EU-China Dialogue on Migration and Mobility Support Project
支持中欧人员往来和移民领域对话项目

Summary Report
Seminar on practical cooperation for
Return and Readmission of irregular migrants:
Focus on identification techniques

15-16 June 2017, Hangzhou

From 15 – 16 June 2017, under the framework of the EU funded "*EU-China Dialogue on Migration and Mobility Support Project",* IOM's Office to China organized a seminar on identification techniques related to the return of irregular migrants. The seminar was linked to practical cooperation for Return and Readmission of irregular migrants and 37 Chinese officials from the Bureau of Exit and Entry Administration (BEEA) of the Ministry of Public Security (MPS) attended with 20 provincial public security departments represented.

The seminar was opened with remarks from Deputy Director General LIU Shibin, MPS BEEA; Counsellor Marcin Grabiec from the EU Delegation to China and Mongolia, and Head of IOM Liaison Office to China, Pär Liljert.

DDG LIU highlighted that as migration becomes a more prominent topic for discussion and with China facing various challenges and new opportunities in migration management, the need for international cooperation and integrated research remains key in promoting the orderly flow of people into China. He also underlined that China's recent membership to IOM is a turning point for the country to participate in global migration issues providing a platform to contribute Chinese wisdom and power. He added that MPS and IOM have deepened cooperation having worked on several projects, including workshops within MMSP reaching several officials, and the cooperation on the pilot Assisted Voluntary Return & Reintegration (AVRR)project between IOM and Guangzhou Public Security Bureau (PSB).

Mr Liljert added that China is becoming an increasingly important destination for international migrants and is faced with the challenge of a growing presence of irregular migrants on its territory. He also noted the good cooperation between MPS and IOM on the AVRR programme.

Mr Grabiec pointed out that most recently EU and China launched parallel negotiations towards agreements on combating illegal migration and visa facilitation as part of the broader roadmap signed several years ago. Regarding combating irregular migration, he added that the complexity of the phenomena requires knowledge on procedures and expertise on either side which recent seminars, exchange visits and workshops,

under MMSP, continue to contribute positively on enhancing the understanding of the issues and as exchange platforms.

Experts

To share their practical knowledge on the identification techniques, IOM invited experts from Belgium, Portugal, The Netherlands, Norway and Spain. In addition, Chinese and IOM experts facilitated discussions on practical issues related to returns of irregular migrants.

Outcomes of the sessions:

Identification techniques currently used by national authorities include biometrics, ICT systems and background checks, specialized interviews, language tests and scientific tests. The seminar was split into three sessions and the following are the key highlights and takeaways of each presentation and discussion under the respective Question and Answer segments.

Session 1: Practical cooperation on returns and readmissions

Chinese Policy on Returns and Repatriation of Illegal Migrants
In China, returns and repatriations are guided by the legislative framework of the 2013 Entry and Exit law as well as the deportation law.   The detention of irregular migrants is limited to not more than 30 days with special ceiling of no more than 60 days for serious cases with clear exemptions for certain irregular migrants. On forced deportation, a full and detailed investigation is required before an irregular migrant can be forced to exit the country. China has ratified the Refugee Convention and continues to learn, through seminars and joint field research, best practices from the international community to widen its horizons.

Identification tools & techniques: Belgium & the VCI Project
Belgium uses the Video Conference Identification (VCI) as an additional method to identify irregular migrants. VCI can be undertaken anywhere, which reduces; costs of transportation, the detention period and the risk of exposure to the public for irregular migrant cases with a criminal aspect.   The advantages of the VCI include: no special equipment is required; high security features with encryption; multi-person calls are possible with the advantages of being a mobile option, easy to be accessed from different locations. The challenges include: it cannot be used in all situations (for example: for migrants with medical conditions) or when the migrant refuses to be interviewed by VCI method and the use of VCI depends on the cooperation from other countries and embassies to use the technique.

There is a Memorandum of Understanding (MoU) between Belgian Immigration Office and MPS for identification of irregular migrants. The numbers are relatively small with the last Chinese identification mission to Belgium attending to six irregular migrants in face-to-face interviews[1]. As such, the VCI could be a more efficient option for countries with cooperation with Belgium such as China (an annex to MoU between

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[1] There is a notable decrease in the need for identification of potential irregular Chinese migrants in the last years, as more Chinese citizens volunteer to return. During the discussion, MPS attributed the reduction in irregular migration and the need to identify irregular Chinese migrants to the improved economic situation in China and enhanced cooperation on migration management between Belgium and China with MoU as the basis for effective return and cooperation in terms of the identification teams.

Belgium and China would be sufficient if this technology is used in identification missions). Further, the VCI could also be useful for cooperation with countries with no diplomatic or consular representation and especially for countries with less capacity in their consular departments.

Deputy Director for Chinese Exit and Entry, SUI also added that while appreciating the technology can offer alternative solutions, currently the Chinese authorities still believe that the physical face-to-face interviews are required in the correct identification of possible Chinese irregular migrants.

Interagency cooperation: EU model
The presentation covered: an overview of the EU readmission agreements as a framework for law enforcement, the EU approach to return of irregular migrants from voluntary return, enforcing EU rules, information sharing mechanisms (SIS, entry bans, Smart borders, EURODAC regulation and VIS implementation), integrated system of return management, the role of Frontex (forced individual returns from member states) as part of non-EU national non-voluntary departure. For joint operations, Frontex also assesses the risk related to migratory flows for the Member States (MS) to participate in the agreed operational plans following MS procedures. The presenter highlighted the need for interagency cooperation to monitor the secondary movement after the return decision, pending the voluntary return. Even with new technologies (smart borders) and mandatory registration (started in March), there are some difficulties to monitor their sophisticated movements within the EU.

Session 2- Typology of identification techniques

Identification techniques in The Netherlands
The Dutch Repatriation & Departure Service tools for identification include: information from migrants via interview; biometrics (sources: police, visa services, foreign office, foreign authorities) such as photograph, fingerprints, DNA; language analysis (using specialist linguist) and ICT systems (police, immigration, visa, EU VIS and EURODAC). Other sources include: airport information (facial recognition system installed at Schiphol airport; passenger and travel information/documents); internet analytic search and popular social media hubs; telephone provider (registration information and call records), banks and financial institutions where details of an ID are saved. The Dutch expert noted that diverse information is collected along a migrant's path and convergence of available information across agencies remains key. However, if all methods fail and the migrant does not cooperate, the last option is detention.

Assisted Voluntary Return & Reintegration programme (AVRR)
This pilot project implemented by IOM and funded by MPS, aims to facilitate the return of migrants in a safe, humane and orderly way. Since January 2016, the project has assisted 36 irregular migrants (planned: 30) to return and be reintegrated into their home countries. IOM assisted in providing transport services, escorting them with orientation upon arrival and reintegration while MPS provided the documentation and waived administrative costs (except any fines irregular migrants may have). Further, 43 have returned voluntarily with 36 receiving grant assistance under the project and 7 self-sponsored. Of the grantees, 32 were female and four males with top sending countries being: the Democratic Republic of Congo, The Gambia and The Philippines. These are all overstays from detention centres who opted for voluntary returns with some possessing documentation and other identified with support of embassies. The Chinese official outlined the communication channel involving all agencies (provincial and central level) as well as laying out the operation procedures; the programme was an attractive and gentle approach for migrants with no legal status to return

home voluntarily; reduces the possibility of irregular migration and supports the reintegration process, which remains a positive element for the irregular migrant.

Return Policies: Debriefing vs Identification

The return process involves identification and acquisition of travel documents. Identification involves establishing the nationality and its helps in primary control through facilitating repatriation of migrants. Identification is the responsibility of the state authorities. In the case of the Hotspot approach in EU system, Frontex assists with identification of migrants with support of immigration/consular officers. Debriefing is informal, voluntary, anonymous and has no time constraints. Facts and other considerations/questions are used to obtain information intelligence purposes with the goal of collecting data on migrants' status, among others, to use for profiling of irregular immigrants from target countries. It is used for monitoring migratory flows and is strategic and tactical information. Resources used in interrogation of these two processes are different. Debriefing is about modus operandi/migratory process on flow types, routes, financial info which is used by national authorities for prosecution.

European Readmission Capacity Building Facility (EURCAP) EURCAP – Phase I

This IOM project funded by the European Commission has the main objective to provide practical support and interventions for third countries with an existing or negotiating EU Readmission agreements. While the eligibility criteria is readmission agreement or having ongoing negotiations on an agreement, access to the facility is via DG HOME with priority countries listed as Afghanistan, Bangladesh, Pakistan and other countries (China included recently). Interventions can include support to policy, legislative development or on institutional and/or operational aspects of AVRR. The facility has supported actions such as the return of 152 Afghans and an experts' database and knowledge management system for Afghan authorities; Bangladesh outreach on safe migration; Pakistan readmission case management system and other plans such as support to Sri Lanka, Ethiopia and Senegal.

Session 3- Identification tools at work

Identification techniques in Spain

Spain has bilateral arrangements on returns and as well as joint border management and counter-smuggling operations with other EU MS in third countries, specifically in West Africa. The Spanish expert highlighted Spain's border towns on the north of Morocco and the systems they have in place for border management and facilitating migration. Director MENG pointed out that for China, 40% of border crossings use the land border crossing. China has rolled out APIS and moving onto IAPIS by the end 2017, in an effort to make more efficient use of technology for the more than 80 ports in China. China appreciates to learn more from the European experience in managing mixed migration flows. The Spanish-Morocco border example was of interest for similar arrangements between China, specifically in border regions such as Yunnan Province, and neighboring countries. China also values enhancing collaboration with the EU to sustain the healthy regular movements of the increasing numbers of visitors on both sides and curb the irregular migration., considering that in 2014, 2.78 million Europeans travelled to China and 2.99 million Chinese travelled to Europe.

Profile indicators: First and second line border checks

Profile indicators are collected at the port of entry and are used to make analysis on profiling. The role of the second line border officials begins at disembarkation and is continued at the second line check through

examination of travel documents, personal items/luggage, knowledge, behavior (EU handbook on indicators, available online). The use of specific databases and data-mining systems (PNR, API) remains key.

Applying technology in identification techniques

An overview of the Norwegian National ID centre and its key tasks in coordinating and supporting the police, immigration, customs and other authorities in identification, was provided. An outline of the types and challenges associated with confirming an identity of foreign issued identity documents. Specifically the challenge lies with the authenticity of breeder documents in the establishment and confirmation of an identity. Thus, the investigation of breeder documents is critical. Methods such as the DISCS are useful: it is an international database for breeder documents from 183 countries and used in 30 countries around the world integrated with other systems, 11 organisations are partners in using this system. Building on, NID is working on an ID database to be accessed by Norwegian officials and other countries for caseworkers to have quick, relevant and updated information to assist with verification of identification. A good ID control is about the full picture of the migrant and not just the document.

Challenges and gaps in the framework of return policies

Challenges in return policies include: due procedures for detention (criminal cases, period, facilities, etc.), handling medical cases and challenging circumstances in identification and ensuring effective return of irregular migrants returned to their country of origin. Agreements provide a good framework for goodwill and lastly collaboration on the issue of return. The Chinese shared that for Guangzhou, in 2016, MPS started working on mature proposals to provide separate detention facilities for foreigners and pursue improved management of detention. Belgium welcomed Chinese counterparts to visit any of the facilities in Belgium, including the family units used for retention facilities.

Border Management & Risk Analysis (Risks, Threats and Vulnerabilities)

Intelligence and risk analysis are important in border management. Key elements such as real-time info exchange, regular intelligence sharing and close cooperation among authorities remain essential. There are research units and training for risk analysts in some EU countries. Third country monitoring is an essential role for the strategic team that informs senior management to understand eminent threats and the possible solutions also in terms of capacity required.

Closing remarks

Director MENG stated that the seminar was useful and practical in the management of irregular migrants and has shown that China and the EU have more common ground than differences in migration management. China and the EU should continue the dual task of strengthening efforts in facilitating the legal and orderly flow of people while curbing irregular migrants. The seminar showcased the emerging use of technology to efficiently manage irregular migration but also acknowledging the need to creatively blend new techniques with conventional means to impact positively on our migration management. The need to be more tactical and strategic by extending intra-institutional collaboration (police, immigration and customs) as well as regional and international cooperation to ensure the full spectrum of authorities and stakeholders are engaged make the most of efforts to curb illegal migration.

Annex 1: List of Participants
Annex 2: Summary of Evaluations