

## Overview

Since 2014, FRA has been publishing an annual update of the forced return monitoring systems EU Member States have set up under Article 8 (6) of the EU's Return Directive (2008/115/EC). This overview describes different indicators for an effective forced return monitoring system. It includes the organisation responsible for monitoring forced return, the number of operations monitored in 2021, the phases of monitored return operations, the number of staff trained and working as monitors, and whether the monitoring body issued public reports about their monitoring. All EU Member States have some form of return monitoring by law. But in practice, gaps persist and independent oversight can remain an issue; for example, if the main monitoring entity is closely connected to the authority responsible for returns. Without sufficient separation between the two, a monitoring system may not be considered entirely effective. In some EU Member States, only very few operations are monitored or the monitoring is limited to the pre-return phase and does not cover in-flight and arrival phases of return. These are equally essential. Developments over the years also show that the implementation of national monitoring systems is not linear. Particularly where it is project-based or based on a temporary agreement between the authority and the monitoring entity, an adequate forced return monitoring system may be in place but gaps re-emerge when the funding ends. Also in 2021, the Covid-19 pandemic continued to considerably affect the number of returns in the EU. Consequently, return monitoring figures remained low in 2021.

The table below compares developments in EU Member States. The overview does not cover the pool of forced return monitors operating under the European Border and Coast Guard Agency, Frontex.

### Forced return monitoring systems – State of play in 27 EU Member States – 2022 update

EUMS	Year	Independent system to monitor forced returns in operation*	Legal source providing for monitoring forced return	Organisation responsible for monitoring forced return	Is the monitoring body at the same time the National Preventive Mechanism? **	Reporting		Number of monitored national operations (excluding intra-EU and Dublin transfers) ***					Number of staff trained as monitors	Number of staff who worked as monitors	Phases of monitored operations (pre-return; in-flight; handover)
						Report on each operation?	Public report(s)	By air		by land	by sea	Number of monitored operations Frontex			
								Charter flights	Commercial flights						
AT	2021	(X)	<a href="#">Aliens Police Act (Fremdenpolizeigesetz, FPG) §46</a> , read together with §10 <a href="#">Alien Police Act – Operative Act (Fremdenpolizeigesetz-Durchführungsverordnung, FPG-DV)</a>	Since 1 January 2021 <a href="#">Federal Agency for Reception and Support Services (Bundesagentur für Betreuungs- und Unterstützungslösungen)</a> – an externalised entity of the Ministry of the Interior (previously responsible – the NGO Human Rights Association)	No	Yes	No public reports	38	0	0	0	38	7	7	All phases

BE	2021	✓	<a href="#">Royal Decree of 19 June 2012</a> ( <i>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</i> ), Art. 5	<a href="#">General Inspectorate of the Federal Police and the Local Police (AIG)</a> ( <i>Inspection générale de la police fédérale et de la police locale/Algemene inspectie van de federale politie en van de lokale politie</i> )	No	Yes	<a href="#">2021 Annual Report</a>	7	125	0	0	1	4	4	124 operations: pre-return phase 9 operations: all phases;
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BG	2021	✓	<a href="#">Aliens Act</a> (Закон за чужденците в Р България), Art. 39a (2)	<a href="#">Ombudsman</a> (Омбудсманът)	Yes	Yes	<a href="#">2021 Annual Report</a>	0	4	0	0	0	2	2	Pre-return phase
CY	2021	✓	<a href="#">Aliens and Immigration Law</a> (Cap 105) (Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος (ΚΕΦ 105)), Art. 18Π (6)	<a href="#">Office of the Commissioner for Administration and the Protection of Human Rights (Ombudsman)</a>	Yes	Yes	2021 Annual Report not yet published	0	137	0	0	0	4	4	Pre-return phase
CZ	2021	✓	<a href="#">Act No. 349/1999 Coll.</a> on the Public Defender of Rights Act, Section 1, Art. 6 and further amendments	<a href="#">Ombudsman, Public Defender of Rights (PDR)</a> (Veřejný ochránce práv, VOP)	Yes	Yes	2021 Annual Report not yet published	0	1	2	0	2	2	3	All phases
DE	2021	(X)	Decree of the Federal Ministry of the Interior, Building and Community, 15 February 2017 ( <i>Bundesministerium des Innern, für Bau und Heimat</i> ), Internal decree, not public	<a href="#">Federal Office for Migration and Refugees</a>	No	Yes	No public reports	20	0	0	0	20	2	4	All phases
			No legal basis at federal level	Fora at various airports:**** BB: <a href="#">Forum Abschiebungsbeobachtung Berlin-Brandenburg</a> ; NRW: <a href="#">Diakonie</a> ; FR: <a href="#">Diakonie</a> and <a href="#">Caritasverband für die Diözese Limburg e.V.</a> ; HH: <a href="#">Diakonie</a>	BB: No	BB: Yes	BB: <a href="#">2020 and 2021 Annual Report (in German)</a>	BB: 0	BB: 50	BB: 0	BB: 0	BB: 26	BB: 2	BB: 2	Pre-return phase
			Monitoring forced returns as part of the NPM mandate	<a href="#">Nationale Stelle zur Verhütung von Folter</a>	Yes	Yes	<a href="#">2021 Annual Report (in German)</a>	4	0	0	0	0	3	0	Pre-return phase
DK	2021	✓	Jan.-May 2021 <a href="#">Aliens Act</a> (Consolidation Act No. 1061 of 18 August 2010, and further amendments), Art. 30a  June 2021-present <a href="#">Hjemrejseloven</a> (Act on Return, Act No. 982 of 25 May 2021, and further amendments), Art 19	<a href="#">Parliamentary Ombudsman</a> (Folketingets Ombudsmand)	Yes	Yes	2021 Annual Report not yet published	4	1	0	0	0	1	3	1 operation: pre-return phase 4 operations: all phases
EE	2021	✓	<a href="#">Obligation to Leave and Prohibition on Entry Act</a> (Väljasõidukohustuse ja sissesõidukeelu seadus), RT I, 15 March 2014, 98, 21 October 1998, Art. 6 (4)	<a href="#">Estonian Red Cross</a> (Eesti Punane Rist)	No	Yes	No public reports	0	53	1	0	0	3	1	54 operations: pre-return phase; 9 operations: in-flight; 6 operations: all phases

EL	2021	✓	<a href="#">Law 3907/2011</a> (transposing Directive 2008/115/EC), Art. 23 (6); <a href="#">Joint Ministerial Decision 4000/4/57-1a'/2014</a> , Art. 3	<a href="#">Greek Ombudsman</a> ( <i>Συνήγορος του Πολίτη</i> )	Yes	Yes	<a href="#">2021 Annual Report: Special report 2021 on return of third country nationals</a>	2	0	1	0	8	19	26	11 operations: all phases
ES	2021	✓	<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</a> ( <i>Defensor del Pueblo</i> )	Yes	Yes	<a href="#">2021 Annual Report</a>	8	0	0	0	8	6	6	2 operations: pre-return phase; 6 operations: pre-return phase and in flight; 8 operations: all phases.
FI	2021	✓	<a href="#">Aliens Act</a> ( <i>ulkomaalaislaki/utlänningslag</i> ), No. 301/2004, Section 152 (b)	<a href="#">Non-Discrimination Ombudsman</a> ( <i>Yhdenvertaisuusvaltuutettu</i> )	No	Yes	No public reports	4	1	1	0	0	3	4	5 operations: all phases; 1 operation: pre-return phase.
FR	2021	✓	<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</a> ( <i>Contrôleur General des lieux de privation de liberté</i> )	Yes	Yes	2021 Annual Report not yet published	0	0	0	0	0	0	0	n/a
HR	2021	✓	<a href="#">Foreigners Act</a> ( <i>Zakon o strancima</i> ) (OG 133/20), Art. 204; and <a href="#">Ordinance on the Treatment of Third-Country Nationals</a> ( <i>Pravilnik o postupanju prema državljanima trećih zemalja</i> ) (OG 68/2018), Arts. 40-45	<a href="#">Croatian Law Centre</a> ( <i>Hrvatski pravni centar</i> )	No	Yes	2021 Annual Report not yet published	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
HU	2021	✓	<a href="#">Act No. II of 2007 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</a> ( <i>Magyarország Ügyészsége</i> )	No	Yes	No public reports	0	0	0	0	0	2	2	All phases
IE***	2021		No monitoring system in law	No monitoring system in law											
IT	2021	✓	<a href="#">Law No. 10/2014</a> of 21 February 2014, Art. 7	<a href="#">National Guarantor for the Rights of Persons Deprived of Liberty</a> ( <i>Garante nazionale dei diritti delle persone private della libertà personale</i> )	Yes	No	<a href="#">Report on the monitoring activity of forced return operations of foreign citizens (January 2019 – June 2021)</a> ; <a href="#">2021 Annual Report to the Italian Parliament (in Italian)</a>	22	0	0	0	5	14	50	All phases



PT	2021	✓	<a href="#">Decree-Law no. 22/2021, of March 15th (PRESIDÊNCIA DO CONSELHO DE MINISTROS Decreto-Lei n.º 22/2021, de 15 março)</a> <a href="#">Act 23/2007, of July, 4<sup>th</sup> (Foreign Nationals Act) Article 180-A, para. 4, subparagraph. c) (Lei n.º 23/2007, de 4 de julho (Lei de Estrangeiros), Artigo 180.º-A, n.º 4, alínea c)</a> <a href="#">Ministerial Order n.º 11102/2014, of August, 25th (Despacho do Ministério da Administração Interna n.º 11102/2014, de 25 de Agosto)</a> <a href="#">Ministerial Regulation n.º 10728/2015 of September, 16th (Despacho do Ministério da Administração Interna n.º 10728/2015, de 16 de Setembro)</a> <sup>1</sup>	<a href="#">General Inspectorate of Home Affairs (Inspeção-geral da Administração Interna, IGA)</a>	No	Yes	<a href="#">Monitoring/Return operations in 2021</a>  2021 Annual Report not yet published	0	9	1	0	0	8	8	32 operations: pre-return phase 10 operations: all phases 4 operations: all phases (related to refusals of entry in the national territory)
RO	2021	✓	<a href="#">Government Ordinance No. 25/2014 (Ordonanța Guvernului nr. 25/2014 privind încadrarea în muncă și detașarea străinilor pe teritoriul României)</a> , Official Gazette No. 640 of 30 August 2014, Art. 98	<a href="#">Romanian National Council for Refugees (Consiliul Național Român pentru Refugiați, CNRR)</a> (NGO)	No	Yes	2021 Annual Report not yet published	3	48	4	0	8	5	5	35 operations: Pre-return phase 20 operations: All phases
SE	2021	(X)	<a href="#">Regulation (2007: 996)</a> with instructions for the Swedish Migration Board, Section 3 (21)	<a href="#">Swedish Migration Agency (Migrationsverket)</a>	No	Yes	No public reports  (Reports are public upon demand according to the <a href="#">Public Access to Information and Secrecy Act</a> )	3	5	0	0	8	4	5	16 operations: Pre-return phase 15 operations: In-flight 14 operations: All phases
SI	2021	✓	<a href="#">Foreigners Act (Zakon o tujcih, ZTuj-2)</a> , 15 June 2011 (Official Gazette No. 50/2011, 27 June 2011), Art. 69 (5)-(7)	<a href="#">Caritas Slovenia</a>	No	Yes	No public reports	2	4	1	0	0	1	2	All phases
SK	2021	✓	<a href="#">Act No. 404/2011 Coll. on residence of aliens (Zákon č. 404/2011 o pobyte cudzincov a zmene a doplnení niektorých zákonov)</a> , Art. 84 (8)	<a href="#">Slovenská humanitná rada (NGO)</a>	No	Yes	2021 Annual Report not yet published	1	0	3	0	1	2	2	All phases

**Notes:**

\* 'Independent system to monitor forced returns in operation' means that a monitoring entity different from the authority responsible for returns has been appointed and has carried out some monitoring activities during the year.

\*\* National Preventive Mechanisms established under the 2002 Optional Protocol to the UN Convention Against Torture may monitor forced return operations under their mandate flowing from the Convention.

\*\*\* In some Member States Frontex finances national return operations. Therefore, the indicated number of monitored Frontex operations may include these national operations.

\*\*\*\* BB = Berlin/Brandenburg

FR = Frankfurt

HH = Hansestadt Hamburg

<sup>1</sup> The [Ministerial Regulation 10728/2015 of September](#), still in force, stipulates the procedures that must be observed in order to allow the monitoring of forced return operations.

\*\*\*\* Ireland is not bound by the Return Directive (2008/115/EC).

n/a = information not available

- ✓ Operational
- (X) Partially operational
- X Not operational

