



International Organization for Migration (IOM)



International Labour Organization

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

## Workshop on Practical Cooperation on Return and Reintegration of Irregular Migrants

3-4 November 2015, the Westin Beijing Hotel, Beijing

### Summary Report



The workshop ‘*Practical Cooperation on Return and Reintegration of Irregular Migrants*’ was organized by IOM on 3<sup>rd</sup> and 4<sup>th</sup> November 2015. First in its kind on the subject of return and readmission, the workshop gathered key interlocutors from the Chinese Ministry of Public Security (MPS), Ministry of Foreign Affairs (MFA), the EU Directorate General for Migration and Home Affairs (DG Home), EU Embassies, EU Member States and the EU Delegation to China.

Held in the framework of the ‘EU-China Dialogue on Migration and Mobility Support Project’, funded by the Partnership Instrument (PI) of European Union (EU), the workshop aimed at initiating a face-to-face interaction between EU and China on the issue of the return of Chinese irregular migrants by working towards a practical arrangement with China, for instance in the form of a readmission agreement.



Funded by the Partnership Instrument (PI) of the European Union (EU)



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Attended by 55 participants, the workshop received very good participation by MPS Exit and Entry administration Bureau from Beijing and 14 provinces<sup>1</sup> as well as representatives from the EU Member States<sup>2</sup>, European Embassies<sup>3</sup> in Beijing and the EU Delegation to China.

The format of the gathering being a workshop matched the requirements of this first encounter, namely facilitating exchange of know-how and allowed for a preliminary information sharing. Expert presentations delivered by the MPS, the DG HOME, the EU Member States (France and the Netherlands), Chinese academic and IOM provided an overall overview of how readmission works in practice, within which policy provisions and what are the benefits as well as challenges of readmission agreements within the context of both countries of origin as well as destination. Alongside expert presentations, the two-day workshop also included several group discussions, which played a key role in establishing contacts among EU and Chinese interlocutors. The overall atmosphere of the workshop was very open and participatory, participants were open to engage in discussion to share their experience and hear from other interlocutors on the opportunities and challenges that they commonly share.

### Opening Remarks

The workshop was launched by opening remarks delivered by the Ministry of Public Security, the EU Delegation to China and IOM.

Ms. Min Haiyun, Deputy Director General, Exit and Entry Administration of the Chinese Citizens, Ministry of Public Security paid tribute to IOM's regular technical support provided to MPS in various aspects of migration management and defined the partnership with IOM, as constructive and mutually beneficial. The Deputy Director stressed the importance of cooperation with EU on migration issues under the current and previous projects. She hoped that the participants will learn from each other and interact actively.

Mr. Asad Beg, Minister Counsellor, Head of the Political, Press and Information section of the EU Delegation to China, named the EU-China 40th Anniversary, President Xi Jinping and Premier Li Keqiang's visit to the European Union as well as Chancellor Angela Merkel's recent visit to Beijing as few examples to characterize the 'rich' and 'frequent' relationship between EU and China. He hoped that the workshop would serve as another input contributing to the growing partnership, prosperity and people-to-people exchange between EU and China.

Mr. Pär Liljert, IOM China Head of Mission, described the workshop as the fruit of a long-standing partnership between EU and China, which has matured enough to allow for an open exchange on a common area of concern, namely how to enhance practical cooperation for better management of return migration. He highlighted IOM's key role in establishing partnership between EU and China in the past.

<sup>1</sup> Hebei, Shanxi, Liaoning, Jilin, Jiangsu, Zhejiang, Anhui, Fujian, Jiangxi, Shandong, Henan, Hubei, Hunan, and Guangdong.

<sup>2</sup> France and the Netherlands.

<sup>3</sup> France, Germany, Hungary, Malta, the Netherlands, Spain and Norway.





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Presentations/Group Discussions – Day 1

- 1) **Management of irregular migrants in China** - by Mr. Li Tao, Deputy Director, Foreigners' Services Management Guidance Division, Bureau of Exit and Entry Administration (BEEA)

An overview of Chinese policy measures and practical mechanisms to manage foreigners in China, the sources of law, the definition of 3 illegals within the Chinese law, the roles and responsibilities of various actors, such as police station, service station for foreigners, an outline of categories of administrative penalties, situations of release from detention, protection measures for vulnerable groups as well as consular protection measures etc.

*Key observations:* ⇒ The objective of the new law, Mr. Li pointed, was to, among other, improve penalty measures to replace detention. 'Restriction of Movement is one such measure to be applied instead of detention. ⇒ Other measure set out for this purpose is on-the-spot interrogation as a pre-investigation part, which would facilitate on the spot identification/screening to avoid unnecessary detention.

- 2) **External aspects of the EU migration policy including on return** - by Mr. Pawel Busiakiewicz, Deputy Head of International Coordination Unit of the EU DG Home

The EU migration policy, current state of play as regards European refugee Crisis, outline of the European Migration Agenda (May 2015), key features of the EU Global Approach to Migration and Mobility (GAMM), the EU Return policy, 22 adopted negotiating directives, 17 in force readmission agreements.

*Key observations:* ⇒ Readmission agreements, cooperation with third countries and support for return-related actions (e.g. AVRR) are some of the main tools of the EU Return Policy (Return directive (2008/115/EC)). ⇒ The EU is seeking to secure the third countries stable cooperation on return and readmission and to firmly anchor return/readmission and overall migration issues in the general EU foreign policy.

- 3) **An overview of cooperation on Return, Readmission and Reintegration – Operational Procedures on Return and Readmission of Irregular Migrants** – by Ms. Janneke Reinder Folmer, Head of Division “Asia, Middle East and North Africa”, International Affairs Directorate, Repatriation and Departure Service, Ministry of Security and Justice, the Netherlands

Irregular migration within the Dutch context, repatriation and return in practice, challenges and lessons learned, the Repatriation and Departure Service of the Ministry of Security and Justice, established in 2007, coordinates and enforces return procedures, case management and voluntary return programs, 2 kinds of working agreements; readmission agreements/MOUs (high level) and operational agreements (local level).

*Key observations:* ⇒ Lessons learned: the effectiveness of working agreements at the right level and the quality of ID information. ⇒ Challenges: Cooperation with individual concerned, the lengthy procedure of ID-process, social aspect and consular assistance ⇒ Individual migrants, diplomatic representations and the authorities of the country of origin are the key players and their involvement and engagement matters in the return and reintegration process.





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4) **Readmission- Main characteristics, procedures and areas for Cooperation** – by Ms. Marina SCHRAMM, IOM expert

General considerations on return and readmission, readmission procedures, key factors promoting the success of a comprehensive return policy, IOM’s experience on readmission (IOM countries of activity with EU support, needs assessments, research, analysis, legal administrative support, case management and reintegration).

*Key observations:* ⇒ Both voluntary and forced return are necessary and legitimate elements of migration management Recognizing that they are closely linked, ⇒ IOM advocates for voluntary return as the first option ⇒ IOM provides technical support to governments for improved management of migration, including managing return and readmission, based on international standards and good practices ⇒ IOM facilitates dialogue on migration among home, transit and host countries.

5) **Group Discussion – How to manage large flows of Migrants and Refugees?** chaired by Mr. Pär Liljert, IOM China Head of Mission

*Key observations:* ⇒ Legal aspect and foreign policy play an important role ⇒ Registration administration at the border, creation of buffer zones for protection ⇒ European context: to work with neighboring countries, common legal framework but different interpretations at national level. ⇒ Chinese context: consistent national policy and legal framework, cooperation with foreign countries.

Presentations/Group Discussions – Day 2

6) **Case study: Example of an EU Readmission Agreement with a third country (Albania) – How does it work in practice?** by Mr. Mathieu Amouroux, Head of Section “Readmission Agreements and International affairs”, Directorate General for Foreigners in France, Ministry of Interior, France

General characteristics of migratory flows in France, migratory pressure, France’s willingness to establish good cooperation with third countries, main features of the cooperation with Albania

*Key observations:* ⇒ France is a country of destination and a country of transit for UK ⇒ France has adopted 40 bilateral agreements and implements EU enforced protocol (4 EU readmission agreements with Albania, Bosnia, Serbia and Russia) ⇒ has also established other arrangements (MOUs) with certain countries, ⇒ 6 package agreements (cooperation on regular migration, development etc.)

7) **Group Discussion – the key aspects (identification, return process etc.) and the implementation of return/readmission agreements?** chaired by Mr. Pär Liljert, IOM China Head of Mission

*Key observations:* ⇒ identification of irregular migrants was agreed by both China and EU to be one of the main challenges in dealing with returns ⇒ China is experiencing challenges with identification of irregular migrants from neighboring countries, Asia and Africa ⇒ Chinese provinces are very involved in the identification process of irregular migrants ⇒ finger printing would be a very useful tool but both EU and China has limitations in the current data base ⇒ China’s new ID card is biometric but not in full use until 2025 ⇒ methods should be further explored how best to cooperate on identification of irregular migrants ⇒ identification of migrants should be a priority in future discussions on return and readmission ⇒ China is evaluating the AVRR model and might institutionalize it for the return of irregular migrants in the near future





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8) **The Prospects of Chinese Illegal (Irregular) Migrants' Return (Repatriation) and its Legislative Polices**  
by Professor Liu Guofu, Professor at the Law School of Beijing Institute of Technology

Factors affecting Chinese irregular migrants' return (repatriation), the situation of Chinese illegal migrants' return (repatriation), the development trend of Chinese migrants' return (repatriation), and prospects of law on Chinese migrants' return.

*Key observations:* ⇒ The number of mainland Chinese illegally crossing national borders has notably decreased ⇒ Smuggling by a roundabout route has replaced irregular border crossing and is becoming the main approach of irregular migration. ⇒ The international pressure on issues of return (repatriation) has begun to emerge. ⇒ the legislation on the crime of illegal national border crossing needs to be improved ⇒ Voluntary return (repatriation) after any conducts in breach of border management such as illegal national border crossing shall be considered as voluntary surrender ⇒ Conduct innovative awareness campaign on prevention of irregular migration and the return of irregular migrants ⇒ Focus on the groups of people with higher likelihood of irregular migration ⇒ Raise awareness on voluntary return targeting irregular migrants overseas.

9) **Reflections on the MPS/IOM joint assessment to Guangzhou on management of foreigners/IOM Pilot Project on Assisted Voluntary Return and Reintegration (AVRR) – Current status** - by Mr. Pär Liljert, IOM China Head of Mission

Background and objectives of IOM-MPS joint assessment to study the management of foreigners in Guangzhou, Guangdong province, policy measures taken by China at national level, opportunities and challenges, reflections on potential alternative (AVRR pilot project targeting a specific country of origin), general trends in IOM's AVRR programs across the world.

*Key observations:* ⇒ AVRR is a key part of a comprehensive approach to migration management aiming at orderly and humane return and reintegration ⇒ Promotes international dialogue and cooperation on migration management issues among host countries and countries of origin ⇒ Requires cooperation and participation of actors (migrants, civil society and the governments in both host countries and countries of origin) ⇒ A proposal has been submitted by IOM to MPS for a pilot AVRR project, MPS central and provincial level supportive, prospects of signing final agreement

10) **Group Discussion – Potential Cooperation between EU and China in the field of Return and Readmission – the way forward?** Chaired by Mr. Pär Liljert, IOM China Head of Mission

*Key observations:* ⇒ EU and China share many similarities in their approach to manage irregular migration ⇒ Sharing experience at policy and technical expertise-level will strengthen partnership and bilateral cooperation ⇒ the main challenge is the identification of irregular migrants and more cooperation is needed in this area ⇒ recent meetings under the framework of Mobility and Migration Dialogue (MMD) have been useful and constructive ⇒ the overall negotiation roadmap, which addresses reciprocal visa waiver for diplomatic passport holders and visa application centers (VAC) ⇒ continued trust-building, understanding of each other's systems and sharing of information is crucial in supporting the MMD ⇒ further understanding of legislation, information sharing and identification is needed





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## Final Findings/Recommendations

- More frequent exchange opportunities
- Strengthened cooperation in readmission agreement will strengthen AVRR, police cooperation etc.
- Study visits to an readmission agreement -implementing country
- Establishment of the network of Immigration Liaison Officers
- Study on the impact of the readmission agreements, numbers and reintegration
- Multi-level dialogue, political as well as working level, central and provincial level
- MPS to develop strategic plan for provinces with high concentration of migrants
- Strengthen the role of IOM as a bridge
- Identification is the pre-condition of return and readmission
- More comprehensive high technology support for identification of irregular migrants
- MPS has established cooperation with the EU through diplomatic channels
- Irregular migration to EU is decreasing as the economic gap is lessening and regular migration is becoming easier and more accessible
- Strengthening education and awareness raising on the risks of irregular migration

### Challenges

- Frequent human mobility may increase irregular migration
- Developing required technology to address irregular migration is positive but applying it in practice can be challenging
- Economic gaps between EU and China is the cause of Chinese irregular migration to Europe. Most of these migrants do not wish to return to China
- Face to face identification is costly but the outcome is better

Participants found the content of the presentations to be useful and relevant to their work. They agreed that the workshop provided a platform for exchange but further follow-up and continuance. Future workshops should include more information on the structure and funding mechanism of the Chinese authorities dealing with migration issues, discuss concrete law provisions and technicalities for return and identification of irregular migrants.

### Annexes:

Annex 1: Agenda

Annex 2: List of participants

Annex 3: Evaluation Summary



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