

MANAGEMENT BOARD DECISION 41/2016

of 06 December 2016

adopting the profiles and the overall number of experts to be made available to the pools of forced-return monitors, forced-return escorts and return specialists

THE MANAGEMENT BOARD

Having regard to the European Border and Coast Guard Regulation¹, in particular Articles 29, 30 and 31 thereof,

Whereas:

- (1) Frontex shall set up pools of forced-return monitors, forced-return escorts and return specialists and shall ensure that the relevant staff has received proper training pursuant to Article 36(4) of the European Border and Coast Guard Regulation.
- (2) The Management Board, on a proposal of the Executive Director, must determine the profile and the number of forced-return monitors to be made available to the pool of forced-return monitors, from competent bodies who carry out forced-return monitoring activities in accordance with Article 8(6) of Directive 2008/115/EC.
- (3) The Management Board, on a proposal of the Executive Director, must determine the profile and the number of forced-return escorts to be made available to the pool of forced-return escorts, from national competent bodies who carry out return operations in accordance with the requirements referred to in Article 8(4) and (5) of Directive 2008/115/EC.
- (4) The Management Board, on a proposal of the Executive Director, must determine the profile and the number of return specialists to be made available to the pool of return specialists, from national competent bodies and from the staff of the Agency, who have the skills and expertise required to carry out return-related activities.

Member States are responsible for contributing to the relevant pool by nominating forced-return escorts and return specialists corresponding to the defined profile.

- (5) Member States should take appropriate measures to ensure that forced-return monitors are made available to the relevant pool
- (6) The Fundamental Rights Officer was consulted on the adoption of the pool of forced-return monitors.

¹ Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

HAS DECIDED AS FOLLOWS:

Article 1

Profiles

The profiles of forced-return monitors, forced-return escorts and return specialists corresponding to the knowledge, skills and competences that are required to perform certain tasks in the framework of Frontex operational activities as presented in Annex I, are hereby adopted.

Article 2

Overall numbers

The required number of members of the pools of forced-return monitors, forced-return escorts and return specialists is as follows:

- 50 forced-return monitors in the forced-return monitors pool;
- 600 forced-return escorts in the forced-return escorts pool;
- 40 return specialists in the return specialists pool.

Article 3

Deployment of forced-return monitors

1. The modalities of the deployment of the forced-return monitors are agreed upon between Frontex and the competent bodies in the Member States.
2. The Executive Director regularly reports to the Management Board on the practical implementation of paragraph 1 of this article.

Article 4

Entry into Force

This decision enters into force on 7 January 2017. Preparatory measures may be taken before the entering into force.

Done by written procedure, 06 December 2016

For the Management Board



Marko Gašperlin
Chairperson

Annex I

Return Pools Profiles

**Forced-return monitors,
Forced-return escorts and
Return specialists**

Forced Return Monitors

1. Definition

A Forced Return Monitor is a member of a competent body in a Member State that carries out independent monitoring of return operations¹ in accordance with relevant EU and national law.

A person employed by, or in the service of, an authority involved in the execution of forced returns of any kind may not be a Forced Return Monitor.

2. Tasks and functions

- To monitor fundamental rights compliance in return operations, in accordance with EU law where relevant from the pre-departure phase² until the hand-over of the returnee to the authorities of the third country of return, or the hand-over to the authorities of the sending country in case the individual's return is suspended or cancelled;
- To submit copies of monitoring reports to the Executive Director of Frontex, to the Frontex Fundamental Rights Officer and to the competent national authorities of all the Member States involved in a return operation.

3. Required job competences

A Forced Return Monitor has a knowledge and understanding of:

- Fundamental rights obligations, in particular human rights protection in the context of return operations such as the human dignity, principle of non-refoulement, the necessity and proportionality principles in the context of use of force and measures of restraint;
- The principle of non-discrimination and the right to complain to the competent authorities;
- A broad range of procedures and legislation related to return operations;
- International and European standards on child protection³ and other vulnerable persons, and gender issues, including those reflected in the Frontex Guide for Joint Return Operations by Air (JROs) and/or further guidelines on this matter;
- The EU legal framework on protection of personal data.

A Forced Return Monitor is able to:

- Monitor the fundamental rights compliance of return operations;
- Produce a comprehensive, motivated, balanced and fair monitoring report in accordance with agreed standards, including recommendations on how to improve fundamental rights compliance in return operations.

A Forced Return Monitor also:

- Exercises the appropriate level of autonomy and discernment in the process of monitoring return operations.

4. Eligibility criteria

To be eligible to become a Forced Return Monitor in the Forced Return Monitors Pool, a candidate shall:

- Be a member of a competent body in a Member State that carries out or may carry out independent forced return monitoring in accordance with relevant EU and national law;
- Possess knowledge, skills and competences as described in the "Required job competences" section;
- Have received advanced training relevant to the tasks and powers of a Forced Return Monitor. In particular, this training should cover relevant Union and international law, including on fundamental

¹ For the purpose of Frontex activities, 'return operation' means an operation that is coordinated by the European Border and Coast Guard Agency and involves technical and operational reinforcement being provided by one or more Member States under which returnees from one or more Member States are returned either on a forced or voluntary basis (Article 2 (14) EBCGA Regulation). The term return operation includes removal and readmission operations in line with the definition of the Return Handbook C (2015) 6250, published on 1.10.2015.

² For the purpose of Frontex activities, 'pre-departure phase' is understood as the physical transfer of a returnee from the place where s/he is staying or held in view of removal.

³ This criteria is not mandatory and will only be required for a limited number of monitors.

rights, access to international protection, protection of children and other persons in a vulnerable situation;

- Have experience in monitoring return operations, readmissions and/or places of detention or deprivation of liberty or other similar situations, preferably in a migration context;
- Have adequate knowledge of the English language (equivalent to CEFR level B2);
- Be able to physically and psychologically cope with the tasks, including the ability to remain calm in stressful environments.

In addition, the following would be advantageous:

- Experience in cooperation or working with Frontex, relevant national authorities and/or with international or non-governmental organisations;
- Knowledge of languages spoken in countries of destination of return operations;
- Knowledge and/or experience in de-escalation and/or mediation techniques and methodologies;
- Knowledge of basic medical issues;
- Training on emergency procedures on board aircrafts.

Forced Return Escorts

1. Definition

A Forced Return Escort is an official of a competent national authority of a Member State, who carries out escorting duties for the return of third country nationals.

2. Tasks and functions

- To operate in support of the national services of Member States responsible in the field of return, escorting persons subject to a return decision to be handed over to third country authorities;
- To provide security, safety and well-being during the implementation of return operations by air, sea and land;
- To act as a member of a team which is dedicated to the above mentioned tasks, supporting other officers when he/she has not been assigned a particular migrant to be returned;
- To take necessary actions to cover the needs of vulnerable groups or families with children when appropriate.

3. Required job competences

A Forced Return Escort has a knowledge and understanding of:

- Specific guidelines and legislation in relation to return, repatriation, removal and escort processes and procedures;
- Specific cultures and customs of third country nationals to be escorted;
- Communication, stress resilience and Crisis Management;
- The EU data protection legal framework.

A Forced Return Escort is able to:

- Conduct return, removal, repatriation and escort procedures in compliance with fundamental rights;
- Continuously assess escort process situations and, selectively apply safety, self-defence and 'use of force' measures in a de-escalating manner and in compliance with fundamental rights.

A Forced Return Escort takes responsibility for:

- Acting in accordance with the legal frameworks and the guidelines included in the operational plan;
- The personal integrity of third country nationals during the transport until the handover.

4. Eligibility criteria

To be eligible to become a Forced Return Escort in the Forced Return Escorts Pool, a candidate shall:

- Possess knowledge, skills and competence as described in the "Required job competences";
- Have adequate knowledge of the English language (equivalent to CEFR level B1);
- Have work experience in conducting escort tasks.

In addition, the following would be advantageous:

- Experience with de-escalation and/or mediation techniques and -methodologies;
- Knowledge of basic medical issues;
- Training on emergency procedures on aircraft;
- Additional language skills.

Return Specialist

1. Definition

A Return Specialist is an official of a competent national authority of a Member State who is selected to carry out tasks connected to return¹ of third country nationals illegally staying on a territory of a Host Member State.

2. Tasks and functions

- To operate in support of the national authorities of Member States responsible for return;
- To act individually or in a team deployed to reinforce the responsible authorities of the Host Member State in the identification of particular groups of third-country nationals;
- To assist national authorities of a Member State in the process of the acquisition of travel documents from third country authorities for the purpose of return;
- To facilitate activities related to consular cooperation for return purposes;
- To support any other return processes related to:
 - the identification of persons in need of international protection and persons in a vulnerable situation, including unaccompanied minors;
 - the referral of persons in need of international protection and persons in a vulnerable situation to the competent national authorities of the host Member State.

3. Required job competences

A Return Specialist has a knowledge and understanding of:

- A range of national, EU and international legislation, policies, procedures and best practices relevant to return processes, including voluntary departure;
- Specific cultures and customs of relevant countries and regions;
- Global trends concerning irregular cross-border activities;
- Frontex Codes of Conduct²;
- The EU data protection legal framework.

A Return Specialist is able to:

- Demonstrate administrative and organisational skills related to return processes at European and national level;
- Conduct tailored interviews in order to obtain relevant factual information;
- Assist and support operational and administrative processes for the acquisition of travel documents;
- Manage practical actions and cope with habitual and foreseeable cases in accordance with law, policies, rules and procedures applicable to return processes;

A Return Specialist takes responsibility for:

- Identification and referral of any individual in need of international protection or belonging to vulnerable groups or in conditions affecting personal safety or security risks;
- Support the Team Leader in procedures leading to the return of illegally staying third country nationals;
- Practical / logistical / administrative support to all phases of return with a special focus on the pre-return phase.

4. Eligibility criteria

To be eligible to become a Return Specialist in the Return Specialists Pool a candidate shall:

- Possess knowledge, skills and competence in one or more tasks and functions as described in the “Required job competencies”;
- Have an adequate knowledge of the English language (equivalent to CEFR level B2);
- Have at least 2 years current professional experience in the field of return at national level;

¹ The meaning of return is defined in the art. 3 of the Directive 2008/115/EC of 16 December 2008.

² The Frontex Code of Conduct for all Persons Participating in Frontex Activities, adopted by Decision of the Executive Director No. 24/2011, 21 March 2011;
The Code of Conduct for Joint Return Operations coordinated by Frontex adopted by the Decision of the Executive Director of 7 October 2013 (ED Decision 2013/67);

- Demonstrate sufficient knowledge in relevant Union and international law, including fundamental rights and access to international protection;
- Possess adequate communication and representation skills.

In addition, the following would be advantageous:

- Possess specific expertise in child protection³;
- The ability to verify the assertions of the third country nationals using specialised tools;
- Experience cooperating with third country diplomatic missions;
- Experience cooperating with EU Agencies, Union funded programmes on return, International Organisations and Non-Governmental Organisations in the field of human rights;
- Experience developing a return structure within the framework of a national return office;
- Have knowledge of other languages relevant for the task;
- Have knowledge of procedures associated with voluntary return.

³ Required only for a limited number of specialists. Only applicable upon specific request for expertise in child protection for return operations by the hosting member state.