy- and decision-making with the European Union.

Preface

The opinions expressed in this report are those of the authors. They do not necessarily reflect the positions of the Luxembourg Ministry for Family, Integration and the Greater Region or of the Ministry of Foreign and European Affairs.

The present report was drafted by Lisa Li and David Petry, staff members of the National Contact Point Luxembourg within the European Migration Network, under the overall responsibility of Prof. Dr. Birte Nienaber. Continuous support was provided by the members of the national network of the National Contact Point Luxembourg: Sylvain Besch (CEFIS), Marc Hayot (OLAI, Ministry for Family, Integration and the Greater Region), Catherine Stronck (Directorate of Immigration, Ministry of Foreign and European Affairs) and Germaine Thill (STATEC).

Methodology

National reports are produced by the respective National Contact Points (NCPs) on the legal and policy situation in their Member State according to common specifications. Subsequently, a comparative synthesis report is generated by the European Commission with its service provider giving the key findings from each national report, highlighting the most important aspects and placing them as much as possible within an EU perspective. The various national accounts and the summary report are made publicly available.

The EMN engages primarily in desk research, i.e. it collects and analyses data and information already available or published at the Member State or international level. As documentary sources legal texts, official documents (such as parliamentary documents), reports and press articles have been used for this study. Furthermore, semi-structured interviews were conducted with different stakeholders in the field of voluntary return: the Directorate of Immigration of the Ministry of Foreign and European Affairs, the International Organization for Migration, the Psycho-Socio Educational Service of the Penitentiary Centre of Luxembourg, the association Maison d’Afrique and the Embassy of Cape Verde. In addition to this, a written questionnaire was addressed to other actors that were identified as potentially being in touch with irregular migrants: the Solidarity and Integration Service of Caritas Luxembourg, the Migrants and Refugees Service of the Red Cross Luxembourg, the Guichet Info-Migrants of ASTI asbl, CLAE asbl, the trade unions OGBL and LCGB, Entente sans frontières, Centre culturel islamique du Luxembourg, and Amitié Luxembourg-Montenegro. Finally, the Ministry for Family, Integration and the Greater Region, the Retention Centre, the Ombudsman, the Service Streetwork of Inter-actions and the Service d’assistance aux victimes de la traite des êtres humains of Femmes en détresse asbl were consulted by telephone on specific points.

Executive summary

The focus of this study lies with irregular migrants who are not in contact with the authorities. Due to their irregular situation, it is difficult to provide information on the numbers of persons that are irregularly staying in Luxembourg. Several actors were able to provide some estimations on the scale of irregular migrants, but these estimations can only ever be partial. Statistics are available concerning the assisted voluntary return and reintegration from Luxembourg programme that is operated by the International Organization for Migration (IOM) as well as concerning the counselling services offered by different non-governmental organisations and associations. However, most of these numbers refer to migrants that are known to the authorities, mainly because they are rejected applicants for international protection.

The main challenges in providing information on voluntary return lies with those persons that are not in contact with the authorities. Applicants for international protection are informed about the existence of a voluntary return option during the procedure and also when a return decision is issued. However, persons who have never been in contact with the authorities might not have received information on the existence of such a possibility. Several other challenges have been expressed in this study: they concern the lack of existence of a specific strategy, the unwillingness of the concerned persons to return (even if they are aware of the programme), the inadequacy of the programme for certain communities and the difficulties in understanding the information on behalf of the migrants themselves.

According to the Immigration Law, there is 30 days period for leaving the territory voluntarily and concerned persons may ask to benefit from an assisted return programme. However, there are currently no legislative provisions on the dissemination of information on voluntary return. Nonetheless, since 2001, there has been an increasing political commitment in Luxembourg to promote voluntary return and multiple policy documents have mentioned this issue.

Since 2009, a programme on assisted voluntary return and reintegration (AVRR) from Luxembourg has been put into place with the assistance of IOM. Following a call for project launched by the Directorate of Immigration for the period 2011-2013, the

agreement between the Ministry of Foreign and European Affairs and IOM was pursued within the framework of the European Return Fund. Since 2014, the programme is co-financed via the new Asylum, Migration and Integration Fund (AMIF). This programme is available to nationals from most countries, with the exception of nationals from the Western Balkans that benefit from a visa liberalisation (Albania, Bosnia-Herzegovina, Serbia, Montenegro and Macedonia). For these nationals a separate programme is available where the return bus ticket is directly financed by the Directorate of Immigration.

One specific objective that is mentioned in the current national programme is that Luxembourg will continue its efforts to encourage the voluntary return of irregular migrants and therefore develop a communication strategy directed at potential beneficiaries. In 2014, the Directorate of immigration introduced a new procedure concerning the information that is provided when a return decision is issued. After a return decision has been issued to a person, they automatically receive an appointment for an individual return interview where they receive information on the assisted voluntary return programme that is offered, depending on their nationality, either by IOM or the Directorate of Immigration. They also receive the corresponding leaflet which resumes the information provided in the interview and has the contact details of the IOM representative / Directorate of Immigration representative.

The study also takes stock of the actors involved and the tools that are used for the dissemination of information on voluntary return. The main actors involved in the dissemination of information on voluntary return are the Directorate of Immigration and IOM. When it comes to migrants that are in contact with the authorities, the social workers of the Luxembourg Reception and Integration Agency (OLAI), of the reception centres, of the Luxembourg Penitentiary Centre and of the Retention Centre also can provide information on the voluntary return options. When it comes to migrants that are not, or no longer, in contact with the authorities, non-governmental organisations and associations active in the field of immigration play an important role. Furthermore, this study has found that there are further actors involved in the dissemination. These include an organisation that deals with victims of trafficking in human beings, diaspora groups, a faith-based group, an embassy and to a lesser extent a homeless shelter action, the ombudsman and hospital staff. Other actors that might

be in touch with irregular migrants such as trade unions, the police or local municipality staff do not (yet) disseminate information on voluntary return. The main tools that are used are the brochures and leaflets that have been developed by the Directorate of Immigration and IOM respectively as well as the counselling sessions that are offered by IOM as well as several non-governmental organisations and associations. Furthermore, IOM also has posters, participates with a stand at a migration festival and displays some information on its website. There has also been a specific media campaign which targeted the Cape Verdean community in Luxembourg. Concerning the accessibility of the information, the consulted stakeholders have stated that the information is largely available, in particular to those that are in contact with the authorities but also to those that are not in contact with the authorities via their informal networks. Detailed information on the language, the visual presentation, the opening hours of the counselling services, confidentiality issues etc. are presented in this study. In addition, a table gives an indication on the content of the information that is provided by the different actors.

At the moment there is no specific campaign concerning the dissemination of information on voluntary return but the activities IOM undertakes in the framework of the subsequent conventions it has signed with the Ministry of Foreign and European Affairs are based on written programmes that have certain objectives and resources. One important finding of the study is that the focus of the activities has so far been on rejected applicants for international protection and that the dissemination of information does not specifically target irregular migrants that are not in contact with the authorities. For those persons that are not in contact with the authorities, the most common tools through which information is shared is orally and via the existing brochures and leaflets.

No evaluation has been conducted so far, but IOM via its monitoring does retrieve some information on the level of satisfaction of the returnees with the information that was provided. However, this is focused on the reintegration assistance and not on the voluntary return as such. Since the beginning of the year 2015, IOM started to ask potential beneficiaries about how they have learned about the existence of the programme but at the time of writing this study it was too early to draw any conclusions.

Finally, areas for improvement that have been identified in this study are the availability of the information on the internet as well as a more broad distribution campaign of the existing brochures and posters.

1. OVERVIEW OF THE NATIONAL SITUATION

1.1 Scale of irregular migration and of return in Luxembourg

Q1. Provide any estimates of the scale of irregular migrants in your Member State for the period 2010 – 2014.

In the LU EMN NCP study on “*Practical measures for reducing irregular migration*” the conclusions provide some information on the scale of irregular migrants in Luxembourg. According to the study, the most concerned groups are nationals from Brazil, Cape Verde and the Western Balkans. Brazilian and Cape Verdean nationals most often enter the territory on a regular basis but remain on the territory after the expiration of their authorisation of stay. The case of the nationals from the Western Balkans is different since many of them make an application for international protection which is rejected by the competent authority and they often remain on the territory in an irregular situation.¹ The study also shows that for the Cape Verdean community family reunification plays an important role since it facilitates settlement in Luxembourg as well as finding a job. In many cases, Cape Verdean nationals emigrate with a tourist visa and immediately upon their arrival in Luxembourg apply for family reunification. Brazilian nationals on the other hand do not need a visa for the Schengen area.²

Several actors were able to provide some estimations on the scale of irregular migrants in Luxembourg, However, one should note that these estimations can only ever be partial and an explanation on their estimation is provided in a footnote after each estimation.

The Immigrant Department of the trade union OGBL has estimated that there has been an increase in irregular migrants over the last 5 years (ranging from 100 in 2010

¹ LU EMN NCP, *Practical measures for reducing irregular migration*, 2011, p.84, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/irregular-migration/lu_20120321_irregularmigration_en_version_final_en.pdf, last accessed 21 October 2015.

² Ibidem, p.80.

to 150 in 2014).³ The *Centre culturel islamique du Luxembourg* estimated the number of all irregular migrants currently in Luxembourg to around 1000 persons. Among its religious community it estimated the number to around 10 persons.⁴ The non-profit organisation *Entente sans frontières* estimated the number of irregular migrants from the Western Balkans currently in Luxembourg to several hundreds of persons. According to the organisation most are illegally employed and live with either family of friends.⁵

Unfortunately, no other stakeholders were able to provide estimations on the scale of irregular migrants in Luxembourg.

One other indication on the scale of irregular migration in Luxembourg concerns the regularisation that took place at the start of the year 2013. From 2nd January to 28th February 2013 a unique measure in favour the regularisation of illegally employed third-country nationals who are in an irregular situation took place.⁶ 664 applications were submitted to the Directorate of Immigration of the Ministry of Foreign and European Affairs during this timeframe. Of these 543 received a positive reply and

³ Information provided by the OGBL (*Onafhängege Gewerkschaftsbond Lëtzebuerg* – Independent Trade Union Luxembourg) via a questionnaire. Written reply received on 30 June 2015. The representative of the Immigrant Department of OGBL has stated that he is not directly in contact with irregular migrants and that these estimations are based on his personal perception of the persons he crosses in the street.

The LCGB (*Lëtzebuenger Chrëschtliche Gewerkschaftsbond* – Luxembourgish Christian Trade Union) trade union was also consulted. In their written reply of 1 July 2015, the representative of the LCGB stated that they are not directly in contact with irregular migrants. They hear about such cases on an occasional basis via third persons but so far they have never been contacted directly by an irregular migrant.

⁴ Information provided by the *Centre culturel islamique du Luxembourg* via a questionnaire. Written reply received on 18 May 2015. The representative of the *Centre culturel islamique du Luxembourg* stated that he is regularly in contact with migrants at the professional level and therefore knows about cases of persons or families from different backgrounds that are in an irregular situation.

⁵ Information provided by *Entente sans frontières* via a questionnaire. Written reply received on 31 May 2015. The President of *Entente sans frontières* stated that its members are in contact with irregular migrants via the organisation, both at a professional as well as a private level.

⁶ This unique regularisation measure was taken in conjunction with the entry into force of the Law of 21 December 2012 on the illegal employment of third-country nationals in an irregular situation which transposed Directive 2009/52/EC of the European Parliament and the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals into national law. In order to be able to benefit from this regularisation, persons had to meet the following cumulative requirements: holding a valid passport; having resided without authorisation for at least 9 months and having worked for at least 9 months for an employer in Luxembourg during the year 2012 and being able to submit a permanent work contract with the employer; and to not constitute a danger to public order.

121 received a negative decision.⁷ One particularity of this regularisation was that Chinese nationals constituted the main nationality (230 applications) and another was the fact that 80 applications were submitted by applicants for international protection. Next to the Chinese nationals, the other main nationalities were Brazilians (105 applications), Montenegrins (66 applications), Cape Verdeans (59 applications) and Serbs (43 applications).⁸ Among the applicants were irregular migrants who were previously known to the authorities as well as irregular migrants who were unknown to the authorities.

Q2. Provide any estimates and/or actuals for the period 2010-2014 on:

- **Number of irregularly-staying third-country nationals returning by physical transportation out of the Member State, on the basis of a return decision (forced return);**
- **Number of irregularly-staying third-country nationals returning voluntarily within the time-limit fixed for that purpose in the return decision (voluntary departure);**
- **Number of irregularly-staying third-country nationals returning via AVR packages (assisted voluntary return);**
- **Number of irregularly-staying third-country nationals returning via AVRR packages (assisted voluntary return and reintegration).**

The number of forced returns has varied between 26 and 153 persons for the years 2010-2014. Concerning the number of voluntary returns, the number has varied between 104 and 1688 for the years 2010-2014. The majority of the persons that were issued a return decision have returned under an assisted voluntary return programme⁹ and ranged from 8 in 2010 to 1467¹⁰ in 2012. For the years 2011, 2013 and 2014 the numbers have been between 305 and 479. Finally a substantial number of persons

⁷ Ministry of Foreign and European Affairs, Annual Report 2013, p. 63, <http://www.gouvernement.lu/3535255/2013-rapport-affaires-etrangeres-europeenes.pdf>, last accessed 10 September 2015.

⁸ Directorate of Immigration, Press Conference, *Bilan intermédiaire de la mesure unique en faveur des salariés, ressortissants de pays tiers, en séjour irrégulier* 2 janvier –28 février 2013, pp.2-3. <https://www.gouvernement.lu/1796464/regul.pdf>, last accessed 10 September 2015.

⁹ The numbers include the assisted voluntary return and reintegration programme that is operated by IOM as well as the assisted voluntary return programme that is directly provided by the Directorate of Immigration and which only concerns nationals from the Western Balkans who benefit from a visa liberalisation.

¹⁰ The high number for 2012 can be explained by the fact that in 2011 and 2012 there was a significant influx of applicants for international protection. After 2012, the numbers went down again by around 50%.

have also been eligible for reintegration assistance. These range from 91 to 183 for the years 2010 – 2014.¹¹

Total voluntary and forced returns and percentage rates					
	2010	2011	2012	2013	2014
Voluntary return	104	537	1688	640	511
%	72,2%	95,4%	92,2%	88,4%	76,9%
Forced return	40	26	142	84	153
%	27,8%	4,6%	7,8%	11,6%	23,1%

Source: Directorate of Immigration, 2015.

¹¹ Directorate of Immigration, statistics provided on 25 June 2015. For further information please see Annex 1 Table A.1.a.

1.2. Scale and nature of irregular migrants who are not in contact with the authorities

Q3. This study focusses on irregular migrants whose whereabouts / place of residence are no longer or were never known to the authorities and who, therefore, are not in contact with the authorities. Define this group by listing in bullet points the main scenarios, in which the authorities would not have contact with irregular migrants.

- Persons who have entered the territory irregularly;
- Persons who were initially known to the authorities and who have given a false address / moved from their address (for example international students who did not attend or abandoned their course, persons who benefited from the tolerance status and stayed after the abrogation of this status, persons who benefited from a postponement of removal and disappeared when the Directorate of Immigration did not renew the status, applicants for international protection who disappear before a decision on their application, persons who are released from detention because they cannot be identified, etc.);
- Rejected applicants for international protection for whom the authorities no longer have a contact;
- Persons who do not need a visa and have received a negative decision on their authorisation of stay and for whom the authorities do not have a contact;
- Visa over stayers and for whom the authorities do not have a contact;
- Persons who had an authorisation of stay in another EU Member State but who do not have an authorisation of stay in Luxembourg.

More generally, one should note the particular geographical situation of Luxembourg, which has no external borders (except for the Luxembourg Airport), and where people can enter and exit the territory without any controls. Due to the size of the country, border crossings are part of the everyday life of many persons and a certain number of

migrants in an irregular situation enter Luxembourg from the neighbouring EU Member States.¹²

Q4. Provide any estimates of the scale of the two groups irregular migrants covered in this study for the period 2010-2014:

- **Irregular migrants who were previously known to the authorities, but whose place of residence is no longer known to the authorities (absconding);**
- **Irregular migrants whose residence on the territory has never been known to the authorities (clandestine entry).**

In general, there is very few information and data available regarding the two groups of irregular migrants that are covered in this study. Most of the information, but also estimations, refer to irregular migrants that are known to the authorities (mainly because they are rejected applicants for international protection). Thus, only a partial valuation and hints may be deducted from broader figures on irregular migrants in Luxembourg and that were provided either via the statistics on the assisted voluntary return and reintegration (AVRR) programme or via the NGOs active in the field of immigration.

Although there are no precise estimates regarding the scale of the two groups of irregular migrants covered in this study, the International Organization for Migration (IOM) was able to provide statistics on the number of persons that were returned with the AVRR from Luxembourg programme. However, it is only since 2015 that rejected applicants for international protection who do not return within the time limit of 30 days for voluntary return are categorised within IOM statistics as irregular migrants. Therefore, in the statistics they are in the category of rejected applicants for international protection. Also, the category of irregular migrants include both, those who were previously known to the authorities, but whose place of residence is no longer known to the authorities and those whose residence on the territory has never been known to the authorities.

¹² LU EMN NCP, *Practical measures for reducing irregular migration*, 2011, p.32, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/irregular-migration/lu_20120321_irregularmigration_en_version_final_en.pdf, last accessed 21 October 2015.

Returns under the AVRRL programme for the period 2010 - 2014						
	Returns in total	Registrations for the programme	Applicants for international protection	Rejected applicants for international protection	Irregular migrants	Beneficiaries of subsidiary protection
2010	104	145	20	73	21	0
2011	101	138	31	49	21	0
2012	97	149	19	60	18	0
2013	116	151	24	70	22	0
2014	186	229	29	150	7	1

Source: International Organization for Migration, 2015.

These figures show that most of the persons were in contact with the authorities due to their (rejected) application for international protection. Among those who registered for the AVRRL programme but did not return under it, the main reasons were because they fell outside the scope of the programme (non-eligible country of origin or Dublin cases), because they changed their mind or because it was impossible to obtain travel documents. Most of those returned also benefitted from reintegration assistance.¹³

¹³ International Organization for Migration, statistics provided on 1 June 2015.

Concerning the nationalities of the persons that returned under the AVRR programme during the period 2010 - 2014, a large majority was from Kosovo.

	Top 5 nationalities – returns under the AVRR programme				
	2010	2011	2012	2013	2014
1	Kosovo (53)	Kosovo (56)	Kosovo (57)	Kosovo (78)	Kosovo (154)
2	Montenegro (9)	China (10)	Iraq (6)	Brazil (9)	Belarus (9)
3	Belarus (6)	Belarus (5)	Belarus (4)	Turkey (4)	Serbia (5)
4	China (6)	Albania (3)	Brazil (4)	Azerbaijan (3)	Algeria (3)
5	Afghanistan (4)	Brazil, Iraq (3)	Russia (3)	Cameroon, Iran, Morocco (3)	Brazil, Russia, Tunisia (2)

Source: Directorate of Immigration, *Bilan en matière d'immigration et d'asile*, 2014, 2013, 2012, 2011 and 2010.

The Solidarity and Integration Service of Caritas Luxembourg was also able to provide statistics on the number of persons they had counselled over the period 2011-2014. For the years 2011 and 2012, no distinction was made between those that were rejected applicants for international protections and irregular migrants. In 2011, a total of 178 persons contacted the Solidarity and Integration Service for counselling. In 2012 the number rose to 280 persons. From 2013 onwards a distinction was made. In 2013, 207 rejected applicants for international protection and 92 irregular migrants benefitted from the counselling offer. In 2014, 170 rejected applicants for international protection and 34 irregular migrants benefitted from the counselling offer. Most of these persons took up more than one counselling session and so the total number of interviews was 2.182 in 2011, 2.232 in 2012, 2.601 in 2013 and 2.335 in 2014.¹⁴

Again, these figures show that the personnel of the counselling service are more in contact with rejected applicants for international protection than irregular migrants.

¹⁴ Caritas Luxembourg, Solidarity and Integration Service, statistics provided on 18 May 2015.

However, one possible explanation for this is that most of the rejected applicants for international protection had already been in contact with this service during their application for international protection.

The *Association de Soutien aux Travailleurs Immigrés* (ASTI asbl) is an association that is predominantly in contact with irregular migrants, visa over stayers and persons who have entered the territory legally and stayed after the expiration of their legal stay. According to them, persons that have been known to the authorities beforehand but are no longer in contact with the authorities are more numerous than those that have never been in contact with the authorities.¹⁵ This presumption can also be confirmed by the figures provided by the information help-desk *Guichet Info-Migrants*, a service offered by ASTI asbl where persons may seek advice in regards to the Luxembourgish immigration and asylum law. Thus, in 2013, 1.531 persons sought advice out of which only 152 (10%) were in an irregular situation (rejected applicants for international protection excluded). In 2014, although in total much more persons came to seek advice, the proportion of irregular migrants remained stable with 212 (10%).¹⁶

Furthermore, ASTI asbl estimates that the phenomenon of irregular migrants has increased. According to them, this is mainly due to the fact that nationals from the Western Balkans no longer need a visa to come to Luxembourg (and its neighbouring countries). Furthermore, Brazilian nationals also no longer need a visa and there is a large Brazilian community in Luxembourg. Quite often Brazilians arrive in Luxembourg without their partner and children and the fact that no visa is required facilitates to travel back and forth in order to visit one's family members. Another important phenomenon that was mentioned by ASTI asbl concerns those migrants that have an authorisation of stay in another EU Member State and that migrate to Luxembourg in search of employment. These persons do not have automatic access to the national labour market and have to apply for an authorisation of stay as a salaried worker, a procedure which is not always followed. Finally, one other community that was highlighted by ASTI asbl concerns Chinese nationals, many of whom arrive in

¹⁵ Information provided by ASTI asbl, Service Guichet Info-Migrants, via a questionnaire. Written reply received on 22 June 2015.

¹⁶ Information provided by ASTI asbl, Service Guichet Info-Migrants, via a questionnaire. Written reply received on 22 June 2015.

Luxembourg with a visa and then start working illegally in order to pay their debt and support their family in China.¹⁷

The *Comité de liaison des associations d'étrangers* (CLAE asbl) brings together multiple foreigners associations in Luxembourg, and could also provide statistics on irregular migrants they had counselled over the period 2010-2014. From 2010 to 2013, the number of irregular staying persons that had been counselled was more or less stable with 130 persons in 2010, 113 in 2011, 124 in 2012 and 132 in 2013. In 2014, CLAE counselled significantly fewer irregularly staying persons, namely 54. These figures include persons who have entered the territory irregularly and who have never been in contact with the authorities, visa over stayers as well as persons who have entered legally and do not need a visa but stayed after the expiration of their legal stay.¹⁸

The Migrants and Refugees Service of the Red Cross Luxembourg does not have a permanency¹⁹ and also does not keep statistics on the number of persons they counsel. However, similarly to Caritas Luxembourg they manage reception facilities for applicants for international protection and they also affirmed that they are primarily in contact with rejected applicants for international protection who live or have lived in their reception facilities and with whom they were in contact during the procedure. On the other hand, they only occasionally have contact with irregular migrants who have not been in contact with the authorities. It is therefore likely that irregular migrants address themselves to other services or associations. Even though it was not possible to provide any estimates, the Red Cross Luxembourg representative stated that in the Migrants and Refugees Service they had the impression that there were less rejected applicants for international protection, which might also be due to the regularisation that took place in 2013.²⁰

¹⁷ Information provided by ASTI asbl, Service Guichet Info-Migrants, via a questionnaire. Written reply received on 22 June 2015.

¹⁸ Information provided by CLAE asbl via a questionnaire. Written reply received on 5 June 2015.

¹⁹ On the permanency, please see Q.15.

²⁰ Information provided by Red Cross Luxembourg, Migrants and Refugees Service, via a questionnaire. Oral reply received on 2 June 2015.

Finally, the *Centre culturel islamique du Luxembourg* estimated that most of the persons in an irregular situation are known to the authorities (around 600 persons), that there are around 250 persons that were known to the authorities but are no longer known and that only a small minority were never known to the authorities (150 persons).²¹

Q5. Provide a short overview of the challenges faced in the Member State by actors involved in promoting voluntary return in reaching out to those who are not in contact with the authorities.

The persons with whom the authorities are in contact can in principle be provided with information on the voluntary return option. In particular, applicants for international protection have been informed of the possibility of a voluntary return from the beginning of the international protection procedure²², but also in case they received a negative decision.²³ So even if they remain irregularly on the territory, they have received the information at some point. However, those persons that received a negative decision prior to 2009, and remained on the territory, might not have been informed of this possibility and might not be aware of the existence of the AVRRL programme.²⁴

The main challenge that was expressed by all the consulted actors²⁵ is therefore to establish a first contact with those persons that have never been or are no longer in contact with the authorities. This is also where the non-governmental organisations and associations play an important role since they can still be in contact with these persons and they can also communicate the information on the voluntary return.

One particular challenge that was identified by the Directorate of Immigration is that, compared to other Member States, there has not been a public campaign to reach out to those persons that are not in contact with the authorities. Although at a very

²¹ Information provided by the *Centre culturel islamique du Luxembourg* via a questionnaire. Written reply received on 18 May 2015.

²² Please see answer to Q.7.

²³ Since 2009, IOM has been implementing the “Assisted Voluntary Return and Reintegration from the Grand Duchy of Luxembourg” (AVRRL) programme. Since then, the Directorate of Immigration has systematically informed rejected applicants of international protection about the possibility of a voluntary return.

²⁴ Information provided by IOM. Interview conducted on 30 April 2015.

²⁵ Please see Annex 2 Table A.2.

preliminary stage, there have been some reflections within the Return Unit of the Directorate of Immigration on developing such a campaign. Ideas that have been considered are setting up a helpline, having a counter at the central train station in the capital of Luxembourg or doing a poster campaign in public places. However, there are also some practical obstacles such as the small size of the staff of the Return Unit, which currently make it impossible to dedicate adequate time to developing a communication strategy as it is the case in other Member States.²⁶ Another challenge that was mentioned by the Directorate of Immigration concerns the fact that most of the people who have been ordered to leave do not know the Luxembourgish system very well and might therefore be tempted to believe that there is a possibility for them to stay after all.²⁷

In the Multiannual Programme of the Grand Duchy of Luxembourg for the European Return Fund 2008-2013, one of the needs that were expressed concerned a strengthening of the information policy in the field of voluntary return. According to the programme, it is essential to proceed upon arrival and registration of the persons with an information policy concerning assisted return and this policy should be pursued all along the decision making process. A thorough reflection followed by an action plan in this field is considered to be a necessary element of the global return policy. Furthermore, this information policy should be applicable to all concerned instances and at every stage of the procedure. There should also be a wide dissemination of information by the prison for applicants that have been condemned in criminal matters as well as by the Retention Centre for the persons that have been placed there. This is likewise the case for the social workers that provide support to applicants for international protection. It is also stated that an enhanced cooperation with the NGOs could be beneficial from a humane as well as a financial point of view. A cooperation with the NGOs active in the field of immigration could be useful since their credibility before the applicants or rejected applicants for international protection is different from the one of the authorities that are part of the decision making process. The NGOs could also be more actively engaged in the preparation of

²⁶ Information provided by the Directorate of Immigration. Interview conducted on 14 April 2015.

²⁷ Information provided by the Directorate of Immigration. Interview conducted on 14 April 2015.

voluntary returns as well as the monitoring of the beneficiaries of an assisted return in the countries of origin.²⁸

From the actors of civil society three challenges were raised: one concerns the unwillingness of the persons to return even though there is always the risk that they might be detected, another concerns the unsuitability of the available programmes and a third concerns the comprehension of the information that is provided.

Caritas Luxembourg affirmed that the programme is not unknown to the migrants, but that many persons who contact Caritas do not want to return to their country of origin. In particular, due to the regularisation that took place in 2013, there are hopes among the concerned persons that they will also benefit from such a regularisation in the future. Some have even stated that they prefer being in retention than returning to their country of origin.²⁹

ASTI asbl also confirmed that the interest in voluntary return among those persons that seek advice at their help-desk (*Guichet Info-Migrants*) is rather limited and that most of the persons are much more interested in how they could regularise their situation.³⁰

According to a representative from *Maison d'Afrique*, an association active in the field of integration of persons from the African diaspora and which has also developed a handbook on return and reintegration for Cape Verdean nationals³¹, the low number of Cape Verdeans benefitting from voluntary return since 2010 is not due to a lack of information, but rather related to the return programmes themselves, which very often do not match with the interests of the concerned persons since they are only rarely designed in collaboration with the target population. A possible

²⁸ Multiannual Programme of the Grand Duchy of Luxembourg for the European Return Fund 2008-2013, p. 17, <http://www.gouvernement.lu/4717653/2008-2013-programme-pluriannuel.pdf>, last accessed 10 September 2015.

²⁹ Information provided by Caritas Luxembourg, Solidarity and Integration Service via a questionnaire. Oral reply received on 18 May 2015.

³⁰ Information provided by ASTI asbl, Service Guichet Info-Migrants. Written reply received on 22 June 2015

³¹ Gerstnerova A. et Rodriguez F., *Manuel de réinsertion socioprofessionnelle pour les Capverdiens du Luxembourg*, Luxembourg, OFII, IOM, Maison d'Afrique de Luxembourg, 2015, <http://www.maisondafrique.lu/site23/images/docs/projets/reinsertion/manuel-reinsertion-cap-vert.pdf>, last accessed 10 September 2015.

solution to this would be to further consult with NGOs or associations that work on a daily basis with the target groups, when such programmes are conceived.

One can also note a lack of coordination among the different institutions concerned, which may eventually result in deficiencies and delays, contributing to the failure of certain reintegration projects.³²

The Embassy of Cape Verde stated that the low number of Cape Verdeans benefitting from a voluntary return within the IOM programme could also be explained by the amount of financial aid, which is seen by many of the concerned persons as insufficient to encourage return. In general, the embassy noticed little interest for the voluntary return programme offered by IOM among its national community, although the large majority is aware of the existence of the programme. The few persons that did express an interest have all been in vulnerable situations.³³

The Red Cross Luxembourg stated that they are often confronted with persons that have problems understanding the information on the voluntary return. Even though in theory they have received the information, in practice the concerned migrants are often not fully aware of what they were being told or do not recall the information correctly. There is also often the misunderstanding that their application for a postponement of removal (for example for medical reasons) would have a suspending effect on the time limit of 30 days for the voluntary return.³⁴

Maison d'Afrique also pointed to the fact that very often the promotion via a written medium (booklets, handbooks etc.), including their own published handbook, may fail to attend illiterates and less-educated people. Therefore, it would always be preferable that the concerned persons are provided with the information orally.³⁵

³² Gerstnerova A., *Efficacité des politiques de retour: Capverdiens au Luxembourg in Diversités et Citoyennetés "Primo-arrivants"*, La Lettre de l'IRFAM, n°40-41, 2015, http://irfam.org/assets/File/e-journal/diversites_et_citoyennetes_la_lettre_de_l_irfam_40-41_mars_2015.pdf, last accessed 10 September 2015.

³³ Information provided by the Embassy of Cape Verde. Interview conducted on 1 June 2015.

³⁴ Information provided by Red Cross Luxembourg, Migrants and Refugees Service via a questionnaire. Oral reply received on 2 June 2015.

³⁵ Information provided by *Maison d'Afrique*. Interview conducted on 10 June 2015.

Q6. Are there any other specific groups of (irregular) migrants which actors involved in promoting voluntary return find hard to reach?

For obvious reasons, irregular migrants whose residence on the territory has never been known to the authorities are much more difficult to reach as the authorities have very few information on this population. This significantly complicates an effective information strategy.

One group that is hard to reach are people that are illegally employed. There have been several cases where IOM was contacted by women of Chinese origin, most of them working in the Horeca sector. Apparently there is/was a fairly small Chinese community but is not known how they had heard of IOM and the AVRR programme. It can be assumed that it is by word of mouth.³⁶ Another group that is hard to reach are victims of trafficking in human beings. There was one case reported by IOM where the organisation *Femmes en détresse* contacted IOM in order to organise the voluntary return of a woman who was a victim of trafficking in human beings. However, the woman provided no information of her personal history and also did not want to apply for reintegration assistance.³⁷

There might be other groups as for example persons that can come to Luxembourg with a short stay visa of 3 months and then stay on the territory irregularly without the authorities having knowledge of this. In 2013, there was a project specifically addressed to the Cape Verdean community and where a radio broadcast about voluntary return and the AVRR programme was diffused on the Portuguese-speaking radio station *Radio Latina*. This project contributed to the mobility partnership with Cape Verde for which the European Union has launched a project focusing on capacity building in the framework of return management and in which Luxembourg, besides France, Portugal and the Netherlands, is participating in.³⁸ In this context, a handbook on return and reintegration for Cape Verdean nationals³⁹ was also published by *Maison d'Afrique* (see answer to Q.5).

³⁶ Information provided by IOM. Interview conducted on 30 April 2015.

³⁷ Information provided by IOM. Interview conducted on 30 April 2015.

³⁸ IOM County Office for Belgium and Luxembourg, Year Report 2013, p.11.

³⁹ Gerstnerova A. et Rodriguez F., *Manuel de réinsertion socioprofessionnelle pour les Capverdiens du Luxembourg*, Luxembourg, OFII, IOM, Maison d'Afrique de Luxembourg, 2015, <http://www.maisondafrique.lu/site23/images/docs/projets/reinsertion/manuel-reinsertion-cap-vert.pdf>, last accessed 10 September 2015.

2. NATIONAL LEGISLATION AND POLICY ON THE DISSEMINATION OF INFORMATION ON VOLUNTARY RETURN

Q7. Has your Member State set out provisions or rules regarding the dissemination / provision of information on voluntary return in legislation or in soft law? Please state the name(s) of the legislation / policy(s) and describe what it says about:

- **The actors involved / responsible;**
- **The content of the information;**
- **The timing of the information provision;**
- **Any particular provisions for vulnerable groups and other specific groups;**
- **The tools of dissemination;**
- **The language(s) in which the information must be given and any accessibility / quality criteria;**
- **Confidentiality considerations.**

First of all it should be noted that Article 111 (2) of the amended Law of 29 August 2008 on the Free Movement of Persons and Immigration (Immigration Law) grants third-country nationals a 30 days period to leave the territory voluntarily. Except in some urgent cases, which have to be duly justified, the person has 30 days from the date of notification of the return decision to comply voluntarily with the obligation to leave the territory and may also ask to benefit from an assisted return programme.⁴⁰ Furthermore, if necessary, the Minister may allow a time for voluntary departure exceeding 30 days by taking into account the personal situation of the individual concerned such as the length of stay, the existence of children attending school and the existence of other family and social links.⁴¹ After the expiration of this period, they become subject to a forced return and the Minister in charge of immigration will

⁴⁰ Article 111 (2) of the Law of 29 August 2008 on the Free Movement of Persons and Immigration, Memorial A N°113 of 3 July 2013, <http://www.legilux.public.lu/leg/a/archives/2013/0113/a113.pdf>, last accessed 10 September 2015.

And Article 22 of the Law of 5 May 2006 on the Right of Asylum and Complementary Forms of Protection, Memorial A N°113 of 3 July 2013, <http://www.legilux.public.lu/leg/a/archives/2013/0113/a113.pdf>, last accessed 10 September 2015.

⁴¹ Law of 26 June 2014 amending the amended Law of 29 August 2008 on the Free Movement of Persons and Immigration, Memorial A n°113 of 1 July 2014, <http://www.legilux.public.lu/leg/a/archives/2014/0113/a113.pdf#page=3>, last accessed 10 September 2015.

issue an entry ban of a maximum period of 5 years against a person who remains on the territory.⁴²

There are no provisions or rules regarding the dissemination of information on voluntary return in the national legislation. However, since 2001, there has been an increasing political commitment in Luxembourg to promote voluntary return. In the context of a policy debate on a regularisation measure for irregular migrants in 2001, a motion inviting the Government to “*carry out the removal of persons that do not fulfil the criteria of regularisation in a dignified and orderly manner*” was introduced and adopted.⁴³ After setting the criteria for a regularisation in 2001, the issue of “return” remains a regular topic in public debate. While the Government has been mandated since March 2001, with the support of the Chamber of Deputies, to carry out the removal of those not meeting the regularisation conditions, the debate continually focussed on new regularisations, on the terms and conditions of removal as well as on the preconditions for a return such as the respect of the security and dignity of those who are returned.

The coalition agreement of 2004 confirmed the commitment to promote voluntary return via positive incentives as well as sanctions but also a close cooperation with countries of origin of applicants for international protection in order to facilitate the return of rejected applicants.⁴⁴ The coalition agreement of 2009 again confirmed the Government’s priority to promote voluntary return by further enhancing cooperation with national and international organisations active in the field of immigration.⁴⁵

On 5th August 2008, the Luxembourgish Government signed a cooperation agreement with IOM concerning the assisted voluntary return and reintegration of Kosovar

⁴² Article 124 (2) of the amended Law of 29 August 2008 on the Free Movement of Persons and Immigration, Memorial A N°113 of 3 July 2013, <http://www.legilux.public.lu/leg/a/archives/2013/0113/a113.pdf>, last accessed 10 September 2015. For more information please see: LU EMN NCP, *Good Practices in the return and reintegration of irregular migrants: Member States’ entry bans policy & use of readmission agreements between Member States and third countries*, 2014, https://www.emnluxembourg.lu/wp-content/uploads/2015/08/LU-EMN-NCP-Return-Study_final.pdf, last accessed 21 October 2015.

⁴³ Chamber of Deputies, *Compte rendu des séances publiques*, session 2000-2001, 39 séance, pp. 1472-1473. Motion adopted on 14 April 2001.

⁴⁴ Coalition agreement 2004, p. 10, https://www.gouvernement.lu/1816750/programme_accord.pdf, last accessed 10 September 2015.

⁴⁵ Coalition agreement 2009, p.131, https://www.gouvernement.lu/1843656/BID_2009_edition_speciale.pdf, last accessed 10 September 2015.

nationals.⁴⁶ The aim of this agreement was to take care of those persons on the Luxembourgish territory that wished to return to their country of origin. More specifically IOM was put in charge of offering individual counselling services on the return and reintegration, the reception in the country of origin and the reintegration assistance that would be provided to the beneficiary. Whereas in the first year this programme was limited to Kosovar nationals that were rejected applicants for international protection and which opted for a voluntary return, it was enlarged in 2009.⁴⁷

The activities of IOM in Luxembourg are more generally based on the programme of the IOM Brussels office which has been operational for a much longer time period. At the beginning, there were only information sessions with potential actors from civil society that could help disseminate information on voluntary return. Then the brochures, posters and business cards were developed. Since 2009 permanencies have taken place and currently there is one IOM representative from the IOM Brussels office who comes to Luxembourg twice a week and who is in charge of the communication and contact with the migrants.⁴⁸

Persons eligible for either the complete or the basic aid within the AVRR programme are nationals from most countries (with the exceptions of Albania, Bosnia-Herzegovina, Serbia, Montenegro and Macedonia) and who are:

1. third-country nationals who are in a procedure for international protection and whose application was submitted at least six months ago, and who decide on their own to renounce to their application for international protection and to return voluntarily to their country of origin (complete aid);
2. third-country nationals who are in a procedure for international protection and whose application was submitted less than six months ago, and who decide on their own to renounce to their application

⁴⁶ Annual Programme of the Grand Duchy of Luxembourg for the European Return Fund 2013, p.2, <http://www.gouvernement.lu/4822358/2013-programme-annuel-revise.pdf>, last accessed 10 September 2015.

⁴⁷ Gouvernement.lu, *Signature d'une convention entre le gouvernement et l'Organisation internationale pour les migrations*, 28.05.2009, <https://www.gouvernement.lu/747089/29-signature-migrations?context=970369>

⁴⁸ Information provided by IOM. Interview conducted on 30 April 2015.

for international protection and to return voluntarily to their country of origin (basic aid);

3. third-country nationals who have received an order to leave the territory in accordance with the amended Law of 5 May 2006 on the Right of Asylum and Complementary Forms of Protection (Asylum Law) and that contact the authorities within the 30 days period after having received the definite order to leave in order to return voluntarily (complete aid);
4. third-country nationals who have received an order to leave the territory in accordance with the Asylum Law and that do not contact the authorities within the 30 days period after having received the definite order to leave in order to return voluntarily (basic aid);
5. third-country nationals who have not submitted an application for international protection and that are in an irregular situation on the Luxembourgish territory and who decide on their own to return voluntarily to their country of origin (basic aid);
6. third-country nationals who are staying irregularly and who are placed in retention in accordance with the Asylum Law or the Immigration Law and who wish to return voluntarily (basic aid).⁴⁹

For those Western Balkan countries that benefit from a visa liberalisation (Albania, Bosnia-Herzegovina, Serbia, Montenegro and Macedonia) a different return assistance is foreseen. Since there has been a massive inflow of applicants for international protection from these countries it was important to put into place an adequate action that enabled them to return voluntarily. According to the Annual Programme of the Grand Duchy of Luxembourg for the European Return Fund 2013, voluntary return constitutes for most of these persons the privileged solution, sometimes even before the end of the procedure.⁵⁰ In order to propose to these persons the option of returning voluntarily the Directorate of Immigration put into

⁴⁹ IOM, internal document.

⁵⁰ Annual Programme of the Grand Duchy of Luxembourg for the European Return Fund 2013, p.6, <http://www.gouvernement.lu/4822358/2013-programme-annuel-revise.pdf>, last accessed 10 September 2015.

place its own return assistance. In the annual programme it is stated that resorting to an NGO would currently not be very effective since this would lead to a multiplication of different actors involved. These assisted returns are available to persons that are in possession of a travel document and they are organised by bus. The aim is to organise the return as fast as possible and to provide the needed financial assistance. Therefore, as the Directorate of Immigration is in contact with the concerned persons as well as with the bus company, it estimates that it is itself best placed to organise such returns in a rapid manner and that there is no need for an intermediary which would entail additional costs.⁵¹

The Multiannual Programme of the Grand Duchy of Luxembourg for the European Return Fund 2008-2013 set out as one of its priorities the elaboration of a strategic approach of the return management and one of its objectives was to enhance the assisted voluntary return mechanism. The programme stated that the increase of voluntary returns is one of the priorities of Luxembourg and that it could only be realised if the concerned persons perceive voluntary return as the best option. Efforts concerning the dissemination of information as well as an appropriate assistance were considered essential and some examples of key actions were enumerated:

- Organisation of voluntary returns by the Luxembourg authorities;
- Organisation of information campaigns on the assisted return targeted at the concerned persons;
- Organisation of information seminars for persons having chosen a voluntary return in order to facilitate their reintegration;
- Training of staff that is organising voluntary returns in order to provide good information to the concerned persons.⁵²

The new National Programme of Luxembourg for the Asylum, Migration and Integration Fund 2014-2020 affirms that the return policy implemented within this fund is in line with the current policy and that one of the aims is to continue informing the concerned persons about the existence of the voluntary return option as well as to

⁵¹ Annual Programme of the Grand Duchy of Luxembourg for the European Return Fund 2013, p.7, <http://www.gouvernement.lu/4822358/2013-programme-annuel-revise.pdf>, last accessed 10 September 2015.

⁵² Multiannual Programme of the Grand Duchy of Luxembourg for the European Return Fund 2008-2013, p. 21, <http://www.gouvernement.lu/4717653/2008-2013-programme-pluriannuel.pdf>, last accessed 10 September 2015.

prioritise the organisation of voluntary returns. It also aims to put into place adequate management and monitoring systems.⁵³ According to the programme, Luxembourg has benefited from good experiences concerning the promotion of voluntary return over the last years and therefore the policy regarding the promotion of voluntary return will continue along the same lines although it will be further developed, among others by the implementation of reintegration projects.⁵⁴ Another specific objective is that Luxembourg will continue its efforts to encourage voluntary return of irregular migrants and in particular develop a communication strategy directed at potential beneficiaries.⁵⁵

The Directorate of Immigration is currently working on a project which intends to conduct an interview with applicants for international protection and which is not related to the asylum interview, but which would take place shortly after their arrival and which would be a more general interview for exchanging information on their country of origin and their personal situation. This is due to the fact that the Directorate of Immigration has observed that many applicants for international protection were not persecuted in their country of origin but have other needs, such as medical assistance for example. Since many persons do not fulfil the criteria for obtaining refugee status, this new procedure would be used to decide upon whether there are other possibilities to help the person. In addition, information on the voluntary return would also be provided. It is planned that these interviews take place in a non-confrontational manner where questions can be asked by the third-country national and a basis structure for the interview has already been elaborated. The idea behind these interviews is to provide, next to the assistance offered by the NGOs and the lawyers, a neutral contact point within an administration where the next steps of the procedure could be explained. This idea is also related to the current objective of the Refugee Unit to reduce the time period of the asylum procedure and consequently to reduce the stay of the applicants in Luxembourg. One issue that still has to be addressed in order for this procedure to become operational is the necessary personnel to do the interviews. One of the desired outcomes is to have a multiplier effect, which means that people who have been to an information interview at the Directorate of

⁵³ National Programme of Luxembourg for the Asylum, Migration and Integration Fund 2014-2020, p.6, http://www.olai.public.lu/fr/publications/programmes-planactions-campagnes/programme_amif/programme-national-luxembourg.pdf, last accessed 10 September 2015.

⁵⁴ Ibidem, p.20.

⁵⁵ Ibidem.

Immigration share this information with other persons who might also have questions about the return options.⁵⁶

Finally, during the procedure for international protection, information on the voluntary return is provided by the Refugee Unit of the Directorate of Immigration. Although the Asylum Law does not expressly foresee to inform the applicants for international protection of the possibility of a voluntary return during the international protection procedure, information on the existing programmes is, in principle, given to the migrant from the beginning of the procedure, either by information sessions, individual counselling or via leaflets / brochures (see answer to Q.8) handed out by the Directorate of Immigration, the Luxembourg Reception and Integration Agency (OLAI), IOM and its partners (i.e. organisations and associations). Once an order to leave the country is notified to the third-country national, the leaflet or brochure is systematically joined to the Directorate of Immigration's decision.⁵⁷

Q8. What information does the national authority provide to the migrant when it issues a return decision, and how does it provide this information? Please specify:

- **The content of the information;**
- **The different language(s) in which the information is made available;**
- **How the information is presented visually;**
- **The tools of dissemination used.**

In 2014, the Directorate of immigration introduced a new procedure concerning the information that is provided when a return decision is issued to both rejected applicants for international protection and third-country nationals whose residence permit has been refused or withdrawn. After a return decision has been issued to a person they automatically receive an appointment for a return interview. During this interview, the concerned person will be provided with information on the status of his/her situation (i.e. that they are at the end of the procedure and that they have been ordered to leave) and s/he will also be informed about the possibility of a voluntary return. One person within the Return Unit is responsible for these interviews, which usually take place once a week, and every person is informed individually. Depending

⁵⁶ Information provided by the Directorate of Immigration. Interview conducted on 14 April 2015.

⁵⁷ See LU EMN NCP answer to *Ad Hoc Query on the dissemination of information (during the asylum procedure) on assisted voluntary programmes* requested by BE EMN NCP on 25th January 2012.

on whether the person is a national from one of the Western Balkan countries (except Kosovo) or from another third country different information is provided. Those from the Western Balkans do not have access to the AVRR programme but they can put their name on a list for being assisted with their return by the Directorate of Immigration directly, which consists in the payment of their return bus ticket. Nationals from all other countries will be provided the name and address of the contact person for IOM in Luxembourg so that they can then make an individual appointment. In addition, every person is given either the leaflet of the Directorate of Immigration or the brochure of IOM. The rationale for introducing the interviews was to avoid situations where the concerned persons had potentially not received all the necessary information concerning his/her return, and in particular the option of a voluntary return.⁵⁸

Around two years ago, the Return Unit of the Directorate of Immigration elaborated a leaflet for third-country nationals from the Western Balkans and they also revised the IOM brochures that are valid for all other third-country nationals. These leaflets and brochures are the basic communication tools and in practice, they are available in the reception of the Directorate of Immigration, the reception centres for applicants for international protection and are handed to every person that has received a return decision. The leaflet of the Directorate of immigration concerning to voluntary return to the Western Balkans⁵⁹ (except Kosovo) is a one page document explaining that nationals of the Western Balkans who have claimed international protection may register for the voluntary return programme during the procedure or after having received a negative decision. After having received the negative decision a time limit of 30 days applies to leave the territory. This leaflet also explains that in order to register persons can make an appointment with the Refugee Unit to organise their voluntary return and in case they need assistance with their travel documents, information about the journey etc. Furthermore, it is stated that the bus journey is free of charge and the date and time of departure, the destinations of the bus as well as the allowed baggage are mentioned. Finally, it is stated that no financial aid will be provided. For further information a name and an e-mail contact are provided.⁶⁰

⁵⁸ Information provided by the Directorate of Immigration. Interview conducted on 14 April 2015.

⁵⁹ Languages: Albanian, English, French, German and Serbo-Croatian. Please also see Table 2.

⁶⁰ Directorate of Immigration, Leaflet “Voluntary Return to the Western Balkans”.

The two pages folded brochure that was elaborated by IOM on Assisted Voluntary Return and Reintegration from the Grand-Duchy of Luxembourg⁶¹ explains what the AVR program is and what it offers. The aim is to facilitate sustainable return to the country of origin and depending on the needs of the person and the opportunities in the country of origin, IOM will provide support such as: transport, travel documents, temporary accommodation, legal and material assistance, medical assistance, business training and assistance with the setting up of a business. It also explains who can benefit from the assistance: applicants for international protection during the procedure, those whose application has been rejected, persons whose authorisation of stay has been rejected, irregular migrants who have been in Luxembourg. It then briefly describes what IOM is and it gives a contact for further information: the name, mailing address, the address for counselling (upon appointment), a phone number and an e-mail address.⁶²

Q9. Did the above-described legislation and policy change as a result of the adoption and transposition of the Return Directive?

The Return Directive was transposed by the Law of 1 July 2011.⁶³ The implementation of the Return Directive entailed several legislative amendments among which the promotion of voluntary return by stating that a person who is subject to a return decision has a timeframe of 30 days to leave the territory on a voluntary basis, that on exceptional grounds this delay can be prolonged and that a person can benefit from a return assistance.⁶⁴ On 31 March 2014, a bill amending the Immigration Law was deposited at the Chamber of Deputies. This was a consequence of the European Commission conclusion that on three points the Luxembourgish law was not in conformity with the Return Directive. The Law of 26 June 2014 has

⁶¹ Languages: Arabic, Chinese, English, Farsi, French, German, Portuguese, Russian and Turkish. Please also see Table 2.

⁶² IOM, brochure “Assisted Voluntary Return and Reintegration from the Grand-Duchy of Luxembourg”.

⁶³ Law of 1 July 2011 amending the amended Law of 29 August 2008 on the Free Movement of Persons and Immigration and the amended Law of 5 May 2006 on the Right of Asylum and on Complementary Forms of Protection, Memorial A N°151 of 25 July 2011, <http://www.legilux.public.lu/leg/a/archives/2011/0151/a151.pdf#page=2>, last accessed 10 September 2015.

⁶⁴ Article 22 of the amended Law of 5 May 2006 on the Right of Asylum and on Complementary Forms of Protection. Article 111 of the amended Law of 29 August 2008 on the Free Movement of Persons and Immigration.

rectified these issues and has amended Article 111(2) of the Immigration Law in order to include the examples listed in Article 7(2) of the Return Directive for which an extension of the period of voluntary return could be granted. The examples listed are the length of stay, the existence of children in the schooling system and other family or social ties.⁶⁵

However, it should be noted that since 2001, the voluntary return of mainly rejected applicants for international protection had already increasingly become one of the political pillars of the Luxembourgish asylum policy.⁶⁶

Q10. Are any changes to legislation / policy having an impact on the dissemination of information on voluntary return planned for the future?

As mentioned above, there are no provisions foreseen by law. The only planned activity for the future are be the additional interviews with applicants for international protection.⁶⁷

⁶⁵ Law of 26 June 2014 amending the amended Law of 29 August 2008 on the Free Movement of Persons and Immigration, Memorial A n°113 of 1 July 2014, <http://www.legilux.public.lu/leg/a/archives/2014/0113/a113.pdf>, last accessed 10 September 2015.

⁶⁶ Please see answer to Q.7.

⁶⁷ Please see answer to Q.7.

3. OVERALL NATIONAL APPROACH TO DISSEMINATING INFORMATION ON VOLUNTARY RETURN

3.1. Actors involved in disseminating information on voluntary return

Q11. Which national authorities responsible for the return of irregular migrants play a role in disseminating information on voluntary return?

The Return Unit within the Directorate of Immigration is the authority in charge of the return of irregular migrants and IOM is the implementing partner for the actual voluntary return and reintegration to the various third countries (except Western Balkans).⁶⁸

Q12. Which other actors disseminate information on voluntary return; what roles do these actors have and what is the rationale for their involvement in disseminating information on voluntary return? Please complete table 1.

⁶⁸ Gouvernement.lu, *Signature d'une convention entre le gouvernement et l'Organisation internationale pour les migrations*, 28.05.2009, <https://www.gouvernement.lu/747089/29-signature-migrations?context=970369>, last accessed 10 September 2015.

Table 1. Other actors disseminating information on voluntary return, their role and the rationale for their involvement⁶⁹

Actor	Y/N	Role that the actor plays in disseminating information voluntary return	Nature of / rationale for involvement
NGOs / IOs dealing with return counselling and/or implementing AVR schemes	Yes	IOM: <ul style="list-style-type: none"> • Make brochures available • An office where people get individual counselling • A mobile phone number where the contact person can be reached • Publish information on a dedicated website • Provide information to other actors (civil society, embassies, reception facilities staff) • Hold regular collective information sessions at various reception centres 	IOM: <ul style="list-style-type: none"> • Convention signed with the Ministry of Foreign and European Affairs concerning the AVRR programme (2009-ongoing)
Other NGOs / civil society organisations (e.g. migrant rights groups, migrant-led organisations and other advocacy groups)	Yes	Caritas Luxembourg (Solidarity and Integration Service) <ul style="list-style-type: none"> • Provide information about the existence of the programme • Distribute brochures of IOM • Refer to IOM for any details regarding the voluntary return programme (i.e. conditions, 	IOM organises regular meetings with NGOs and civil society organisations and provides information on the programme. IOM also distributes its brochures to these actors. In the Multiannual Programme of the Grand Duchy of Luxembourg for the European

⁶⁹ All the information in this table was provided by the respective organisations / associations / diaspora groups etc. that are mentioned.

	<p>amounts etc.) and help to fix an appointment with them in case of interest</p> <p>Red Cross Luxembourg (Migrants and Refugees Service)</p> <ul style="list-style-type: none"> • Provide information about the existence of the programme • Distribute brochures of IOM • Refer to IOM for any details regarding the voluntary return programme (i.e. conditions, amounts etc.) and help to fix an appointment with them in case of interest <p>ASTI asbl (<i>Guichet Info-Migrants</i>)</p> <ul style="list-style-type: none"> • Provide information on voluntary return informally during their counselling sessions of their <i>Guichet Info-Migrants</i> service • Refer to IOM in case of interest • Provide information (as volunteer visitors) on voluntary return to persons placed in the Retention Centre 	<p>Return Fund 2008-2013 it is stated that the Directorate of Immigration is in contact with the NGOs in order to facilitate and prepare the voluntary return and to offer, as far as possible, an individualised support for the concerned persons.⁷⁰</p> <p>In the National Programme of Luxembourg for the Asylum, Migration and Integration Fund 2014-2020 it is stated that the return policy will continue along the same lines as the current policy and that it aims to develop collaborations among its national partners and to commit all the stakeholders.⁷¹</p>
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⁷⁰ Multiannual Programme of the Grand Duchy of Luxembourg for the European Return Fund 2008-2013, p. 15, <http://www.gouvernement.lu/4717653/2008-2013-programme-pluriannuel.pdf>, last accessed 10 September 2015.

⁷¹ National Programme of Luxembourg for the Asylum, Migration and Integration Fund 2014-2020, p.6, http://www.olai.public.lu/fr/publications/programmes-planactions-campagnes/programme_amif/programme-national-luxembourg.pdf, last accessed 10 September 2015.

		<p>CLAE asbl</p> <ul style="list-style-type: none"> • Provide information about the existence of the programme during personal interviews with persons that request information regarding their regularisation • Refer to IOM in case of interest <p><i>Femmes en détresse asbl (Service d'Assistance aux Victimes de la Traite des Êtres Humains)</i></p> <ul style="list-style-type: none"> • Provide information about the existence of the programme • Provide the contact of the IOM representative in Luxembourg in case of concrete interest 	
Diaspora groups	Yes	<p><i>Amitié Luxembourg-Montenegro</i></p> <ul style="list-style-type: none"> • Provide information about the existence of the programme • Refer to ASTI asbl in case of interest • Provide information regarding the timetable of the buses leaving for the Western Balkan countries <p><i>Maison d'Afrique</i></p>	In the context of the mobility partnership

		<ul style="list-style-type: none"> • Provide oral information about the existence of the programme (upon request only) • Co-developed a handbook in French and Portuguese on return and reintegration for Cape Verdean nationals 	with Cape Verde for which the European Union has launched a project focussing on the capacity building in the framework of return management, <i>Maison d'Afrique</i> has co-developed a handbook on return and reintegration for Cape Verdean nationals. It is aimed at Cape Verdeans that want to return voluntary to their country of origin and intends to enable them to optimise their chances of successfully returning. The handbook is predominantly targeted to regularly staying persons but also includes a specific chapter for irregularly staying Cape Verdeans. ⁷²
Faith-based groups	Yes	<i>Centre culturel islamique du Grand-Duché de Luxembourg</i> <ul style="list-style-type: none"> • Provide information about the existence of the programme 	The representative of the <i>Centre culturel islamique du Grand-Duché de Luxembourg</i> works with migrants and has therefore learned about the existence of the programme.
Migrant-led groups	NI		

⁷² Gerstnerova A. et Rodriguez F., *Manuel de réinsertion socioprofessionnelle pour les Capverdiens du Luxembourg, Luxembourg, OFII, OIM, Maison d'Afrique de Luxembourg*, 2015, <http://www.maisondafrique.lu/site23/images/docs/projets/reinsertion/manuel-reinsertion-cap-vert.pdf>

Other community groups	NI		
Libraries	No		
Social / health / education services	Yes	<p>Reception facilities for applicants for international protection (OLAI, Caritas, Red Cross)</p> <ul style="list-style-type: none"> • Provide information about the existence of the programme • Distribute brochures of IOM • Provide the contact of the IOM representative in Luxembourg <p>Ministry for Family, Integration and the Greater Region (in the context of the “<i>Wanteraktioun</i>”- Winter Action Plan)</p> <ul style="list-style-type: none"> • Refer to embassies 	<p>On multiple occasions IOM has visited the reception centres in order to inform applicants for international protection about the existence of the programme (including the assisted return programme of the Directorate of Immigration for nationals of the Western Balkans). Beforehand, on several occasions the Directorate of Immigration had also organised an information session in several reception centres.⁷³</p> <p>The Red Cross Luxembourg suggested being more in contact with those organisations that provide assistance to homeless persons since they might also be in contact with irregular</p>

⁷³ Information provided by the Directorate of Immigration. Interview conducted on 14 April 2015.

		<ul style="list-style-type: none"> • Active support/information regarding return only at the request of the interested party 	<p>migrants.</p> <p>The “<i>Wanteraktioun</i>”⁷⁴, with its two reception facilities, is relevant to this study as it is one of the few places where social workers of NGOs but also public authorities are regularly in contact with irregular migrants whose residence on the territory has never been known to the authorities.⁷⁵ Although identification is on a voluntary basis, and therefore no statistics regarding the legal status of the persons benefitting from the services can be set up, social workers and other responsible staff attested the non-negligible presence of irregular migrants in these reception facilities.⁷⁶ The “<i>Wanteraktioun</i>” is framed by a working</p>
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⁷⁴ The “*Wanteraktioun*” is a humanitarian action organised by the Luxembourgish Government since the winter of 2001/2002 and whose purpose is to prevent homeless people from freezing to death during winter by offering overnight accommodation, meals and personal hygiene. The action is coordinated by the Ministry for Family, Integration and the Greater Region and is organised in collaboration with Inter-actions asbl, the Red Cross Luxembourg and Caritas Luxembourg. For more information please see: Ministry for Family, Integration and the Greater Region, “*Début de la Wanteraktioun*” (Action Hiver) 2014/2015, 01.12.2014, http://www.mfi.public.lu/actualites/2014/12/01_WAK/index.html, last accessed 10 September 2015.

⁷⁵ Among the 1.265 persons that have accessed the services, 52% were EU nationals (excluding Luxembourg), 42% were third-country nationals and 6% were Luxembourgish nationals. See Ministry of Family, Integration and the Greater Region, “*Bilan de l’action hiver 2014/2015*” http://www.mfi.public.lu/actualites/2015/05/06_WAK/index.html?highlight=action%22hiver, last accessed 10 September 2015.

⁷⁶ Information provided by a representative of the Ministry for Family, Integration and the Greater Region, telephone interview on 5 June 2015 and a representative of *Inter-actions (Service Streetwork)*, telephone interview on 5 June 2015.

		Hospital	<p>group of the concerned institutions and organisations that are in contact with the particular populations. A representative of the OLAI as well as of the Directorate of Immigration participates in this group. Therefore, if questions on specific situations arise, the contacts between the ministerial agents take place rapidly and in an informal manner.⁷⁷</p> <p>There has been a case where IOM was contacted by medical personnel working in a hospital who treated an irregular migrant.</p>
Case workers	Yes	<p>OLAI</p> <ul style="list-style-type: none"> • Provide information about the existence of the programme • Distribute brochures of IOM • Provide the contact of the IOM representative in Luxembourg <p>Retention Centre</p>	<p>At the beginning of 2015, IOM held an information session with the social workers of the OLAI. In the previous years, only the brochures were handed to the person responsible for the management of the reception centres.</p> <p>Since 2009, IOM is regularly in contact with</p>

⁷⁷ Information provided by a representative of the Ministry for Family, Integration and the Greater Region, written reply received on 23 July 2015.

		<ul style="list-style-type: none"> • Provide information orally and on an individual basis about the existence of the programme in accordance with the Directorate of Immigration 	<p>the social workers of the Retention Centre. In principle, persons who are placed in retention exceeded the period for voluntary return. However, even detained, they may still opt for a voluntary return. The decision rests with the Directorate of Immigration which also sets the conditions of the voluntary return (i.e. financial aid, modalities of return etc.). Therefore, the information is only given orally and no brochures are handed out to the persons in order to ensure they are not under any illusions.⁷⁸</p>
Legal advisors	NI		
Ombudsman / citizens advice bureaus	Yes	<p>Ombudsman⁷⁹</p> <ul style="list-style-type: none"> • Provide information to interested persons about the possibility of a return but do not provide any specific information 	
(Advisory services of) trade unions / employer associations	No		<p>The trade unions OGBL and the LCGB were consulted and they both stated that so far,</p>

⁷⁸ Information provided by the Retention Centre, telephone interview on 12 June 2015.

⁷⁹ Information provided by a representative of the Ombudsman, telephone interview on 15 June 2015.

			they have not been in contact with irregular migrants and are also not aware of the existence of the AVRR programme. ⁸⁰ Nevertheless, OGBL stated that they would be interested in receiving further information on this programme. ⁸¹
Embassies (third-country and EU)	Yes	Embassy of Cape Verde ⁸² <ul style="list-style-type: none"> • Provide information about the existence of the programme • Provide the contact of the IOM representative in Luxembourg • Post information on the programme on Facebook 	<p>Every year IOM organises a meeting with the embassies in order to inform them about the existence of the programme and to facilitate and accelerate the delivery of travel documents of the migrants. So far, it is not a tool that has generated many results.</p> <p>Most of the embassies / consulates of the third countries that are the main countries of origin of irregular migrants are not represented in Luxembourg. In order to enhance the collaboration with the embassies / consulates, which are mainly located in Brussels, the Annual Programme</p>

⁸⁰ Information provided by the OGBL via a questionnaire. Written reply received on 30 June 2015. Information provided by the LCGB via a questionnaire. Written reply received on 1 July 2015.

⁸¹ Information provided by the OGBL via a questionnaire. Written reply received on 30 June 2015.

⁸² Information provided by the Embassy of Cape Verde. Interview conducted on 1 June 2015.

			of the Grand Duchy of Luxembourg for the European Return Fund foresaw the organisation of consular days by the Directorate of Immigration. The objective is to familiarise the representatives of the diplomatic missions with the immigration and asylum legislation and procedures in place in Luxembourg, and in particular concerning the return and reintegration of irregular migrants. ⁸³ Since 2013, such a consular day for the diplomatic and consular bodies of third countries is taking place. ⁸⁴
Shopkeepers / Internet café workers / etc.	NI		
Other actors (specify)	Yes	Penitentiary Centre of Luxembourg ⁸⁵ <ul style="list-style-type: none"> • Provide information to detainees orally upon request • Leaflets (in French) on IOM 	Among the population of the Penitentiary Centre of Luxembourg is a large proportion of third-country nationals residing without authorisation and whose residence risks to remain irregular once the sentence has been served. The staff of the psycho-socio

⁸³ Annual Programme of the Grand Duchy of Luxembourg for the European Return Fund 2013, p.13, <http://www.gouvernement.lu/4717653/2008-2013-programme-pluriannuel.pdf>, last accessed 10 September 2015.

⁸⁴ National Programme of Luxembourg for the Asylum, Migration and Integration Fund 2014-2020, p.11, http://www.olai.public.lu/fr/publications/programmes-planactions-campagnes/programme_amif/programme-national-luxembourg.pdf, last accessed 10 September 2015.

⁸⁵ Information provided by the Penitentiary Centre of Luxembourg, Psycho-Socio Educational Service. Interview conducted on 15 June 2015.

	<p>No</p> <p>No</p>	<p>Police</p> <p>Local municipalities</p>	<p>educational service (SPSE) provides information on the programme if requested by the detainees. However, not all staff members are familiar with the programme and there is a request among the staff members to be better informed. There are some staff members that have already provided IOM leaflets⁸⁶ on the voluntary return programme in cases where they identified an interest on behalf of the detainee.</p>
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⁸⁶ The leaflets were handed out to detainees on the staff's own initiative.

3.2. Tools used to disseminate information on voluntary return to irregular migrants not in contact with the authorities

Q13. Provide information on the tools through which information on voluntary return is made available in your Member State. Please complete table 2.

Table 2. Tools used in Luxembourg for disseminating information on voluntary return⁸⁷

	Y/N	Description	Actor(s) designing / funding	Actor(s) managing / delivering	Link to further information
Leaflets / brochures	Yes	<p>Brochure on the assisted voluntary return and reintegration from Luxembourg</p> <ul style="list-style-type: none"> • Brochure in Albanian, Arabic, Chinese, English, Farsi, French, German, Portuguese, Russian and Serb • Two pages folded document explaining what the AVRR programme is, what it offers, who can benefit, what IOM is and a contact person <p>Leaflet on the assisted voluntary return to the Western Balkan countries</p> <ul style="list-style-type: none"> • Leaflet in Albanian, English, French, German and Serbo-Croatian • One page document explaining 	<p>Ministry of Foreign and European Affairs, co-financed via the AMIF</p> <p>Ministry of Foreign and European Affairs</p>	<p>IOM Brussels</p> <p>Return Unit</p>	

⁸⁷ All the information in this table was provided by the respective organisations / associations / diaspora groups etc. that are mentioned.

		<p>who may participate, how to register, the departure date and time of the bus and where its stops, that no financial aid is granted and a contact person</p> <p>Handbook on return and reintegration for Cape Verdean nationals.</p> <ul style="list-style-type: none"> • Handbook in French and Portuguese • The handbook (183 p.) is aimed at Cape Verdeans that want to return voluntary to their country of origin and intends to enable them to optimise their chances of successfully returning. • The handbook is predominantly targeted at regularly staying persons but also includes a specific chapter for irregularly staying Cape Verdeans.⁸⁸ 	<p>The project was financed by the European Union. The project leader of the handbook for Luxembourg was the French Office for immigration and Integration (OFII) as well as the Directorate of Immigration in Luxembourg.</p>	<p>The handbook has been published on the websites of <i>Maison d’Afrique</i> and ADA (a microfinance organisation) but has not (yet) been distributed in hard copy.</p>	<p>http://www.maisondafrique.lu/site23/images/docs/projets/reinsertion/manuel-reinsertion-cap-vert.pdf</p>
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⁸⁸ Gerstnerova A. et Rodriguez F., *Manuel de réinsertion socioprofessionnelle pour les Capverdiens du Luxembourg*, Luxembourg, OFII, OIM, Maison d’Afrique de Luxembourg, 2015, <http://www.maisondafrique.lu/site23/images/docs/projets/reinsertion/manuel-reinsertion-cap-vert.pdf>, last accessed 10 September 2015.

Poster campaigns	Yes	<p>Poster on AVRR</p> <ul style="list-style-type: none"> • The poster is in English, French and German • The idea is to also develop a poster in Portuguese and maybe in Arabic in the future 	IOM Brussels	IOM Brussels	
Media campaigns	Yes	<p>In 2013, there was a radio spot on <i>Radio Latina</i>, a Portuguese speaking radio station, where voluntary return was promoted. There were also press articles in the Portuguese speaking newspaper <i>Contacto</i>.⁸⁹</p>	<p>This campaign was done in the framework of a return project targeting the Cape Verdean community.⁹⁰</p>	<p>IOM Brussels in collaboration with the Embassy of Cape Verde and the <i>Fédération des Associations du Cap Vert au Luxembourg</i>.</p>	<p>There were also two information sessions on voluntary return. The information was diffused via e-mail to their networks and there were posters announcing the information sessions.⁹¹</p>
Websites	Yes	<p>Website of IOM Brussels</p> <ul style="list-style-type: none"> • General information on the AVRR programme on the website • A leaflet on the AVRR 	IOM Brussels	IOM Brussels	<p>http://avrr.belgium.iom.int/fr/autres-projets/avrr-depuis-le-luxembourg.html</p> <p>http://avrr.belgium.iom.int/en/resources/publications.html</p>

⁸⁹ Information provided by IOM. Interview conducted on 30 April 2015.

Information provided by the Embassy of Cape Verde in Luxembourg. Interview conducted on 1 June 2015.

⁹⁰ Information provided by IOM. Interview conducted on 30 April 2015.

Information provided by the Embassy of Cape Verde in Luxembourg. Interview conducted on 1 June 2015.

⁹¹ Information provided by IOM. Interview conducted on 30 April 2015.

Information provided by the Embassy of Cape Verde in Luxembourg. Interview conducted on 1 June 2015.

		<p>programme (Albanian, French, English, Serbo-Croatian)</p> <p>Website of ASTI</p> <ul style="list-style-type: none"> • A leaflet on the AVRR programme (French) 	ASTI	ASTI	http://www.asti.lu/wp-content/uploads/2010/09/AideOIM-Juin2012.pdf
Dedicated social media pages	Yes	On the Facebook page of the Embassy of Cape Verde the AVRR programme was promoted.	Embassy of Cape Verde	Embassy of Cape Verde	https://www.facebook.com/EmbaixadaCvLux?fref=ts
Online discussion forums	NI				
Helplines / info lines	No				
Drop-in clinic (face-to-face)	Yes	<p>Office of an IOM Brussels representative where information on voluntary return is provided</p> <ul style="list-style-type: none"> • Individual counselling sessions upon appointment • Brochures are made available 	Ministry of Foreign and European Affairs	IOM Brussels	

		<ul style="list-style-type: none"> • A business card with the contact details (name, telephone, e-mail, website) of the responsible IOM representative • A mobile phone number where the IOM representative can be reached <p>Counselling services of Caritas Luxembourg (Solidarity and Integration Service), ASTI asbl (<i>Guichet Info-Migrants</i>), CLAE asbl</p> <ul style="list-style-type: none"> • Provide general information on voluntary return during individual counselling sessions • Refer to IOM for any details regarding the voluntary return programme 	The respective organisation	The respective organisation	
Community visits	NI				
Other tools	Yes	Stand at a migration festival (<i>Festival des migrations, des cultures et de la citoyenneté</i>) organised by CLAE asbl	Ministry of Foreign and European Affairs	IOM Brussels	http://www.clae.lu/festival/festival-des-migrations-des-cultures-et-de-la-citoyennete/

3.3. Specific campaigns and strategies

Q14. Did any of the tools listed above form part of a specific strategy or campaign implemented in your Member State to better disseminate information on voluntary return? Please state:

- a. The actor(s) behind the campaign;**
- b. The name of the strategy / campaign;**
- c. The date it was launched and its duration;**
- d. The rationale for its launch;**
- e. The specific objectives / aims;**
- f. Any target groups;**
- g. Its components;**
- h. The actors involved;**
- i. Any specific results.**

At the moment the Directorate of immigration does not implement a specific strategy or campaign. The Return Unit has the intention to propose a campaign to be included in the budget for the year 2016 but this would of course still have to be approved.

Due to several exchanges with colleagues from other Member States, among which the “Common Support Initiative” project⁹², there has been a rising awareness in Luxembourg for a need to develop a specific strategy or campaign. It is likely to be a campaign that takes place in the public space rather than one involving other authorities that could be in contact with irregular migrants. As mentioned earlier, the existing leaflets were elaborated by the Directorate of Immigration out of a need for a written document and not as a result of a specific campaign. As part of the campaign, the idea is to revise the design of the leaflets. The content however remains valid and complete. The ideas of a helpline and of an information counter at the central train station are being favourably considered by the Return Unit. Both options provide a certain neutrality and guarantee the anonymity of the interested person while at the same time it also guarantees that the interested person receives information that is correct. However, at the moment, the Return Unit does not have the necessary personnel to implement these ideas.⁹³

⁹² For more information, please see: https://5042.fedimbo.belgium.be/sites/5042.fedimbo.belgium.be/files/explorer/Briefing_Note_CSI_-_2014.09.pdf, last accessed 10 September 2015.

⁹³ Information provided by the Directorate of Immigration. Interview conducted on 14 April 2015.

Since 2008, on the basis of successive conventions concluded with the Grand Duchy of Luxembourg, IOM implements the AVRRE programme from Luxembourg. The activities of IOM regarding the AVRRE programme can be considered as a specific strategy in the sense that there are objectives and resources that have been allocated in order to fulfil the objectives. The duration of this programme is for a period of 6 months each time and concerns (rejected) applicants for international protection as well as irregular migrants. The programme states that IOM aims to inform potential beneficiaries about the content and the advantages of the project and that IOM organises information sessions for actors from civil society working with migrants and other actors that are in contact with potential beneficiaries, such as municipal staff, religious institutions, lawyers, embassies and consulates. IOM also offers individual counselling sessions on assisted voluntary return and reintegration for those persons that have shown an interest in the programme. During these sessions IOM takes into account the specific needs of the person and the context of the country of origin. Throughout the implementation of the successive programmes, the development and the adaptation of the information and communication activities on the assisted voluntary return procedure remain essential, this in particular because of the diversification of the target groups. The actors which are considered important intermediaries for the dissemination of information are: the Directorate of Immigration, OLAI, lawyers, social workers, members of the Luxembourg Refugee Council⁹⁴ (*Lëtzebuenger Flüchtlingsrot*), Red Cross Luxembourg and any other person in contact with potential beneficiaries.⁹⁵

The project outline of IOM for the first semester of 2015 contains a template with the expected results. The aim is the return and reintegration of 70 (rejected) applicants for international protection or irregular migrants. The indicators are the number of migrants that returned to their country of origin and the number of migrants that received reintegration assistance. Concerning the dissemination of information, the direct effect is that the (rejected) applicants for international protection or irregular migrants as well as the intermediaries are informed about the content of the AVRRE programme. An indicator is the number of potential beneficiaries that are informed on

⁹⁴ The Luxembourg Refugee Council brings together several Luxembourgish associations (ACAT, AIL, ASTI, ASTM, CARITAS, CLAE, CEFIS, VIE NOUVELLE) that are committed to the defence of migrants' rights. It gives its opinion on legal bills and other questions concerning asylum, migration and integration.

⁹⁵ IOM, internal document. Information provided on 1 June 2015.

the possibilities of a voluntary return and the target is set for 150 potential beneficiaries that are informed on the content and the functioning of the AVRR programme.⁹⁶

There are also two separate objectives which are described. The first states that the target group is informed of the advantages of the AVRR programme. This is measured by the number of potential beneficiaries that participate in an information session and the number of brochures on the content that are disseminated. Here the target is 60 potential beneficiaries that participate in an information session and 100 brochures that are disseminated. As concrete activities are mentioned the organisation of information sessions in reception centres of the target group and the distribution of information brochures to the target group and persons in contact with the target group. The second objective states that the partners and the representatives of civil society are informed about the content of the AVRR programme. Indicators are the number of brochures that are disseminated and the number of persons that participate in information sessions. The target is to distribute 50 brochures and to have 15 persons that attend the information sessions. As concrete activities are stated the organisation of a stand during the *Festival des migrations* and the organisation of information sessions for the social workers of the OLAI, members of the Luxembourg Refugee Council, the Red Cross Luxembourg, the embassies and consulates as well as the potential beneficiaries of the project.⁹⁷

⁹⁶ IOM, internal document. Information provided on 1 June 2015.

⁹⁷ IOM, internal document. Information provided on 1 June 2015.

3.4. Accessibility of the information

Q15. Consider the accessibility of all information on voluntary return disseminated to irregular migrants in the Member State. Please provide information on:

- a. The language(s);**
- b. Visual presentation;**
- c. For posters / leaflets: the location;**
- d. For websites / helplines: the extent to which the URL is easy to find;**
- e. For helplines and drop-in clinics: the location of the services, the opening hours, awareness about the service, cost of the service;**
- f. Confidentiality considerations;**
- g. Other factors that might enhance / reduce accessibility.**

The brochures and leaflets are available in the reception of the Directorate of Immigration, in the reception facilities for applicants for international protection as well as in the structures of the different organisations and associations that play a role in the dissemination of information on voluntary return.

A brochure can obviously not provide all the detailed information. Therefore, individual counselling sessions offered by IOM are very important because the interested person can ask questions and also receive information on the reintegration measures that are available to him/her. The IOM representative is in the office twice a week, usually for the whole day, except when the IOM staff needs to assist a departure at the Luxembourg airport. These are organised in the morning and so the counselling can only take place from late morning onwards. People are encouraged to make an appointment before they come to the office since there is no waiting area outside of the office. On the other days, the IOM representative remains reachable via mobile phone. Even when there has been a missed call, the person that has tried to call is contacted. This number is available on the poster, the brochure and on the visiting card. It is also foreseen that in the future it will be displayed on the refurbished IOM website. When a potential beneficiary calls, whether they say their name or not, an appointment is made for a certain date and time. This means that in order to receive counselling no personal information is required. However, persons from the Western Balkans (except Kosovars) cannot benefit from the consultations

that are offered by IOM and they will be told to contact the Directorate of Immigration directly.⁹⁸

One has to contact the local IOM office in order to find out for what type of assistance one is eligible. Once the migrants sign, the IOM representative signals that their coordinates will be transmitted to the Directorate of Immigration. Therefore, they are informed that their name will be disclosed. IOM then provides the Directorate of Immigration with the information of those people that have signed that they would like to return with an AVVR programme. This is necessary in the sense that they will then no longer be considered for a forced return. Normally, the time limit for a voluntary return is 30 days, but it can be the case that after having signed up for the AVRR programme, the time limit is prolonged because IOM needs additional time to organise the return.⁹⁹

Since it is the Directorate of Immigration which decides on the amount of the aid that will be awarded to the person, most of the persons come for more than one counselling session in order to receive this additional information. The IOM representative already gives an indication on the amount of reintegration assistance that would be available, but always cautions the person that this has to be approved by the Directorate of Immigration where every case is considered on an individual basis. In those cases where the situation of the person is not clear, no indication on the amount is given and the IOM representative first forwards the name to the Directorate of Immigration. Therefore, most of the beneficiaries have at least two counselling sessions but it can also be the case that there are still unresolved issues and that they come back a third time. After the first meeting and in order to register, the question of the travel documents has to be clarified. This often means that an appointment with an embassy, which are mostly located in Brussels, is taken and the transport has to be organised and paid for. The travel documents are needed in order to make a reservation for the plane ticket and copies are given to the IOM staff in the countries of transit and/or origin in order to organise the return and reintegration assistance. The Directorate of Immigration also requests a copy of the travel documents.¹⁰⁰

⁹⁸ Information provided by IOM. Interview conducted on 30 April 2015.

⁹⁹ Information provided by IOM. Interview conducted on 30 April 2015.

¹⁰⁰ Information provided by IOM. Interview conducted on 30 April 2015.

Information provided by the Directorate of Immigration. Interview conducted on 14 April 2015.

The Directorate of Immigration also provides information on the voluntary return options. This is already done during the procedure for international protection and after a return decision has been issued to a person, they automatically receive an appointment for a return interview. During this interview, the concerned person will be provided with information on the status of his/her situation (i.e. that they are at the end of the procedure and that they have been ordered to leave). They will then also be informed about the possibility of a voluntary return. (Please see Q.8)

Apart from the distribution of these brochures and leaflets, concerned persons can also ask for information and counselling within the different organisations and associations that are active in the field of immigration. These counselling sessions are free of charge and are either accessible during a permanency or upon appointment.

Since 2009, the Solidarity and Integration Service of Caritas Luxembourg provides information on voluntary return. The counselling service is open on Monday, Tuesday, Thursday and Friday from 9h-12h as well as on Wednesday from 14h-17h. In addition, it is also possible to phone and make an appointment for a time outside of this permanency. A representative of this service explained that when the topic of return is discussed during the counselling, they provide the contact details of the IOM representative as well as the brochure that was published by IOM. They tell the concerned persons that they do not need to sign immediately and that the application for the AVR programme needs to be approved by the ministry. However, they also inform them that they have a one month timeframe to opt for a voluntary return and that otherwise there is a risk that they will be forcibly returned and issued an entry ban. But they do not explain the details of the programme; instead it is rather a discussion about the option of returning voluntarily in general and about what happens if they do not return voluntarily.

According to Caritas, the concerned persons are generally aware about the programme, in particular the rejected applicants for international protection, who now all have a return interview. It is often the case that the rejected applicants for international protection ask for advice on this interview during the counselling session. Therefore, for those who are interested in a voluntary return it is not a problem to obtain the information, but in many cases the persons do not want to go return to their country of origin and hope that their situation will be regularised. These

persons also often leave the reception facility and try to find illegal work. Once the persons have voluntarily returned, Caritas in most cases loses contact with the migrant. This differs from those that were subject to a forced return, where Caritas is often contacted in order to help with the lifting of the entry ban, by for example translating a letter for the ministry.¹⁰¹

The Migrants and Refugees Service of the Red Cross Luxembourg affirmed that it is aware of the programme since its inception and that the brochures are distributed in its reception facilities. They do not have a permanency but information on the AVRR programme is provided when return comes up as a subject or when the migrant turns to them with specific questions. They point out that there is a 30 day time limit and that Dublin cases are not eligible, but they do not provide details about the programme, for example the sums of money. The contact information of the IOM representative is provided and the service also assists when making an appointment. Similarly to Caritas Luxembourg, the counselling is a more general discussion on the various options available. Most of the persons that contact the Migrants and Refugees Service are (rejected) applicants for international protection and information to irregular migrants is only given occasionally when such a migrant turns to the service for help. As mentioned earlier, it is quite often the case that the persons did not understand the information fully and therefore turn to their service for help.¹⁰²

Other NGOs that are in contact with the irregular migrants also play an important role. ASTI asbl indicated that they distribute the brochures on voluntary return. Furthermore, via their permanency, the so-called *Guichet Info-Migrants* where persons may seek advice in regards to immigration and asylum law, they provide oral information on the subject and give the contact details of the IOM representative. This permanency is open Monday and Thursday afternoon as well as Wednesday the whole day. Furthermore, they have a telephone permanency on Monday and Friday morning as well as on Wednesday afternoon.¹⁰³

¹⁰¹ Information provided by Caritas Luxembourg via a questionnaire. Oral reply received on 18 May 2015.

¹⁰² Information provided by Red Cross Luxembourg, Migrants and Refugees Service via a questionnaire. Oral reply received on 2 June 2015.

¹⁰³ Information provided by ASTI asbl, *Service Guichet Info-Migrants*, via a questionnaire. Written reply received on 22 June 2015.

Similarly, the religious organisations can be a contact point for irregular migrants who are not in contact with the authorities. As with the other organisations that were contacted, the representative of the *Centre culturel islamique du Luxembourg* stated that for those who are interested in returning to their country of origin, the information is largely available. However, for those who do not wish to return, or for those who are unknown to the authorities, it is more difficult and therefore it was suggested to broaden the range of actions for these categories of persons. It was also stated that the persons were not always satisfied with the information provided and in particular regarding the situation in their country of origin.¹⁰⁴

One should also note that according to several organisations there have been cases where potential beneficiaries shared concerns about the lack of discussion during the return interview and that they felt pressured to sign up for a voluntary return.

All the contacted actors have affirmed that there have not been any major problems concerning languages. From time to time, the IOM representative who speaks English, French and German has to call an interpreter. In such a case, there is a collaboration with the interpreters of Caritas Luxembourg. However, whenever possible it is tried to avoid resorting to an interpreter. What regularly happens is that the person interested in a voluntary return is accompanied by a relative or friend who can translate.¹⁰⁵ The personnel of the Solidarity and Integration Service of Caritas Luxembourg speak English, French, German, Arabic as well as the languages from the Western Balkans countries. There is also another permanency within Caritas Luxembourg for the Portuguese speaking community, in particular for persons from Brazil and Cape Verde who do not normally apply for international protection. Furthermore, it was stated that there is a certain solidarity among the migrants and that they help each other with the translation if this is needed.¹⁰⁶

¹⁰⁴ Information provided by the *Centre culturel islamique du Luxembourg* via a questionnaire. Written reply received on 18 May 2015.

¹⁰⁵ Information provided by IOM. Interview conducted on 30 April 2015.

¹⁰⁶ Information provided by Caritas Luxembourg via a questionnaire. Oral reply received on 18 May 2015.

For those persons that are in contact with the authorities, the brochures are available in numerous languages.¹⁰⁷ However, it has been acknowledged by several actors that a poster would be more appropriate to reach out to those that are not in contact with the authorities. The poster that IOM has published is so far only available in English, French and German (the three languages are on the same poster). Since there are migrants from many different countries in Luxembourg but not so many in numbers from the same country it is difficult to decide what other languages the poster should be in. A lot of the communities are very small and it is not sure that doing language specific posters or campaigns would be cost efficient. One idea that was raised by the IOM representative would be to do a version of the poster in Portuguese (for the Brazilian and Cape Verdean communities). The existing posters and brochures have been distributed to the partners of IOM, the Directorate of Immigration, the OLAI and its reception centres. However, there is no way to be sure that they are actually on display.¹⁰⁸

No information on voluntary return is currently available on the website of the Directorate of Immigration. The IOM Brussels office website provides some general information on the existence of the AVRRE programme in Luxembourg as well as the contact details of their representative in Luxembourg.¹⁰⁹ However, as stated earlier, it is foreseen to make information on voluntary return more easily accessible via their website. Only on the website of one organisation some information on voluntary return is available. The document that is available on the website of ASTI asbl is dated to June 2012 and explains who is eligible for the AVRRE programme, the amounts that are granted depending on the personal situation of the migrant and the contact details of the IOM representative. It also explains that nationals from the Western Balkan countries that benefit from a visa liberalisation are not eligible for the AVRRE programme. Furthermore, it is written that if the persons do not leave within the 30 days timeframe, they become subject to a forced return which entails an entry ban.¹¹⁰

¹⁰⁷ Please see Table 2.

¹⁰⁸ Information provided by IOM. Interview conducted on 30 April 2015.

¹⁰⁹ Please see: <http://avrr.belgium.iom.int/fr/autres-projets/avrr-depuis-le-luxembourg.html>, last accessed 10 September 2015.

¹¹⁰ Please see: <http://www.asti.lu/wp-content/uploads/2010/09/AideOIM-Juin2012.pdf>, last accessed 10 September 2015.

One additional point that should be mentioned is that since 2011, IOM has an information stand at the *Festival des migrations*, a free three-day festival with around 250 stands of different organisations and associations, food, music events, public lectures, etc.

Finally, the contacted actors confirmed that information is also disseminated by word of mouth; that many people know about the existence of the AVRR programme and that they are aware of the fact that they can call the IOM representative at any time if they have questions concerning the return or if they would like to return.

Being a relatively new organisation, *Entente sans frontières* indicated that they have not disseminated any information on the voluntary return programmes but that they have heard of the two programmes via their contacts with concerned persons (mainly rejected applicants for international protection). However, they also stated that they would be interested in being further informed about the voluntary return options and that they could consequently provide this information to the target population in their native language (Bosnian, Serbian, Montenegrin, etc.).¹¹¹

¹¹¹ Information provided by *Entente sans frontières* via a questionnaire. Written reply received on 31 May 2015.

3.5. Content of the information

Q16. What is the content of the information made available in your Member State? Where can irregular migrants go to find information on different aspects of voluntary return? Please complete table 3.

Table 3. Content of the information disseminated to irregular migrants

	National authorities responsible for return	Organisations with an official role in implementing and/or promoting AVRR programmes	Diaspora groups, faith-based groups, migrant-led groups, other community groups	Case workers ¹¹²	Legal advisors
The legal obligations of the returnee (i.e. their status, their obligation to return and how they can ensure compliance with the return decision)	Yes	Yes	Yes	Yes	NI
Information on AVRR programmes available in the Member State	Yes	Yes	Yes	Yes	NI
Information on eligibility conditions for AVRR programmes	Yes	Yes	No	No	NI
Where the irregular migrant should go for more information (signposting)	Yes	No	Yes	Yes	NI
Other voluntary return options (i.e. options for voluntary return without assistance)	Yes	No	Yes	Yes	NI
What the irregular migrant can expect at	No	Yes	No	No	NI

¹¹² Case workers that are included in this study are the case workers of the OLAI, the reception facilities for applicants for international protection, the retention centre as well as the penitentiary centre.

the airport on returning					
What the irregular migrant can expect in the country of return (e.g. registration with third-country authorities, labour market access, housing, etc.)	No	Yes	No	No	NI
Individually tailored information	Yes	Yes	Yes	Yes	NI
Other information			The Red Cross Luxembourg can establish a contact with the Red Cross or Red Crescent in the country of origin in case it is a vulnerable person who for example needs medical assistance. ¹¹³		

¹¹³ Information provided by Red Cross Luxembourg, Migrants and Refugees Service via a questionnaire. Oral reply received on 2 June 2015.

3.6. Targeting of the information

Q17. Specify which of the approaches described above have been used specifically to target irregular migrants not in contact with the authorities. What was the rationale for using this approach to target this particular group?

None of the approaches described above have targeted specifically irregular migrants not in contact with the authorities even though efforts have been made via the different actors in contact with the target population in order to disseminate information on voluntary return (for example the Cape Verdean community, the participation at the *Festival des Migrations*, etc.).

Persons that are in contact with the authorities have in general received the information on the voluntary return at the beginning of their international protection procedure in case they applied for asylum (see answers to Q7. and Q.8) and/or via the return interview that is conducted by the Directorate of Immigration. For those persons that are not in contact with the authorities, the information is available via the NGOs, the religious communities, personal networks or the internet. If the irregular migrants have been in contact with the social workers of the NGOs it is likely that they have received the information but there is no systematic dissemination of information (see answer to Q.12).

According to several organisations that were contacted, the focus of the activities has so far been on rejected applicants for international protection and therefore it was suggested that the Directorate of Immigration and IOM could make more proactive promotion of the programme via other actors or associations that deal with irregular migrants. For example Caritas Luxembourg stated that it is very difficult to have contacts with the Chinese community. The only persons that they had contact with from this community were those that were already placed in the Retention Centre.¹¹⁴

¹¹⁴ Information provided by Caritas Luxembourg via a questionnaire. Oral reply received on 18 May 2015.

Q18. Do any of the approaches described above target any other groups? Describe through what methods / approaches they target these groups, and also discuss the rationale for targeting these particular groups.

As mentioned above, the approaches have so far focused on (rejected) applicants for international protection even though efforts have been made via the different actors in contact with the target population in order to disseminate information on voluntary return. There are no specific groups that are targeted but all the information that is provided by IOM is individualised and adapted to the particular case in question. In case it is a vulnerable person, the vulnerability will be established (for example by a medical certificate) and on the basis of this the person will have access to the aid that is available for vulnerable persons. Nonetheless, the information tools such as the brochures and posters are not targeting a particular group.¹¹⁵ On the other hand, various channels and communication tools have been used in order to target certain communities (for example the contact with the Cape Verdean Embassy, the Cape Verdean associations and the information that was transmitted via the partly or totally Portuguese-speaking media). See Q.13.

One additional point that was raised by several organisations but that falls outside of the scope of this study concerns the situation of EU citizens that would like to return to their country. Caritas Luxembourg for example stated that they encounter EU citizens who wish to return but do not have the financial means to do so and that no assistance is provided to them (neither from the ministry nor from their respective embassies).¹¹⁶

¹¹⁵ Information provided by IOM. Interview conducted on 30 April 2015.

¹¹⁶ Information provided by Caritas Luxembourg via a questionnaire. Oral reply received on 18 May 2015.

4. EFFECTIVENESS OF DIFFERENT APPROACHES TO DISSEMINATING INFORMATION ON VOLUNTARY RETURN

4.1. Indicators / evidence from the testimonies of irregular migrants and returnees

Q.19 Does your Member State collect any monitoring and / or evaluation information from those returning voluntarily about the information they received prior to return and / or how useful they found this information? Please describe:

- a. Who collects this data;**
- b. Who the data is collected from;**
- c. The situation in which the data is collected;**
- d. The method used;**
- e. The date / frequency of the data collection;**
- f. Any caveats as to the quality of the data.**

Upon request of IOM Brussels, a follow-up (in form of a questionnaire) is done by the IOM missions in the country of origin. The follow-up consists mainly in visits and interviews with the beneficiaries of the programme. In the absence of a visit the interview is performed by telephone. Initially, one month after the arrival of the returnees, IOM Brussels sent out a template inception report to the IOM field offices. Upon contact with the beneficiaries, the IOM offices in the country of origin completed the report and sent it back to IOM Brussels. The inception report included the contact details of the beneficiary in the country of origin and details on the type of assistance already received. Since 2012, this report is no longer requested. Instead, only the final report, 6 months after the return of the beneficiaries, is requested. The final report details the type of assistance received in the country of return and also includes an assessment of the success of the reintegration assistance. Furthermore, it comprises a general assessment on the reintegration assistance as seen by the beneficiary as well as eventual recommendations for the future.¹¹⁷ At the end of each

¹¹⁷ Please see LU NCP answer to “Ad Hoc Query to collect information for the development of the REG Guidelines on Monitoring and Evaluation” requested by COM on 26 May 2015.

financing period, IOM has to submit an activity report to the Ministry of Foreign and European Affairs with which it has signed a convention. This report provides the numbers of persons that have benefitted from the programme as well as the results within the programme, such as explaining what were the most common needs of the persons in terms of assistance and what they have done with the assistance that was provided.¹¹⁸

During the implementation of the project, IOM Brussels supervises the individual reintegration projects according to a specific methodology (REAB – *Retour et Emigration des Demandeurs d’Asile à partir de la Belgique*).¹¹⁹ IOM also keeps statistics about the beneficiaries of the programme (profile of the returnees by nationality, gender, category / status in Luxembourg, reintegration assistance).¹²⁰

Since there is only one IOM staff member in Luxembourg who is in contact with the persons interested in returning voluntarily, this person has a good overview of what has been said. There is a list of questions that are systematically asked and the registration form is filled out together with the IOM representative who raises the attention to the important points such as taking contact with the IOM staff in the country of origin within the first month since the reintegration assistance is only available for 6 months. So far, there has not been any feedback on behalf of the beneficiaries that they were not well informed before their departure.¹²¹

Furthermore, every two years a follow-up mission takes place in one of the return countries in order to evaluate the impact of the reintegration assistance on the beneficiaries and their communities. This mission is organised by IOM Brussels and therefore the follow-up mission may take place in a country where people were returned under the AVRR programme from either Belgium or Luxembourg. One person from the Directorate of Immigration joins this mission together with staff members from IOM Brussels. According to the Directorate of Immigration, a questionnaire exists but the interviews are more like an open conversation. The

¹¹⁸ IOM, Final Report to the Immigration Directorate, Ministry of Foreign and European Affairs “Assisted Voluntary Return and Reintegration programme from the Grand Duchy of Luxembourg” (AVRRL), 2013.

¹¹⁹ Please see LU NCP answer to “Ad Hoc Query to collect information for the development of the REG Guidelines on Monitoring and Evaluation” requested by COM on 26 May 2015.

¹²⁰ Information provided by IOM. Interview conducted on 30 April 2015.

¹²¹ Information provided by IOM. Interview conducted on 30 April 2015.

representatives ask the people about their reintegration project and about how they have spent the money. It is also asked whether they are satisfied with how the programme works, what could be enhanced and if they intend to migrate again.¹²² In October 2012, a monitoring and evaluation mission has been carried out under the Belgian and Luxembourgish AVRR programmes, in order to assess the reintegration assistance provisions and issues in Erbil, in the Kurdistan Regional Government Region of Iraq. Another monitoring mission has been carried out in Azerbaijan in October 2014.¹²³

As mentioned above, several actors have stated that the information is broadly available to (rejected) applicants for international protection and that it is mostly because people do not want to return to their country of origin that they do not opt for a voluntary return.

Q.20 Present the results, in particular any information on:

- a. The most common tool through which the returnee accessed information;**
- b. The extent to which they understood the information;**
- c. The extent to which the information was comprehensive;**
- d. The extent to which they trusted the information;**
- e. The timing of the information provision;**
- f. Whether the information influenced their decision to return home or not.**

For those persons that are not in contact with the authorities, the most common tools through which information is shared is orally and via the existing brochures and leaflets¹²⁴ as well as via the different organisations and associations active in the field of immigration.¹²⁵ The idea is to keep these flyers clear and concise with all the necessary basic information. For additional questions a contact person is named that can then be contacted in order to get more detailed and individualised information. The first step is to decide to go home and to look at the different options that are available.¹²⁶

During the monitoring in the country of origin IOM asks the following questions:

¹²² Please see LU NCP answer to “Ad Hoc Query to collect information for the development of the REG Guidelines on Monitoring and Evaluation” requested by COM on 26 May 2015.

¹²³ Ibidem.

¹²⁴ Information provided by the Directorate of Immigration. Interview conducted on 14 April 2015.

¹²⁵ Please see Table 1.

¹²⁶ Information provided by the Directorate of Immigration. Interview conducted on 14 April 2015.

- How satisfied are you with the reintegration information you received before departure? ;
- How satisfied are you with the information and assistance you received from IOM in your country of return? ;
- Did the IOM officers provide you with the orientation you needed upon return and clear explanations on the process and what is expected from you? ;
- Did your expectations correspond to the reintegration assistance?¹²⁷

The question on how the person initially has accessed the information is only being asked by the IOM representative in Luxembourg since the beginning of 2015. Therefore, no evaluation of this is possible yet. Out of experience, the majority of the persons are aware of the programme via the Directorate of Immigration. So far, this has been the most common answer. The biggest community of persons benefitting from the AVRR programme are from Kosovo and are all aware of the existence of the programme. This is however also related to the fact that most are (rejected) applicants for international protection and only very few have not been in contact with the authorities.¹²⁸ The question whether the information has influenced the return decision is not systematically asked by the IOM representative. But the potential beneficiaries are asked about their motivation to return: whether it is the reintegration assistance, whether it is the negative decision on the application for international protection, etc.¹²⁹

¹²⁷ Information provided by IOM. Interview conducted on 30 April 2015.

¹²⁸ Information provided by IOM. Interview conducted on 30 April 2015.

¹²⁹ Information provided by IOM. Interview conducted on 30 April 2015.

4.2. Other indicators / evidence of effectiveness

Q.21 Are there any other indications / evidence available of the effectiveness of the different practices / approaches at increasing awareness amongst irregular migrants who are not in contact with the authorities about their options regarding voluntary return and / or at providing such migrants with a comprehensive understanding of their options so as to be able to make a balanced, well-informed decision about voluntary return?

As mentioned above, there is a monitoring report which is completed within the 6 months after the return. However, the questionnaire on which the report is based only asks about the level of satisfaction with the information they have received prior to their departure from Luxembourg concerning the reintegration assistance.¹³⁰

Q.22 Describe any factors that make these approaches successful / not-so-successful tools for disseminating information on voluntary return to irregular migrants not in contact with the authorities.

According to IOM, there is a good collaboration with the NGOs that can in particular reach out to persons that are not in contact with the authorities. There are two information sessions per year with the Luxembourg Refugee Council so that when new people join this group they will also be informed about the existence and activities of IOM. This also allows for an exchange of information and for the actors from civil society to ask questions or to make suggestions on how to improve the return of irregular migrants. These sessions offer a possibility to talk to all the migrant organisations at one time together.¹³¹

It is also easy to reach the IOM representative since she is always reachable via mobile phone and she is the only contact person who has been doing this job since 2008.¹³²

However, there are still some areas that can be improved. For example information on the internet is not yet widely available, posters could be published in Portuguese and hung in public places like the train station or the hospitals, the personnel of the local

¹³⁰ IOM, internal document.

¹³¹ Information provided by IOM. Interview conducted on 30 April 2015.

¹³² Information provided by IOM. Interview conducted on 30 April 2015.

municipalities could be informed about the existence of the programme etc. Also, the promotion via written medium (booklets, handbooks etc.) may fail to attend illiterates or less-educated people. It is therefore preferable to provide the concerned persons orally with the information.¹³³

It was suggested by Caritas Luxembourg, that a coaching of the persons who return would be a good idea to make the experience less traumatic and to prepare them better for what awaits them in their country of origin.¹³⁴

Q.23 Describe any specific challenges associated with the approach to disseminating information implemented by the national authorities directly in raising awareness of irregular migrants not in contact with the authorities.

There has to be the necessary financial means to launch a specific campaign and there needs to be the political will. Civil society also has to collaborate in promoting the voluntary return.¹³⁵

¹³³ Information provided by IOM. Interview conducted on 30 April 2015.

¹³⁴ Information provided by Caritas Luxembourg via a questionnaire. Oral reply received on 18 May 2015.

¹³⁵ Information provided by the Directorate of Immigration. Interview conducted on 14 April 2015.

4.3. Lessons learnt

Q.24 Are there any lessons to be extracted from the findings presented above that could be taken on board by other Member States?

The Directorate of Immigration has stated that it has been very helpful to exchange information with colleagues from other Member States on their voluntary return activities. At these meetings many ideas have been gathered that are now being considered for a possible national campaign.¹³⁶

One has to continue working on the communication tools, to update these regularly and also to continue distributing them to relevant actors active in the field of migration. It is important to keep all the actors updated and informed.¹³⁷

Several organisations and associations have expressed the need for a distribution campaign of posters and brochures, as well as more regular information sessions. In particular, it has also been stated that a more detailed website with information would be very helpful.

¹³⁶ Information provided by the Directorate of Immigration. Interview conducted on 14 April 2015.

¹³⁷ Information provided by IOM. Interview conducted on 30 April 2015.

Annex 1 National statistics on return and number of irregular third-country nationals

Table A.1.a: Statistics on the number of third-country nationals returning, by year and by type of migrant

	Year					Source	Method used to reach the estimates
	2010 (total)	2011 (total)	2012 (total)	2013 (total)	2014 (total)		
a. Third-country nationals returning by physical transportation out of the Member State, on the basis of a return decision (forced return) ¹³⁸	40	26	142	84	153	Directorate of Immigration	NA
b. Number of third-country nationals returning voluntarily within the time-limit fixed for that purpose in the return decision ¹³⁹ (voluntary departure)	5	13	125	45	23	Directorate of Immigration	NA
c. Number of irregularly-staying third-country nationals returning via AVR packages (assisted voluntary return)	8	433	1467	479	305	Directorate of Immigration	NA
d. Number of irregularly-staying third-country nationals returning via AVRR	104	101	97	116	186	Directorate of Immigration	NA

¹³⁸ I.e. an administrative or judicial decision or act, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return.

¹³⁹ In accordance with the provisions of Directive 2008/52/EC (Return Directive) the time-limit shall be of 30 days.

packages (assisted voluntary return and reintegration) – where different from (c)							
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Table A.1.b: Statistics on the number of third-country nationals not in contact with the national authorities, by year and by type of migrant

	Year					Source	Method used to reach the estimates
	2010 (total)	2011 (total)	2012 (total)	2013 (total)	2014 (total)		
a. Number of irregular migrants who were previously known to the authorities, but whose place of residence is no longer known to the authorities (absconding).	NI	NI	NI	NI	NI	/	/
b. Number of irregular migrants whose residence on the territory has never been known to the authorities (clandestine entry)	NI	NI	NI	NI	NI	/	/

Annex 2 Description of data-collection methods used

Table A.2: Data-collection methods used

Sources of info / method	Y / N	List the sources	Type of information provided
Evaluations	No		
Studies	Yes	<p>Gerstnerova A., Efficacité des politiques de retour: Capverdiens au Luxembourg in Diversités et Citoyennetés “Primo-arrivants”, La Lettre de l’IRFAM, n°40-41, 2015, http://irfam.org/assets/File/e-journal/diversites_et_citoyennetes_la_lettre_de_l_irfam_40-41_mars_2015.pdf</p> <p>LU EMN NCP, Practical measures to Practical measures for reducing irregular migration, 2011, https://www.emnluxembourg.lu/type-documentation/les-mesures-pratiques-mises-en-oeuvre-afin-de-r%C3%A9duire-la-migration-irr%C3%A9guli%C3%A8re</p> <p>LU EMN NCP, Good Practices in the return and reintegration of irregular migrants: Member States’ entry bans policy & use of readmission agreements between Member States and third countries, 2014, https://www.emnluxembourg.lu/type-documentation/good-practices-return-and-reintegration-irregular-migrants-member-states%E2%80%99-entry-b</p>	

Other reports	Yes	<p>Ministry of Foreign and European Affairs, Annual Report 2013, http://www2.mae.lu/jp/Site-MAE/Bienvenue-au-Ministere-des-Affaires-etrangees-et-europeennes/Rapports-annuels</p> <p>Gerstnerova A. et Rodriguez F., Manuel de réinsertion socioprofessionnelle pour les Capverdiens du Luxembourg, Luxembourg, OFII, IOM, Maison d’Afrique de Luxembourg, 2015, http://www.maisondafrique.lu/site23/images/docs/projets/reinsertion/manuel-reinsertion-cap-vert.pdf</p>	
Legislation	Yes	<p>Law of 5 May 2006 on the Right of Asylum and Complementary Forms of Protection, Memorial A N°113 of 3 July 2013, http://www.legilux.public.lu/leg/a/archives/2013/0113/a113.pdf</p> <p>Law of 29 August 2008 on the Free Movement of Persons and Immigration, Memorial A N°113 of 3 July 2013, http://www.legilux.public.lu/leg/a/archives/2013/0113/a113.pdf</p> <p>Law of 1 July 2011 amending the amended Law of 29 August 2008 on the Free Movement of Persons and Immigration and the amended Law of 5 May 2006 on the Right of Asylum and on Complementary Forms of Protection, Memorial A N°151 of 25 July 2011, http://www.legilux.public.lu/leg/a/archives/2011/0151/a151.pdf#page=2</p> <p>Law of 26 June 2014 amending the amended Law of 29 August 2008 on the Free Movement of Persons and Immigration, Memorial A n°113 of 1 July 2014, http://www.legilux.public.lu/leg/a/archives/2014/0113/a113.pdf#page=3</p>	

Policy documents	Yes	<p>Multiannual Programme of the Grand Duchy of Luxembourg for the European Return Fund 2008-2013, http://www.mae.lu/Site-MAE/Bienvenue-au-Ministere-des-Affaires-etrangees-et-europeennes/Organisation/Direction-de-l-Immigration/Fonds-europeen-pour-le-retour</p> <p>Annual Programme of the Grand Duchy of Luxembourg for the European Return Fund 2013, http://www.mae.lu/Site-MAE/Bienvenue-au-Ministere-des-Affaires-etrangees-et-europeennes/Organisation/Direction-de-l-Immigration/Fonds-europeen-pour-le-retour</p> <p>National Programme of Luxembourg for the Asylum, Migration and Integration Fund 2014-2020, http://www.mae.lu/Site-MAE/Bienvenue-au-Ministere-des-Affaires-etrangees-et-europeennes/Organisation/Direction-de-l-Immigration/Fonds-asile-migration-et-integration-AMIF/Documentation</p>	
'Mystery shopper'	Yes		
Interviews with stakeholders	Yes	<p>Caritas Luxembourg (Solidarity and Integration Service)</p> <p>Directorate of Immigration</p> <p>Embassy of Cape Verde</p> <p>International Organization for Migration</p> <p>Maison d'Afrique</p> <p>Luxembourg Penitentiary Centre (Psycho-Social Educational Service)</p> <p>Red Cross Luxembourg (Migrants and Refugees Service)</p>	

<p>Consultation with national stakeholder s</p>	<p>Yes</p>	<p>ASTI (Service Guichet Info-Migrants) Centre culturel islamique du Luxembourg CLAE Entente sans frontières Inter-actions (Wanteraktioun) LCGB Ministry for Family, Integration and the Greater Region (Wanteraktioun) Ombudsman OGBL (Immigrant Department) Retention Centre Femmes en détresse</p>	
<p>Consultation with national network</p>	<p>Yes</p>	<p>REG Expert</p>	