

## Annex: Operation of forced return monitoring in 2022 in 27 EU Member States

EU Member State	Legal source for forced return monitoring	Organisation responsible for monitoring	Monitoring body = NPM*	Public reports	Number of monitored return operations from the EUMS (excluding intra-EU and Dublin transfers)					Staff who worked as monitors (number)	Number of staff trained as monitors	Phases monitored (pre-return; in-flight; handover)
					air (flights)			land	sea			
					Charter	Commercial	Frontex** (charter)					
AT	<a href="#">Aliens Police Act (Fremdenpolizeigesetz)</a> §46, read together with §10 <a href="#">Alien Police Act – Operative Act (Fremdenpolizeigesetz-Durchführungsverordnung)</a>	<a href="#">Federal Agency for Reception and Support Services (Bundesagentur für Betreuungs- und Unterstützungsleistungen)</a>	No	No	23	0	32	9	0	7	7	All phases
BE	<a href="#">Royal Decree of 19 June 2012 (Arrêté royal modifiant l'arrêté royal du 8 octobre 1981 et l'arrêté royal du 20 juillet 2001/Koninklijk besluit tot wijziging van het koninklijk besluit van 8 oktober 1981 en het koninklijk besluit van 20 juli 2001)</a> , Art. 5	<a href="#">General Inspectorate of the Federal Police and the Local Police (AIG) (Inspection générale de la police fédérale et de la police locale/ Algemene inspectie van de federale politie en vande lokale politie)</a>	No	<a href="#">2022 Annual Report (in French)</a>	0	86	7	2	0	5	5	mostly pre-return: in two operations until arrival in third country
BG	<a href="#">Foreigners in the Republic of Bulgaria Act (Закон за чужденците в Република България)</a> , Art. 39a (2)	<a href="#">Ombudsman of Republic of Bulgaria (Омбудсман на Република България)</a>	Yes	<a href="#">2022 Annual Report (in Bulgarian)</a>	0	0	0	0	0	2	2	no monitoring in 2022
CY	<a href="#">Aliens and Immigration Law (Cap 105) (Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος (ΚΕΦ 105))</a> , Art. 18Π (6)	<a href="#">Office of the Commissioner for Administration and the Protection of Human Rights (Ombudsman)</a>	Yes	No	1	132	1	0	0	4	10	Pre-return up to boarding on the plane
CZ	<a href="#">Act No. 349/1999 Coll. on the Public Defender of Rights Act, Section 1, Art. 6 (and further amendments)</a>	<a href="#">Ombudsman, Public Defender of Rights (PDR) (Veřejný ochránce práv, VOP)</a>	Yes	<a href="#">2022 Annual Report (in Czech)</a> ; each monitoring report is public, e.g. <a href="#">26/2022/NZ/TC</a>	0	3	1	0	0	1	1	Pre- return
DE	Decree of the Federal Ministry of the Interior, Building and Community, 15 February 2017 (Bundesministerium des Innern, für Bau und Heimat), Internal decree, not public	<a href="#">Federal Office for Migration and Refugees</a>	No	No	0	0	22	0	0	3	4	Pre-return (from airport), in-flight, handover
	No legal basis at federal level	Fora at various airports:*** BB: <a href="#">Forum Abschiebungsbeobachtung Berlin- Brandenburg</a> ; FR: <a href="#">Diakonie</a> and <a href="#">Caritasverband für die Diözese Limburg e.V.</a> ; HH: <a href="#">Diakonie</a> NRW: <a href="#">Diakonie</a> ; SA <a href="#">Diakonie</a> (as of 28 July 2022)	No	BB: <a href="#">2022 activity report (in German)</a> FR: <a href="#">Annual report 2021 (in German)</a> ; 2022 not yet public HH: <a href="#">Annual report (in German)</a> NRW: <a href="#">Annual report 2022 (in German)</a> Sachsen: <a href="#">2022 report</a>	BB: 0 FR: 10 HH: 0 NRW: 0 SA: 0	BB:32 FR: 0 HH: 149 NRW: 0 SA: 3	BB: 18 FR: 6 HH: 3 NRW: 17 SA: 7	BB: 0 FR: 0 HH: 0 NRW: 0 SA: 0	BB: 0 FR: 0 HH: 0 NRW: 0 SA: 0	BB: 0.5 FR: 1 HH: 1 NRW:1 SA: 1	BB: 0.5 FR: 1 HH: 1 NRW: 2 SA: 1	Pre-return (airport only)
	Monitoring forced returns as part of the NPM mandate	<a href="#">Nationale Stelle zur Verhütung von Folter</a>	Yes	<a href="#">Annual Report 2022 (in German)</a>	4	0	0	0	0	3	0	Pre-return

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					air (flights)			land	sea			
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DK	Act on Return ( <a href="#">Hjemrejseloven</a> ), No. 982, 25 May 2021; Art 19	<a href="#">Parliamentary Ombudsman (Folketingets Ombudsmand)</a>	Yes	<a href="#">2022 Annual report (in English)</a>	2	4	1	0	0	2	3	3: all phases rest: pre-departure further: desk review
EE	<a href="#">Obligation to Leave and Prohibition on Entry Act (Väljasõidukohustuse ja sissesõidukeelu seadus)</a> , RTI, 15 March 2014, 98, 21 October 1998, Art. 6 (4)	<a href="#">Estonian Red Cross (Eesti Punane Rist)</a>	No	<a href="#">Annual report (no findings)</a>	0	29	0	2	0	3	5	15: all phases rest: pre-return
EL	<a href="#">Law 3907/2011</a> , Art. 23 (6); <a href="#">Joint Ministerial Decision 4000/4/57-α/2014</a> , Art. 3	<a href="#">Greek Ombudsman (Συνήγορος του Πολίτη)</a>	Yes	<a href="#">Special report for 2022 (in English)</a>	7	0	4	2	0	19	26	All phases
ES	<a href="#">Organic Act 3/1981</a> , of 6 April regarding the Defensor del Pueblo, as amended, and Rules of the Organisation and Functions of the Defensor del Pueblo	<a href="#">Ombudsman (Defensor del Pueblo)</a>	Yes	<a href="#">Annual NPM report (in Spanish)</a>	0	0	0	0	0	0	0	no monitoring in 2022
FI	<a href="#">Aliens Act (ulkomaalaislaki/utlänningslag)</a> , No. 301/2004, Section 152 (b)	<a href="#">Non-Discrimination Ombudsman (Yhdenvertaisuusvaltuutettu)</a>	No	Summary in <a href="#">annual report (in Finnish)</a> ; every 4 years report to the parliament	4	3	0	0	0	4	4	4 all phases 3 pre-departures monitored
FR	<a href="#">Law 2007-1545 of 30 October 2007</a> establishing a General inspector of all places of deprivation of liberty, Art. 1	<a href="#">General Inspector of All Places of Deprivation of Liberty (Contrôleur General des lieux de privation de liberté)</a>	Yes	<a href="#">Annual report (in French)</a>	0	3	0	0	0	3	0	Pre-return phase
HR	<a href="#">Foreigners Act (Zakon o strancima)</a> (OG 133/20), Art. 204; and <a href="#">Ordinance on the Treatment of Third Country Nationals (Pravilniko postupanju prema državljanima trećih zemalja)</a> (OG 68/2018), Arts. 40-45	None	-	-	0	0	0	0	0	0	0	No monitoring in 2022
HU	<a href="#">Act 2007 II on the Entry and Stay of Third-Country Nationals</a> (2007. Évi II. Törvény a harmadik országbeli állampolgárok beutazásáról és tartózkodásáról), Art. 65 (9); <a href="#">20/2014. (XII.23.) Chief Prosecutor's Instruction about the judicial supervisory competence of the penal supervisory and legal protection prosecutor</a> , Arts. 2 (i) and 13	<a href="#">Prosecution Service of Hungary (Magyarország Ügyészsége)</a>	No	No	0	0	0	0	0	2	2	No monitoring in 2022
IE	No monitoring system in law											
IT	<a href="#">Law 10/2014</a> of 21 February 2014, Art. 7	<a href="#">National Guarantor for the Rights of Persons Deprived of Liberty (Garante nazionale dei diritti delle persone private della libertà personale)</a>	Yes	<a href="#">Report to Parliament (in Italian)</a> ; <a href="#">thematic report July 2021 - September 2022 (in Italian)</a>	22	0	7	0	0	22	42	All phases
LT	<a href="#">Law on the Legal Status of Aliens (Istatymas Dėl užsieniečių teisinės padėties)</a> , No. IX-2206, 29 April 2004 and further amendments, Art. 126 (2); Order No 1V-279/A1-196 of the Minister of the Interior and Minister of Social Security and Labour of the Republic of Lithuania 'On approving the Description of the monitoring's execution of removal of foreigners from the Republic of Lithuania' of 10 April 2015	<a href="#">Diversity Development Group</a> from September 2020	No	<a href="#">Deportation of Foreigners report (April 2021 – February 2022) (in Lithuanian)</a>	1	16	0	0	0	2	0	all phases

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LU	<a href="#">Immigration law of 25 June 2013</a> , Arts. 109-116 and <a href="#">Grand-ducal decree of 26 September 2008</a> (coordinated text of 22 August 2011), Art. 6 (2)	<a href="#">Luxembourg Red Cross</a> ( <i>Croix-Rouge luxembourgeoise</i> )	No	No	1	0	0	1	0	2	12	all phases
LV	<a href="#">Immigration Law</a> ( <i>Imigrācijas likums</i> ), Art. 50(7)	<a href="#">Ombudsman's Office</a> ( <i>Tiesībsarga birojs</i> )	Yes	<a href="#">Annual report</a> ( <i>in Latvian</i> )	0	0	0	0	0	4	12	No monitoring in 2022
MT	<a href="#">Board of Visitors for Detained Persons Regulations</a> , Legal Notice 266 of 2007, Subsidiary Legislation 217.08, Art. 3 (g)	Monitoring Board for Detained Persons	Yes	Not available	2	4	0	0	0	4	2	all phases
NL	<a href="#">Aliens Return Monitoring Regulation</a> ( <i>Regeling toezicht terugkeer vreemdelingen</i> ) Law Gazette ( <i>Staatscourant</i> ) of 23 December 2013, No. 35638	<a href="#">Inspectorate of Justice and Security</a> ( <i>Inspectie Justitie en Veiligheid</i> )	Yes	<a href="#">Annual report</a> ( <i>in Dutch</i> )	0	20	0	0	0	6	6	11 operations: all phases; rest: pre-return
PL	<a href="#">Act on foreigners</a> ( <i>Ustawa z dnia 12 grudnia 2013 r. o cudzoziemcach</i> , Dz.U. 2020 poz. 35), 12 December 2013, Art. 333; <a href="#">Ordinance of Ministry of Internal Affairs of 18 April 2014 on the presence of NGO representatives during activities concerning the return of foreigners to the border or to an airport or seaport of the state to which he/she is to be brought</a>	Various NGOs e.g. <a href="#">Helsinki Foundation for Human Rights</a> , <a href="#">Rule of Law Institute Foundation</a> , <a href="#">Halina Nieć Legal Aid Centre</a> , <a href="#">MultiOcalenie Foundation</a>	No	No	0	0	0	0	0	0	0	No monitoring in 2022
PT	<a href="#">Decree-Law no. 22/2021, of March 15th</a> ( <i>Decreto-Lei n.º 22/2021, de 15 março</i> ) <a href="#">Act 23/2007, of July, 4th</a> ( <i>Foreign Nationals Act</i> ) <a href="#">Article 180-A, para. 4, subparagraph. c</a> ) ( <i>Lei n.º 23/2007, de 4 de julho</i> ( <i>Leide Estrangeiros</i> ), <a href="#">Artigo 180.º-A, n.º 4, alínea c</a> ) <a href="#">Ministerial Order n.º. 11102/2014, of August, 25th</a> ( <i>Despacho do Ministério da Administração Interna n.º 11102/2014, de 25 de Agosto</i> ); <a href="#">Ministerial Regulation n.º. 10728/2015 of September, 16th</a> ( <i>Despacho do Ministério da Administração Interna n.º 10728/2015, de 16 de Setembro</i> )	<a href="#">General Inspectorate of Home Affairs</a> ( <i>Inspecção-geral da Administração Interna, IGA</i> )	No	<a href="#">Annual report</a> ( <i>in Portuguese</i> ); each monitoring report is published (see e.g. <a href="#">11 Nov. 2022</a> )	0	32	0	2	0	10	10	4 operations: all phases 30 operations: only the pre-return phase
RO	<a href="#">Government Ordinance No.25/2014</a> ( <i>Ordonanța Guvernului nr. 25/2014 privind încadrarea în muncă și detașarea străinilor pe teritoriul României</i> ), Official Gazette No. 640 of 30 August 2014, Art. 98	<a href="#">Romanian National Council for Refugees</a> ( <i>Consiliul Național Român pentru Refugiați, CNRR</i> ) (NGO)	NO	No	2	37	0	4	0	3	4	26: pre-departure phase; 21: operations: all phases
SE	<a href="#">Regulation (2007: 996)</a> with instructions for the Swedish Migration Board, Section 3 (21)	<a href="#">Swedish Migration Agency</a> ( <i>Migrationsverket</i> )	No	Reports are made public upon request	9	17	5	0	0	5	5	34: all phases 1: Pre departure.
SI	<a href="#">Foreigners Act</a> ( <i>Zakon o tujcih</i> ), 15 June 2011 (Official Gazette No. 50/2011, 27 June 2011), Art. 69 (5)-(7)	<a href="#">Caritas Slovenia</a>	No	On request	1	7	0	1	0	2	2	mainly pre-return; in some cases all phases
SK	<a href="#">Act No. 404/2011 Coll. on residence of aliens</a> ( <i>Zákonč. 404/2011 o pobyte cudzincov a zmene a doplnení niektorých zákonov</i> ), Art. 84 (8)	<a href="#">Slovenská humanitná rada</a> (NGO)	No	Yes	0	11	12	2	0	2	2	information not available

**Notes:**

Ireland is not bound by the Return Directive (2208/115/EC). EUMS = European Union Member State

\* NPM = National Preventive Mechanisms established under the Optional Protocol to the UN Convention Against Torture. They may monitor forced return operations under their mandate flowing from the Convention.

\*\* Includes joint return operations, national return operations and collecting return operations, coordinated/organised by Frontex. Frontex coordinated national return operations may for some EUMS be reported under national charter flights, as the monitoring body may not be aware of whether a specific operation is funded by Frontex or by the national authorities.

\*\*\* BB = Berlin/Brandenburg; FR = Frankfurt; HH = Hamburg; NRW= North Rhine Westphalia; SA = Saxony.