



Press Release

Luxembourg, 13 September 2021

Inefficiencies in cooperation with non-EU countries in returning irregular migrants

The EU's cooperation with non-EU countries has not been efficient in ensuring that migrants illegally present on EU territory return to their own countries, according to a special report published by the European Court of Auditors (ECA). During the 2015-2020 period, the EU only achieved limited progress in concluding readmission agreements with non-EU countries. In addition, EU actions have not been streamlined enough to ensure that non-EU countries comply with their readmission obligations in practice.

Each year since 2008, about half a million non-EU citizens have been ordered to leave the EU because they had entered it, or were staying, without authorisation. However, less than 1 in 5 actually do return to their own countries outside Europe. One of the reasons for the low number of returning irregular migrants is the difficulty of cooperating with migrants' countries of origin. The EU has therefore already concluded 18 legally binding readmission agreements, and formally opened discussions with six further countries. Recently, it has also negotiated six non-legally binding arrangements for returns and readmissions.

"We expect our audit to feed into the debate on the EU's New Pact on Migration and Asylum, because an effective and well-managed readmission policy is an essential part of a comprehensive migration policy", said Leo Brincat, the member of the European Court of Auditors responsible for the report. "Nevertheless, the current EU returns system suffers greatly from inefficiencies that lead to the opposite of the intended effect: encouraging, rather than discouraging, illegal migration."

While the EU did formally engage in dialogue and launch negotiations with the countries with most non-returned irregular migrants, the auditors note that results for the 2015-2020 period were rather limited.

Negotiations of EU readmission agreements (EURAs) are often jeopardised by persistent sticking points, such as the mandatory inclusion of the "third-country national" clause which is often opposed by non-EU countries. In contrast, negotiations of non-legally-binding readmission arrangements have been more successful, mainly because their contents are flexible and customisable.

Another weakness highlighted by the report is the lack of synergies within the EU itself. The EU has not always "spoken with one voice" to non-EU countries, and the European Commission has not

The purpose of this press release is to convey the main messages of the European Court of Auditors' special report. The full report is available at eca.europa.eu.

ECA Press

12, rue Alcide De Gasperi – L-1615 Luxembourg

E: press@eca.europa.eu @EUAuditors eca.europa.eu

always associated key Member States in facilitating the negotiations process. As a result, some non-EU countries do not see added value in pursuing a EURA in preference to bilateral cooperation, in particular if they benefit from generous bilateral deals with some EU countries. Nevertheless, when Member States have developed closely aligned positions this proved beneficial in unblocking negotiations and concluding readmission arrangements.

In addition, the auditors see insufficient progress towards incentivising non-EU countries to implement their readmission obligations. The Commission has made effective use of financial assistance for projects supporting development, reintegration and capacity-building. But it has struggled to use other policies providing effective support for negotiations, even where it had extensive political and economic relationships. Among the many tools the EU has at its disposal, the auditors identified tangible results only for one: the EU visa policy, whose revised provisions can be helpful in encouraging non-EU countries to cooperate on readmissions.

At the same time, the EU has been striving to help the Member States to improve practical cooperation on returns and readmissions, in particular by supporting networks which successfully pooled national resources and by increasing Frontex support for pre-return activities and return operations. These actions were broadly relevant. However, their real impact remains unknown, as there are a great many weaknesses affecting EU data on returns and readmission cooperation. The data is incomplete, and not fully comparable across Member States.

Background information

The audit focused on the period from 2015, when the Commission launched the Action Plan on Return, to mid-2020. EURAs are concluded between the EU and non-EU countries. They take precedence over bilateral readmission agreements concluded by individual EU Member States. Since 2016, the Commission has also been trying to develop practical cooperation arrangements with non-EU countries (i.e. legally non-binding arrangements for returns and readmissions).

Special report 17/2021: “EU readmission cooperation with third countries: relevant actions yielded limited results” is available on the ECA website (eca.europa.eu) in 23 EU languages.

Recently, the ECA issued reports on [Frontex’s performance](#) and on [EU’s migration management](#). Later this month, it will also publish a report on Europol action to fight migrant smuggling.

The ECA presents its special reports to the European Parliament and the Council of the EU, as well as to other interested parties such as national parliaments, industry stakeholders and representatives of civil society. The vast majority of the recommendations made in the reports are put into practice.

Press contact

ECA press office: press@eca.europa.eu

- Vincent Bourgeais: vincent.bourgeais@eca.europa.eu - M: (+352) 691 551 502
- Claudia Spiti : claudia.spiti@eca.europa.eu - M: (+352) 691 553 547