

Effective forced return monitoring systems, 28 EU Member States – 31st December 2015

EU Member State	Legal source providing for monitoring forced return	Organisation responsible for monitoring forced return	Operational?*	Monitors on board of flights?			lights with monitors on board	No. of staff who worked as monitors	Public report issued in 2015
				No. of monitoring operations ***	2014	2015			
AT	Alien Police Act (Fremdenpolizeigesetz, FPG) §46 read together with §10 Alien Police Act – Operative Act (Fremdenpolizeigesetz-Durchführungsverordnung, FPG-DV)	Human Rights Association Austria (<i>Verein Menschenrechte Österreich</i>) and Austrian Ombudsman Board (<i>Volksanwaltschaft</i>)	✓	34	✓	✓	23	7	(✓)
BE	Royal Decree of 19 June 2012 (Arrêté royal modifiant l'arrêté royal du 8 octobre 1981 et l'arrêté royal du 20 juillet 2001), Art. 5, Koninklijk besluit tot wijziging van het koninklijk besluit van 8 oktober 1981 en het koninklijk besluit van 20 juli 2001), Art. 5	General Inspectorate of the General Federal Police and the Local Police (AIG) (<i>Inspection générale de la police fédérale et de la police locale, Algemene inspectie van de federale politie en van de lokale politie</i>)	✓	–	✓	×	–	6	×
BG	Aliens Act (Закон за чужденците в Р България), Art. 39a (2)	Ombudsman (Обществен обвинител) , Centre for the Study of Democracy NGO (national and international NGOs)	✓	3	–	✓	3	5	×
CY	Aliens and Immigration Law (Cap 105) (Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος (ΚΕΦ 105)), Art. 18Π (6)	Office of the Commissioner for Administration (Ombudsman)	×	–	–	–	–	–	–
CZ	Act No. 349/1999 Coll. on the Public Defender of Rights Act, Section 1 (6), as amended	Public Defender of Rights (PDR) (<i>Veřejný ochránce práv, VOP</i>)	✓	1	×	✓	1	2	✓
DE	No legal basis	Fora at various airports (Frankfurt , Düsseldorf , Berlin)	(×)	224	×	✓	1	3	(✓)
DK	Aliens Act (Consolidation Act No. 1061 of 18 August 2010, and further amendments), Art. 30a	Parliamentary Ombudsman (<i>Folketingets Ombudsmand</i>)	✓	10	✓	✓	6	5	✓
EE	Obligation to Leave and Prohibition on Entry Act (Väljasõidukohustuse ja sissesõidukeelu seadus), RT I, 15 March 2014, 98, 21 October 1998, Art. 6.4	Estonian Red Cross (<i>Eesti Punane Rist</i>)	✓	42	✓	✓	5	4	×
EL	Law 3907/2011 (transposing Directive 2008/115/EC), Art. 23 (6)	Greek Ombudsman (<i>Συνήγορος του Πολίτη</i>)	✓	4	–	✓	1	5	×
ES	Organic Act 3/1981 , of 6 April regarding the Defensor del Pueblo, as amended, and Rules of the Organisation and Functions of the Defensor del Pueblo	Ombudsman (<i>Defensor del Pueblo</i>)	✓	4	✓	✓	2	5	✓
FI	Aliens Act (ulkomaalaislaki/utlänningslag), No. 301/2004, Section 152 (b)	Non-Discrimination Ombudsman (<i>Yhdenvertaisuusvaltuutettu</i>)	✓	4	✓	✓	12	3	×
FR	Law 2007-1545 of 30 October 2007 establishing a General inspector of all places of deprivation of liberty, Art. 1	General Inspector of All Places of Deprivation of Liberty (<i>Contrôleur général des lieux de privation de liberté</i>)	✓	4	✓	✓	4	8	×
HR	Foreigners Act (Zakon o strancima) (OG 74/13), Art. 116 (6) and Ordinance on the Treatment of Foreigners (Pravilnik o postupanju prema strancima) (OG 126/14), Art. 37	Croatian Ombudsman Croatian Law Centre (<i>Hrvatski pravni centar</i>)	✓	6	–	×	0	3	×
HU	Act 2007 II on the Entry and Stay of Third-Country Nationals (2007. Évi II. Törvény a harmadik országbeli állampolgárok beutazásáról és tartózkodásáról), Art. 65 (9)	Hungarian Prosecution Service (<i>Magyarország ügyészsége</i>)	✓	14	✓	✓	14	5	×
IE**	No monitoring system in law	No monitoring system in law	–	–	–	–	–	–	×

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				2015	2014	2015	2014			
IT	Law 10/2014 of 21 February 2014, Art. 7	National Authority for the Rights of Persons Deprived of Liberty (<i>Garante nazionale dei diritti delle persone detenute o private della liberta' personale</i>)	x	-	-	-	-	-	-	x
LT	Law on the Legal Status of Aliens (Istatymas Dėl užsieniečių teisinės padėties), No. IX-2206, 29 April 2004 (and further amendments), Art. 126 (2)	Lithuanian Red Cross Society (<i>Lietuvos Raudonojo Kryžiaus draugija</i>)	x	-	✓	x	-	-	-	x
LU	Immigration law of 25 June 2013 , Art. 109-116 and Grand-ducal decree of 26 September 2008 (coordinated text of 22 August 2011), Art. 6 (2)	Luxembourg Red Cross (<i>Croix-Rouge luxembourgeoise</i>)	✓	9	✓	x	9	6	x	x
LV	Immigration Law (Imigrācijas likums), Section 50.7	Ombudsman's Office (<i>Tiesībsarga birojs</i>)	✓	3	✓	x	0	11	✓	✓
MT	Board of Visitors for Detained Persons Regulations , Legal Notice 266 of 2007, Subsidiary Legislation 217.08, Art. 3(g)	Board of Visitors for Detained Persons (DVB)	✓	5	x	✓	4	3	x	x
NL	Alien Return Monitoring Regulation (Regeling toezicht terugkeer vreemdelingen) Law Gazette (Staatscourant) of 23 December 2013, No. 35638	Security and Justice Inspectorate (<i>Inspectie Veiligheid en Justitie</i>)	✓	76	✓	✓	34	8	✓	✓
PL	Act on foreigners (Ustawa z dnia 12 grudnia 2013 r. o cudzoziemcach, Dz.U. 2013 poz. 1650), 12 December 2013, Art. 333	Various NGOs, e.g. the Helsinki Foundation for Human Rights , Rule of Law Institute Foundation , Halina Nieć Legal Aid Centre , MultiOcalenie Foundation	✓	12	✓	✓	12	18	✓	✓
PT	Decision of the Ministry of Internal Administration No. 11102/2014 (Despacho do Ministério da Administração Interna n.º 11102/2014), Government Gazette, 2nd Series, No. 168 (Diário da República, 2.ª série, N.º 168), 2 September 2014	General Inspectorate of Internal Affairs (<i>Inspecção-geral da Administração Interna, IGA</i>)	✓	4	-	x	-	2	x	x
RO	Government Ordinance No. 25/2014 (Ordonanța Guvernului nr. 25/2014 privind încadrarea în muncă și detașarea străinilor pe teritoriul României), Official Gazette No. 640 of 30 August 2014, Art. 98	Romanian National Council for Refugees (<i>Consiliul Național Român pentru Refugiați, CNRR</i>) (NGO)	✓	32	x	x	11	3	x	x
SE	Aliens Act (2005:716) (Utlänningslag (2005:716))	Swedish Migration Board (<i>Migrationsverket</i>)	-	-	-	-	-	-	-	-
SI	Aliens Act (Zakon o tujcih, ZTuj-2), 15 June 2011 (Official Gazette No. 50/2011, 27 June 2011), Art. 69, para. 5–7	Karitas Slovenia	✓	0	-	x	0	0	x	x
SK	Act No. 404/2011 Coll. on residence of aliens (Zákon č. 404/2011 o pobyte cudzincov a zmene a doplnení niektorých zákonov), Art. 84 (8)	Ministry of Interior	-	-	-	-	-	-	-	-
UK**	Minister of State, Ministry of Justice, Written ministerial statement – 31 March 2009 , HC Col 56WS, 31 March 2009	Her Majesty's Inspector of Prisons (HMIP), Independent Monitoring Boards (IMBs)	✓	10	✓	✓	10	11	✓	✓

Notes: * Operational means that a monitoring entity has been appointed and has carried out some monitoring activities up to 31st December 2015. In Slovenia the system became operational in October and no return operations were carried out within 2015.

** Ireland and the United Kingdom are not bound by the Return Directive.

*** Excluding Dublin Transfers

(x) (✓) In Austria, only the Austrian Ombudsman Board issues a public report. In Germany, the return monitoring system covers only parts of the country; a public report is available only for Frankfurt airport.

■ In Slovakia and Sweden, monitoring is implemented by an agency belonging to the branch of government responsible for return. Thus it is not sufficiently independent to qualify as 'effective' under Article 8 (6) of the Return Directive. Therefore, the other fields have not been completed.

Source: FRA. Information last updated 11 April 2016

✓	Yes
x	No
-	Information not applicable