European Commission

European Migration Network

POLICIES AND PRACTICES ON RETURN COUNSELLING FOR MIGRANTS IN EU MEMBER STATES AND NORWAY

EMN INFORM 2019

1. INTRODUCTION

Counselling is widely recognised as a key component of the return process and a crucial element to assist irregular staying third-country nationals to obtain correct information about their legal possibilities to remain in Europe, as well as their opportunities to return and reintegrate in their country of origin.

Complementarily to outreach and general information provision, counselling on return and reintegration opportunities entails building a dialogue to plan the return of an individual, and as such is fully integrated in Assisted Voluntary Return (and Reintegration) Programmes and, in some Member States also in forced removals. This takes the form of pre-and (depending on the specific programme) post-arrival counselling. Information on available opportunities for assistance to return is also sometimes incorporated in the counselling assistance to third-country nationals awaiting a decision on their legal status, as well as for counselling provided after return.

In practice and as reported in recent research conducted by the European Commission, counsellors from migration authorities as well as service providers and implementing partners are largely considered by third-country nationals as the most trusted source of information on return, in contrast with law enforcement authorities, including border control officers, or media.[1]

Return counselling has a critical role to play in supporting third-country nationals in making informed decisions about their possibilities to legally stay in Europe or to return, and thus to ensure safe and dignified return. However, approaches to return counselling exist in a variety of forms. Differences depend on multiple interlinked variables, including the mandate of the organisation providing it, the understanding of the ultimate purpose of return counselling (i.e. to ensure compliance, increase the number of returns, improve return effectiveness, support the migrant to take an informed decision, etc.); the setting of the counselling in terms of location and timing; and the type of entity providing the counselling.

In this context, this EMN Inform seeks to identify the different policies and approaches for return counselling used by Member States plus Norway as well as by national NGOs and international organisations delivering return counselling.

The analysis is based on data collected by EMN National Contact Points through a dedicated EMN Ad-Hoc Query (hereinafter the Ad-Hoc Query).[2] National authorities were asked to respond only in relation to counselling services provided directly by their authorities or by providers working under their direct oversight. The (different) views and approaches used by non-government actors were captured through a questionnaire forwarded to national and international organisations providing counselling.

At the time of drafting this Inform, responses to the Ad-Hoc Query had been received from 22 Member States and Norway[3], while 11 NGOs[4], plus the European Return and Reintegration Network (ERRIN) and the International Organisation for Migration (IOM) provided responses to the questionnaire. The United Kingdom reported not to provide return counselling at all. Ireland and Malta reported that counselling is only provided by IOM, independently from national authorities, therefore they are not included in the analysis below.

This inform is part of a series of three informs addressing the topic of return counselling. The next two EMN Informs in the series will focus on:

- Policies and practices for the support of return counsellors in their role to provide migrants with timely, unbiased and reliable information on return.
- Policies and practices on outreach and information provision for the (voluntary) return of migrants.

2. KEY POINTS TO NOTE

- **Counselling occurred at different migration stages**, although most commonly at the moment of detection of irregular migration and during the return procedure after a return decision is issued.
- **In most Member States return counselling is delivered by both national government institutions**

1 European Commission, 'A study of the communication channels used by migrants and asylum seekers in Italy, with a particular focus on online and social media', 2018, http://missingchildreneurope.eu/Portals/0/Docs/publication%20hub/Comm%20channels%20used%20by%20migrants%20in%20Italy.en.pdf, last accessed on 28 May 2019.

2 Ad-Hoc Query and Questionnaire on 'Policies' and practices on return counselling for migrants in EU Member States', requested by European Commission on 27th February 2019.

3 Member States: AT, BE, CY, CZ, DE, EL, EE, ES, FI, FR, IE, HR, HU, IT, LU, LT, LV, MT, NL, SE, SK, UK plus NO.

4 National NGOs: AT: Caritas and Lefö; CZ: Organisation for Aid to Refugees; DE: AGDW e.V. Rückkehrberatung; DK: Danish Refugee Council; NL: Goedwerk Foundation, Stichting WereldWijd and Solid Road; NO: NOAS; SE: Swedish Red Cross, and AT Carinthia (local level)

and their appointed implementing partners or service providers. IOM appears to have a pivotal role in the process by providing counselling in the context of wider Assisted Voluntary Return (and Reintegration) programmes (AVRR) across Member States and Norway, and it was entrusted as the sole organisation delivering return counselling in at least four Member States.

- **In terms of the return counselling approaches used, some Member States and all NGOs and international organisations adopted a migrant-centred approach,** seeking to help the individual to make an informed decision about his/her stay or departure. Conversely, national authorities tended to combine a migrant-centred approach with a compliance approach, focusing on convincing the migrant to return or to comply with a return decision. The compliance approach became predominant after a return decision was issued, with the exception of counselling provided by IOM and some NGOs where the focus of supporting the migrant to make an informed decision remained central.
- **The content of return counselling** usually reflected the options available to the third-country national at the specific moment when counselling took place. Notably, while in the initial stages it consisted mostly of general information about the possible options to stay or to be assisted to return to the home country, after a negative decision was issued, counselling focused on explaining the obligation to depart and the consequences of failing to comply.
- Member States, NGOs and international organisations found it **difficult to monitor and measure the effectiveness of return counselling.** Most non-government providers measured effectiveness as the quality of the information and support provided. Most government providers of counselling were interested to measure its impact in terms of increased numbers of effective returns. The latter was deemed particularly difficult to attain because of difficulties in establishing case-effect relations between counselling and the decision to return. Generally, monitoring was difficult due to lack of resources and adequate methodological tools e.g. use of control groups, as well as difficulties in keeping in contact with the migrants after the counselling had finished in case those chose not to return.

3. PURPOSE AND OBJECTIVE OF THE COUNSELLING

3.1. DEFINITION OF COUNSELLING

Only a few Member States and organisations providing return counselling have a formal definition of return counselling in their national policy or legislation.[5] Formal definitions were found to refrain from defining the concept of counselling itself but were rather limited to a compilation of the type of services related to counselling available in the return procedure. The legal description of return counselling in France included also the discussion about reintegration and reintegration assistance if this was a concern in the country of return.

Thus, the formal definitions were not dissimilar from the understanding of counselling developed by the majority of other Member States and organisations through their **administrative practices.**[6] **In most cases, return counselling was described as a process and an approach** through which third-country nationals, holding different statuses e.g. asylum seeker, returnee, undocumented individual, etc. were engaged in a discussion with the return counsellor about returning to their country of origin or elsewhere, and were provided with information to help them to make a decision within the options available to them, and once the decision was made, were helped to implement it.[7]

IOM assimilated return counselling in the broader concept of counselling defined as "a 'helping' interaction and relationship, based on communication, aimed at supporting and enabling a person to explore a problem, raising one's awareness of the issues at stake, and capacity to evaluate choices and take informed decisions."[8] In this process, the counselling providers also had a role in correctly assessing the needs and vulnerabilities of the migrants involved in counselling.

For other national authorities return counselling was more **related to giving information** about legal obligations rather than a service to accompany decision-making.[9]

Return counselling was mostly defined in relation to **voluntary return** as a tool to encourage the migrant to make an informed decision about return or assist in the preparation for his/her departure, especially in the context of AVRR programmes, following a return decision.[10]

However, some national authorities also used return counselling **in case of forced returns.**[11] Among NGO, only the Czech organisation Aid for Refugees was engaged in counselling in forced return.

Some of these States defined return counselling within the context of voluntary as well as forced return.[12]

3.2. PURPOSE OF COUNSELLING

Across government and non-government providers of counselling, the counselling pursued two main inter-linked purposes: to help the migrant to make an informed decision and to ensure the effective implementation of migration

5 AT, ES and FR, NGOs: AT: Lefö, NL: Stichting WereldWijd. and AT Carinthia (local level) IOM includes the definition of return counselling in the broader category of "counselling".

6 MS: BE, CZ, DE, EL, ES, FI, FR, LU, LT and SE plus NO. NGOs: CZ: Organisation for Aid to Refugees; DK: Danish Refugee Council; NL: Goedwerk Foundation, Stichting WereldWijd and Solid Road; NO: NOAS; SE: Swedish Red Cross international organisations: IOM. In CY and LV, return counselling is almost entirely delegated to IOM, as such no concept of return counselling has been developed in law or in administrative practice.

7 In NL, the R&DS provides assistance in deciding when and how to return. The decision whether to return is already made by the immigration service and is not made by the TCN him/herself. This means that the R&DS aims to assist the TCN in making a decision on when to return and whether the return is voluntary or forced.

8 IOM, "Reintegration handbook" forthcoming 2019

9 EE, HR, HU and SK.

10 CY, DE, FI, FR, IT, HR, HU, LU, LV, MT, SK and NO only provide return counselling for voluntary returns. Italy provides return counselling only in the framework of AVR&R programs

11 AT, BE, CZ, LT, SE and NO (Norwegian Immigration Police Service).

12 EE, EL, NL.

policies by encouraging voluntary return and ensuring compliance with return procedures.

For some national authorities, counselling aimed to strike a balance between these two purposes and focus on supporting the decision-making of the individual concerned, while also complying with their own national policies concerning return.[13]

Others only or predominantly emphasised the role of counselling **to comply with their national return policies.**[14]

For other Member States[15] and Norway the main purpose of their return counselling was to **support the decision-making of the individual concerned with the return procedure.** In France, return counsellors are competent for implementing national return policy but they may also support migrants in the decision making as well as in the departure plan preparation and in the reintegration programme when applicable. For international organisations and NGOs counselling mostly intended to support the decision- making of potential returnees.[16] Only one NGO considered that counselling should aim at a balance between supporting decision making and compliance with national return policies.[17]

3.3. ORGANISATIONS RESPONSIBLE FOR COUNSELLING

Across Member States, **different solutions have been adopted to deliver counselling services.**

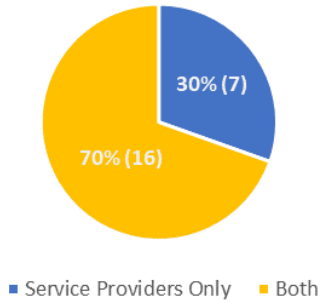
Notably, the great majority of Member States and Norway who responded to the Ad-Hoc Query, provided counselling services through both national authorities and NGOs or international organisations acting as return counselling providers or implementing partners, commonly IOM.[18] Of these, a few Member States plus Norway have used a combination of national authorities, IOM and NGOs to provide return counselling.[19]

Seven Member States have delegated, fully or partly, return counselling to IOM, in the context of implementation of wider AVRR programmes.[20] In Greece, IOM was the only organisation responsible for return counselling related to AVRR programmes, while the Hellenic Police provided counselling to irregular migrants and failed asylum seekers in forced return procedures.

Four others Member States have delegated some of their counselling to NGOs.[21] For instance, in Austria, counselling services are largely provided by contracted NGOs, but counselling is also given to a lesser degree by a provincial government (government of Carinthia).

Spain is the only Member State to have entirely delegated its return counselling duties to NGOs, who are the only providers of return counselling.

Figure 1 Who provides return counselling for Member States?



Source: Ad-Hoc Query and Questionnaire on Policies and practices on return counselling for migrants in EU Member States, requested by European Commission on 27th February 2019

4. WHERE AND WHEN DOES THE COUNSELLING TAKE PLACE?

4.1. TIME OF COUNSELLING

Return counselling was most commonly available between the moment of detection of the migrant's irregular situation until the departure (see Figure 2).

Only Estonia, Germany, Italy and IOM provided counselling during transit in a third-country.[22]

The majority of providers delivered return counselling after a return decision was issued and during the pre-departure phase.[23]

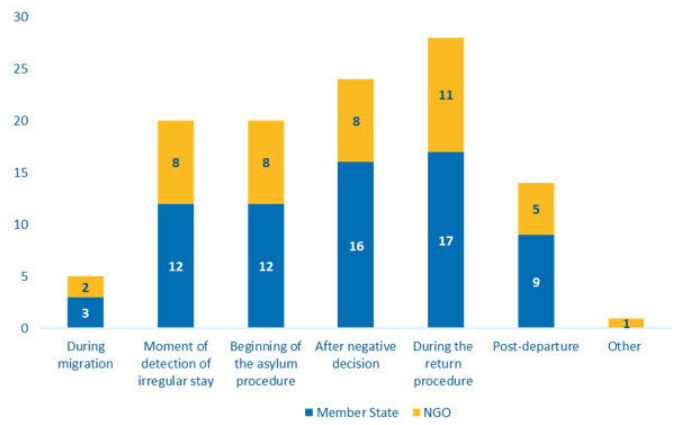
Return counselling was also often provided at the moment of detection and at the beginning of an asylum procedure, as illustrated in the graph below.[24]

Few Member States and Norway provided counselling after the return.[25] Additionally, IOM provided counselling to all returnees eligible to reintegration assistance under national AVRR programmes implemented by IOM.

13 AT, BE, DE, HU, IT and SE, IT. Note that CY did not provide any description about the purpose of counselling.
14 FR, EE, NL.
15 CZ, EE, ES, FI, FR, LU, LT, LV, SK and NO.
16 AT: Caritas and Lefö; CZ: Organisation for Aid to Refugees, NL: Goedwerk Foundation, Stichting WereldWijd, Solid Road, NOAS, IOM.
17 DK: DRC.
18 AT, BE, CZ, DE, EE, EL, FI, FR, HU, HR, IT, LT, LU, NL, SE, SK and NO. Please note that this description refers only to counselling provided by the State through own institutions or organisation delivering services on their behalf. Other non-government organisations may be providing counselling services beyond the state's oversight.
19 BE, CZ, DE, IT, NL, SK and NO.. DE has a heterogeneous landscape of return counselling. Most of the federal states rely on advice from government organisations and NGOs, but in some cases only NGOs are active (e.g. north Rhine-Westphalia). An Overview about the Players (Counselling Centres) on the Return sector can be found on https://www.returningfromgermany.de/en/. For Italy: Italian Council for Refugees, Gruppo Umana Solidarietà,CEFA., CIES, ARCI Mediteranneo, COESO. In NO, NGOs are mostly engaged in giving information about AVRR programme and refer the individuals to IOM for additional support.
20 IOM is the sole organisation providing counselling as part of wider national AVRR programmes in: CY, IE, EL, HR, LV, and MT. IOM also operates as implementing partner in the delivery of AVRR programmes which also include return counselling services, alongside national authorities who provide general return counselling : EL, EE, FI, HU, LU, NL, SK and NO.
21 AT, ES, FR (in detention centres and reception centres for asylum seekers), SE.
22 In DE, due to the country's federal and therefore heterogeneous structures, this special form is only partially offered.
23 After a negative decision: MS: AT, BE, CY, CZ, DE, EE, EL, FI, FR,IT, HU, LU, LT, NL, NO, SE, SK; NGO/ IOs: AT: Caritas and Lefö; DK: DRC, NL: Stichting WereldWijd, Solid Road; NO: NOAS and IOM and AT Carinthia (local level). During the pre-departure phase: MS: BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, LU, LT, NL, NO, SE, SK; NGOs/ IOs: AT: Lefö; DK:DRC, NL: Goedwerk Foundation, Stichting WereldWijd and Solid Road; NO: NOAS, SE: Swedish Red Cross and IOM and AT Carinthia (local level)
24 Moment of detection: MS: AT, CY, CZ, DE, EE, EK, FR, HR, HU, LT, IT, LV, NL, SK; NGOs/ IOs: AT: Caritas and Lefö; DK: DRC, NL: Stichting WereldWijd and Solid Road; NO: NOAS and IOM. Beginning of the asylum procedure: MS: AT, BE, CY, CZ, DE, EE, FI, FR, LU, LT, LV, NO and SK; NGO/ IOs: AT: Caritas, Lefö; DK: DRC, NL: Stichting WereldWijd; NO: NOAS and IOM and AT Carinthia (local level)
25 Mostly via IOM offices, as well as AT, BE, DE, IT, SE; DE offers it esp. in case of reintegration assistance.

IOM and the Swedish Red Cross reported that they could **provide counselling at any point along the migration stages** as they are able to do so remotely (via telephone and email) as necessary in additional to personal sessions.[26]

Figure 2 Stages where counselling takes place



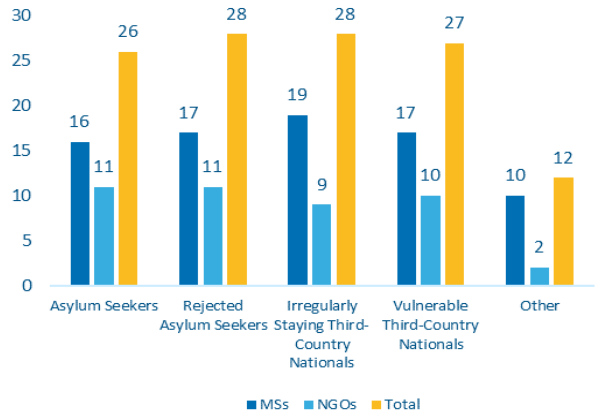
Migration Stage	Member State – NGOs- International organisations
During migration	CZ, EE, LV NL (Solid Road) and IOM
Moment of detection	AT, CY, CZ, EE, EK, FR, HR, HU, LT, LV, NL, SK AT (Caritas&LEFÖ, Verein Menschenrechte Österreich), DRC, NL (Stichting WereldWijd and Solid Road), NOAS and IOM
Beginning of asylum procedure	AT, BE, CY, CZ, DE, EE, FI, FR, LU, LT, LV, NO and SK AT (Caritas&LEFÖ, Verein Menschenrechte Österreich), DRC, NL (Stichting WereldWijd), NOAS and IOM
After a negative asylum decision	AT, BE, CY, CZ, EE, EL, FI, FR, HU, LU, LT, LV, NL, NO, SE, SK AT (Caritas&LEFÖ, Verein Menschenrechte Österreich), DRC, NL (Stichting WereldWijd, Solid Road), NOAS and IOM
During the return procedure	BE, CY, CZ, EE, ES, EL, FI, FR, HR, HU, LU, LT, LV, NL, NO, SE, SK AT (Caritas&LEFÖ, Verein Menschenrechte Österreich), DRC, NL (Goedwerk Foundation, Stichting WereldWijd and Solid Road), NOAS, Swedish Red Cross and IOM
Post-departure	AT, BE, CY, ES, LU, LV, NL, NO, SE DRC, NL (Goedwerk Foundation, Solid Road and Stichting WereldWijd), NOAS and IOM
Other	Swedish Red Cross

Source: Ad-Hoc Query and Questionnaire on Policies and practices on return counselling for migrants in EU Member States, requested by European Commission on 27th February 2019

Consequently, return counselling services mostly targeted irregular migrants and rejected asylum seekers.[27] However, many counselling providers also made it available to migrants waiting for a response on their asylum request, and specifically targeted vulnerable third-country nationals.[28]

Return counselling was also made available to other categories of migrants; for instance, Austria, Belgium, Cyprus and Germany also included Dublin transferees, migrants in-transit to another Member State, third-country nationals with a valid residence permit, or any third-country nationals wishing to take part in the process.[29] IOM provides return counselling to all individuals, also in a regular migratory situation, who require it.

Figure 3 Categories of migrants receiving counselling



Source: Ad-Hoc Query and Questionnaire on Policies and practices on return counselling for migrants in EU Member States, requested by European Commission on 27th February 2019

4.2. LOCATION OF COUNSELLING

As illustrated in the graph below, most of the counselling took place in immigration offices, detention centres, reception centres and offices of the NGO, or international organisations. To a lesser degree, return counselling was also carried out in border and police offices.[30]

Several countries reported that counselling could take place in the country of return once the return procedure was completed, which could be conducted in the local service provider's or implementing partner's office (IOM or NGO).[31]

As regard NGO/IO respondents, they reported to have provided counselling mostly from their own offices and from reception or counselling centres in the respective Member States,[32] and/or via email and telephone, but also in reception and detention centres (when granted access), as well as airports in the case of IOM.[33]

26 For IOM, this refers only to individuals who are participating in AVVR programmes; once the individual has been issued a deportation or removal order, IOM can no longer provide any AVVR services, including counselling.

27 Of all the respondents who answered this question, all reported providing counselling for irregularly staying third-country nationals except for the AT Carinthia Province and all of the respondents provided return counselling for rejected asylum seekers. At the beginning of the asylum procedure, migrants are granted information on AVR&R".

28 Only HR does not provide counselling for vulnerable groups; and only HR and HU do not provide return counselling to asylum seekers.

29 AT, BE, CY, DE, EE, ES, FR, LU, LV, NL, and IOM.

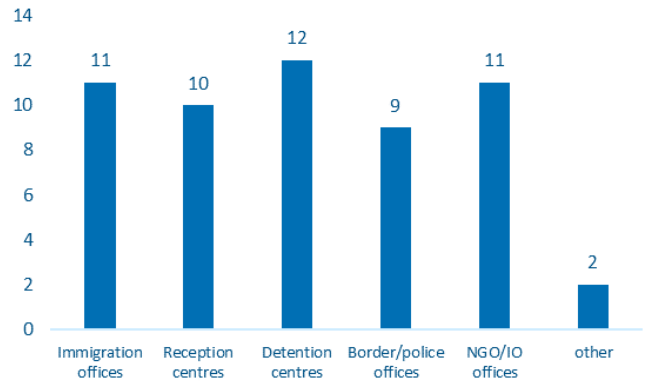
30 Respondents providing return counselling at the border or in police offices or prisons include: CZ, EL, EE, FI, LT, NL, NO, SE and the NGO DRC.

31 AT, BE, CY, DE, ES, HU, IT, LU, LV, SE and NO.

32 Own offices or reception/counselling centres: AT: Caritas, Lefö; DK: DRC, NL: Goedwerk, Stichting WereldWijd, Solid Road; NO: NOAS, SE: Swedish Red Cross, IOM and AT Carinthia (local level).

33 DK: DRC; NL: Stichting WereldWijd; NO: NOAS, SE: Swedish Red Cross, IOM.

Figure 4 Where does counselling take place?



Source: Ad-Hoc Query and Questionnaire on Policies and practices on return counselling for migrants in EU Member States, requested by European Commission on 27th February 2019

5. WHAT ARE THE APPROACHES AND FORMS USED?

5.1. COUNSELLING APPROACHES

The purpose of counselling and the approach used to implement it are interlinked.

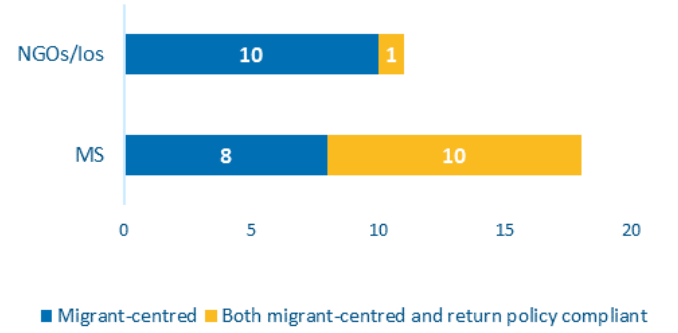
In line with the identified purposes for return counselling, approaches developed by national institutions, NGO and international organisations to deliver counselling services for return, were defined on a spectrum going from a pure migrant-centred approach, focusing on supporting the individual to make an informed decision, to a compliance approach focusing on convincing the migrant to return and/or to comply with a return decision.

Some Member States that responded to the Ad-Hoc Query,[34] along with all **NGOs and international organisations** who responded, embraced a migrant-centred approach along all of the migration and counselling stages. The migrant-centred approach focuses on providing support that is adapted to the situation of the clients, to their specific needs, their country of origin and journey, and their own capabilities. The **Organisation for Aid to Refugees,** a national NGO in the Czech Republic, described however that its counselling approach tended to become more and more return policy compliant as the procedure moved along, in order to focus more on emphasising return when it became apparent that there was little / no chance of regularising stay.

Conversely, the approach adopted by other **national institutions** tended to also incorporate, to varying degrees a component of compliance.

Close to half of Member States plus Norway,[35] declared having a **"mixed approach",** which would strive to achieve a balance between providing the individual with the support and information which suited his/her own needs and experiences best, while implementing and complying with the national return policies. In practice this implied adapting the counselling approach at each migration stage, shifting from engaging in a conversation on the different options available to the individual and primarily emphasising the benefit of return - migrant- centred counselling - towards an increasingly policy compliant approach, as the individual's options narrowed.

Figure 5 Approaches to counselling



Source: Ad-Hoc Query and Questionnaire on Policies and practices on return counselling for migrants in EU Member States, requested by European Commission on 27th February 2019

5.2. FORMS OF COUNSELLING

All the respondents provided individual counselling and most also provided family counselling if an entire family was involved in the procedure. A few Member States provided group counselling in the case of several individuals finding themselves in similar situations and coming from the same country or from regions experiencing the same issues.[36] In France, counsellors follow a specific training on trafficking victims so that they can more easily identify them. All NGOs and international organisations consulted provided individual and family counselling, with a greater emphasis on vulnerable groups.

5.3. CONTENT OF THE COUNSELLING

When coming to the content of return counselling, about **a third of Member States[37] did not adapt it to the migration stages.** It largely focused on informing the concerned individual(s) of the procedure they were in and their rights, of the assistance available to them and of how they could be assisted to plan their return. The counselling also focused on identifying and responding appropriately to vulnerabilities, as well as assessing whether the concerned individual(s) were able to make an informed decision to return.

Just less than half of the Member States and Norway have adapted their content according to the stage of the return procedure.[38] A pattern can be identified here; as the procedure moves along, the content of the counselling will change to reflect the options available to the individual(s).

34 CY, EE, ES, HR, IT, LU, LT, LV, and SK. IOM clarified that albeit a migrant-centred approach was adopted, all counselling was adapted to the applicable national policy and context.
35 AT, BE, CZ, DE, EL, FI, FR, HU, NL, SE and NO.
36 CZ, DE, EL, EE, FI, HR, NL and SE.
37 AT, CY, CZ, EL, HR, LU and SK.
38 BE, DE, EE, FR, HU, IT, LT, LV, NL and NO.

When counselling took place at the moment of detection or at the beginning of the asylum procedure, it mostly consisted of information-giving to the individuals about options to legalise their stay, their rights, the return procedure, the assistance available, as well as an assessment of vulnerability and capacity to make an informed decision.

The content of the counselling changed **after a return decision was issued.** In this case, the information about the legal options remained available, as was the return procedure support (for instance, to plan the return trip), but there was more information about the risk of non-compliance with a removal decision.

When counselling was provided in the **country of return,**[39] it consisted of providing information about the reintegration assistance available as well as discussing the reintegration options and/or assessing the reintegration plan already developed by the migrant as well as, where applicable, following up on vulnerability assessments made prior to departure (IOM).

In contrast with national government institutions, the content of counselling **provided by NGOs or international organisations** did not change according to the migration stage in which it was provided, except for the Spanish NGOs.[40]. Counselling content consistently included giving information and support to raise awareness of the return procedure, define return plans once the decision was made and identify available assistance, including training and education possibilities.[41] Counselling also included specific support and information in cases where vulnerabilities were identified, and/or required redress to legal counselling when necessary.[42]

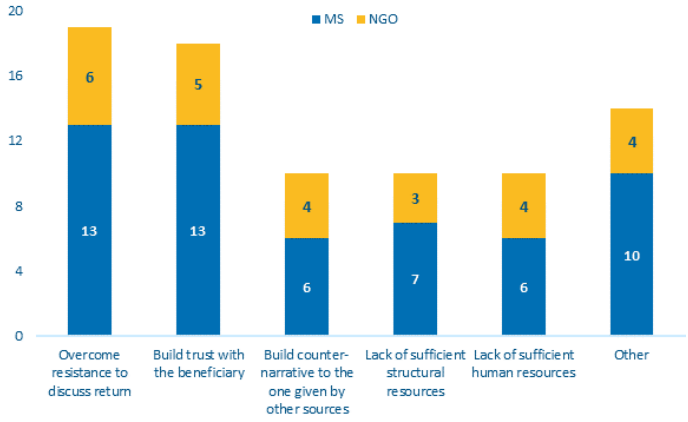
5.4. CHALLENGES

Providers encountered a number of challenges in delivering return counselling. As reported in the graph below, the main ones identified included:

- Overcoming the resistance to discuss return and/or building trust with beneficiaries;[43] resistance can stem from the individual's reluctance to consider return, as it is perceived as a failure. There can also be a refusal to cooperate with the return decision or the third-country national may be more interested in discussing legal possibilities to stay.
- Building a counter-narrative to false or misleading stories and information that the migrant may have received from other sources e.g. family, friends, social media etc.[44]

Other types of challenges raised by Member States included how to engage the third-country national to minimise the risk of absconding; a lack of confidence in the assistance promised (particularly with services to be provided in-kind or in-cash); how to overcome cultural barriers; and how to develop effective tools and methodologies to successfully conduct counselling.[45]

Figure 6 Challenges to return counselling



Source: Ad-Hoc Query and Questionnaire on Policies and practices on return counselling for migrants in EU Member States, requested by European Commission on 27th February 2019

NGOs and international organisations additionally mentioned one or all of the following challenges affecting counselling:

- Lack of funding;
- Supporting vulnerable third-country nationals until their return;
- Keeping-up the morale and motivation of counsellors;
- Adapting the counselling to accommodate the mental health of their clients;
- Overcoming cultural barriers.[46]

5.5. GOOD PRACTICES

To counter the above identified challenges, some specific practices have been developed. These notably included:

- Staggering the delivery of counselling throughout the procedure and perhaps not providing counselling directly following a negative asylum decision and intensifying counselling prior to departure.[47] Belgium, Germany, ERRIN and IOM specifically stressed the added value to tailor the content and the approach used to deliver

39 AT, BE, ES, FR, ITLU, NO and SE. FR ensures follow-up to the individual cases through it Office for Immigration and Integration (OFII).ES only provides counselling during the return procedure and post-return, with the content changing slightly between the two; in the post return stage, on top of providing information on the legal situation, access to return assistance, planning the return and the reintegration and identifying vulnerabilities, the ES NGOs also monitor the reintegration process.

40 ES (ACOBE, AESCO, FSEM and RED ACOGE) only provide counselling during the return procedure and post-return, with the content changing slightly between the two; in the post return stage, on top of providing information on the legal situation, access to return assistance, planning the return and the reintegration and identifying vulnerabilities, the ES NGOs also monitor the reintegration process.

41 AT: Lefö; DK: DRC; NL: Goedwerk Foundation, Stichting WereldWijd and Solid Road; NO: NOAS; SE: Swedish Red Cross and IOM and AT Carinthia (local level)

42 IOM, and the Dutch NGO Solid Road provides this support.

43 AT, BE, DE, EE, EL, FI, FR, IT, LU, LT, NL, NO, SE, SK. NGOs: AT: Caritas, CZ: Organisation for Aid to Refugees; NL: Stichting WereldWijd, Solid Road; NO: NOAS; SE: Swedish Red Cross. International organisations: IOM. EU funded projects: ERRIN and AT Carinthia (local level)

44 BE, DE, EE, FI, ITLU, NO, SE. NGO: NL: Goedwerk Foundation, Stichting WereldWijd, Solid Road. EU Funded Projects: ERRIN.

45 AT, BE, DE, NO and SE.

46 AT: Caritas; CZ: Organisation for Aid to Refugees; NL: Goedwerk Foundation, Stichting WereldWijd and Solid Road; SE: Swedish Red Cross and IOM and AT Carinthia (local level).

47 BE, LU, NL, SE, SK and ERRIN.

counselling to the migration stage where the individual finds his or herself.

- Cultivating strong and close cooperation between state authorities, NGOs and international organisation, as well as between offices in host countries and countries of origin in the case of IOM, as some third-country nationals seemed to have more trust in these actors, as well as to lessen the workload.[48]
- Always providing a tailor-made approach as much as possible and striving to overcome cultural and language barriers as much as possible.[49]

Some NGOs and IOM also stressed the importance of clarifying from the outset of the counselling relationship the limitations of what counsellors can achieve and what the options really are at the disposal of third-country nationals. With reference to Italy, the communication strategy appeared to be crucial to maximize the effects of counselling.[50] Additionally, providing sufficient support to counsellors was also reported as essential by a few respondents.[51]

6. FUNDING OF THE COUNSELLING

National authorities mostly used European funds, especially AMIF, to finance the return counselling they were providing, either by itself, or as a complement to their own budgets. Of EU Member States, only Germany, solely relied on its own national budget, as did Norway.

NGOs and IOM mostly relied on national funding (including, but not only, service provider type of contracts and project implementation agreements), either solely or with complementary funding from EU funds such as AMIF.[52] One NGO reported that they sometimes relied on private / charitable funding (churches for instances) when necessary.[53]

7. MONITORING AND MEASURING IMPACT

7.1. DEFINING AND MONITORING EFFECTIVENESS

For the majority of national authorities and for at least two national NGOs, the effectiveness of return counselling was defined in terms of **the number of (effective, dignified and safe) returns** achieved as a result of the counselling.[54]

Belgium adopted a procedural definition, where counselling was considered to be effective if successful in engaging the migrant in all steps of the procedures, from asylum until, if a negative decision was issued, return. Greece defined effectiveness in terms of the increased return rate, but also included taking into account the (increased) willingness of the third-country national to cooperate.

Other Member States did not have any specific definition of effectiveness and did not put any monitoring system in place either.[55]

Generally, NGOs and international organisations, and two Member States defined effective return policy as **providing high quality information and support** to make an informed choice about return, to the concerned individuals.[56] The number of returns can nevertheless be evidence of effective return.

Whatever the definition given to effectiveness; a **variety of tools** was used to monitor it. Quantitative measurements included the number of third-country nationals who had received counselling, the rate of return, and even the number of online consultations via websites providing return information.[57] Five Member States and Norway, eleven NGOs and IOM reported also using qualitative analysis to measure effectiveness in addition to quantitative tools; these included questionnaires with returnees, survey feedback from counselling sessions and even field visits to countries of return.[58]

7.2. CHALLENGES

Challenges reported by Member States mostly revolved around defining methods to measure effectiveness, as collecting data on the topic is found to be difficult, for example, due to the inability to contact returnees or their unwillingness to provide feedback.[59]

For the providers wishing to measure effectiveness in terms of increased number of returnees, a major challenge was connected to the fact that the decision to return is influenced by many different factors, and therefore it remained challenging to establish the direct impact that counselling has on any decision.[60] A sound evaluation would require appropriate methodological tools, e.g. the use of control groups; however, lack of sufficient resources (structural and human) often represented a constraint to make this possible.

NGOs also reported difficulties to stay in touch with returnees and therefore, to obtain their feedback if they had actually returned, or how they were faring with respect to their reintegration.[61]

48 AT, DE, ES, FI, LU, NL, NO, SE, SK, as well as NL Goedwerk Foundation.
49 CY, DE, EE, FR, IT, ES, LU, NL, NO, SE and SK.
NGOs: CZ: Organisation for Aid to Refugees; DK: DRC, NL: Goedwerk Foundation, NO: NOAS and ERRIN and AT Carinthia (local level)
50 To this end, involving cultural mediators and experiences of returnees from the same nationality may help describe similar situations, here return has been solving the migrants' problems (such as vulnerabilities, irregular status, health issues).
51 NL: Goedwerk Foundation, NO: NOAS, DK: DRC and CZ: Organisation for Aid to Refugees.
52 AT: Lefö; CZ: Organisation for Aid for Refugees; DK: DRC, DE: AGDW e.V.; NL: Goedwerk Foundation, Stichting WereldWijd, Solid Road NO: NOAS. IOs: IOM. And AT Carinthia (local level)
53 NL: Stichting WereldWijd
54 BE, DE, EE, EL, FI, FR, IT, NO, SE, Caritas Austria. NGOs: NL: Goedwerk Foundation.
55 HR, LT, LV, SK. defined effectiveness but did not put any monitoring or evaluation in place. NL defines effectiveness of return counselling but does not have any monitoring system in place yet.
NGO: CZ: Organisation for Aid to Refugees.
56 CZ and ES.
NGO: AT: Lefö; DK: DRC, NL: Goedwerk Foundation, Stichting WereldWijd, and Solid Road; NO: NOAS; SE: Swedish Red Cross
IOs: IOM and AT Carinthia (local level).
57 AT, BE, CY, DE, EE, EL, FR, NO and SE.
58 BE, CY, CZ, DE, EE, ES, IT, and NO; as well as NGOs: AT: Lefö; CZ: Organisation for Aid to Refugees; DRC, NL: Goedwerk Foundation and Solid Road, NO: NOAS, SE: Swedish Red Cross and IOM.
59 AT, BE, CY, DE, EE, ES, FI, FR, IT, NL and NO.
60 BE, FI and NL.

7.3. GOOD PRACTICES

Good practice approaches included the development of clear indicators and process / impact measurement tools.

For instance, IOM developed a set of monitoring tools to assess the effectiveness of AVRR programmes, as well as the beneficiaries' satisfaction with the assistance achieved. These tools are gradually rolled out through all national AVRR programmes that IOM implements. The application of standardised tools across countries is expected to allow obtaining comparable data which is so far not available.

Sweden is currently working on the development of new approaches to improve evaluation of the effectiveness of return counselling.

Member States also pointed out to the need to build capacity and flexibility in the counsellors, to juggle many cases as well as ongoing research and data collection.[61]

Some NGOs[62] also pointed out the need to cultivate strong and close cooperation with local partners (local authorities or local non-governmental organisations or international organisations). They also reported the positive use of monitoring visits and providing counselling as often as possible, and especially immediately prior to return to ensure effective follow-up on cases, as well as to collect information useful for evaluation purposes.

61 BE, CY, DE, EE and NO.
62 DK: DRC, NL: Goedwerk Foundation, Stichting WereldWijd and Solid Road.

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