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## **An Interview with Běla Hejná from the Ministry of the Interior on the Voluntary Returns Project for Illegal Immigrants and about foreigners lacking permission to reside in the Czech Republic**

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### **Abstract:**

The interview describes the commencement of the Voluntary Returns Project for Illegal Immigrants. The project draws on an already operating Project of Voluntary Returns. Apart from giving insight into the project's conditions and its way of operation, the interview also provides an idea about the approach of the Ministry of the Interior towards migrants without residence permits.

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**According to a proposal by the Ministry of the Interior, the Czech government approved (resolution no. 587) the Voluntary Returns Project on May 4<sup>th</sup>, 2009. Why did the Ministry of the Interior strive to put this project into practice?**

The proposal was connected to the currently existent Project of Voluntary Returns which applies to legally residing migrants. During the preparatory work on this project, the monitoring of the situation in the second half of 2008 provided the necessary benchmarks. Towards the end of 2008, the situation began to deteriorate rather rapidly and we obtained a great deal of information that many foreigners find themselves in a very complicated position. Therefore, we tried to work as quickly as possible. The Project of Voluntary Returns was launched on February 26<sup>th</sup>, 2009. We realized, however, that a new group of people in need had emerged. These people were originally in the same position as those who participated in this project, but in the meantime, they lost the option to meet its conditions, as their residence permits had expired before the project was launched. The new Voluntary Returns Project for Illegal Immigrants is primarily aimed at this group. Yet when preparing a project for illegally



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residing foreigners, we found it meaningful not to restrict the participation in this new project by the length of time of illegal residence in the country.

### **What conditions must illegally residing foreigners meet in order to be able to register for the project?**

The crucial thing is that the foreigner who wants to apply must have a valid travel document. Furthermore, deportation proceedings must not have been started against him or her, a departure order must not have been issued, he or she must not be the subject of a criminal investigation, and he or she must not have been sentenced for committing a crime in the Czech Republic.

### **Who will actualize this project?**

The overall design of the project resembles the Project of Voluntary Returns considerably. The project will be coordinated by the Ministry of the Interior, which in turn will cooperate with the Alien Police Inspectorates. The travel back home will be taken care of by the International Organization for Migration. Furthermore, non-governmental not-for-profit organizations (NGOs) are also involved; NGOs already have leaflets and information regarding the project. The engagement of NGOs is very important, as we are well aware that illegally residing foreigners may be even less willing to go to Alien Police Inspectorates than the legally residing foreigners. That is why they may be accompanied by NGO people. In comparison to the Project of Voluntary Returns, in this case, accommodation is not provided prior to departure. What also remains to be addressed, is the question of confirmation of participation in the project. The main emphasis of the project is on communication with foreigners and providing assistance regarding their return to countries of origin, but it also requires active engagement of the migrants themselves. We do not expect a huge interest in this project, but if it should occur, we are ready to take the measures necessary to deal with such a situation.

### **Will the implementation of the project begin with an information campaign?**

An information campaign has already been launched. It is a campaign conducted in foreign languages. The campaign can especially be encountered in areas of public transportation, in towns all around the country, and in news media. At the end of July, information about the project appeared in the Ukrainian and Vietnamese printed media. The Mongolian community is being informed by a banner operating on [www.mglcz.com](http://www.mglcz.com), a website used by Mongolians living in the Czech Republic.

### **When an illegally residing migrant learns about this project and wants to register for it, should s/he contact a NGO to accompany him or her to Alien Police Inspectorates?**



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Of course, if a foreigner wants to get more detailed information, s/he can approach various NGOs, the International Organization for Migration, or us. If s/he remains interested, the next step is to go to the Alien Police Inspectorate.

**What is a possible motivation for migrants who lost their legal status to join the project?**

The primary motivation is that the cost of the flight from the Czech Republic will be covered. This offers an opportunity to those who would like to find a way out of their situation, but do not have the financial means necessary to pay for the airplane ticket themselves. The second motivation is that when participating in this project, the foreigner will know exactly how the previous illegal residence in the country will be sanctioned. All the activities of the Ministry of the Interior are stipulated by law, especially by the law affecting foreign residents. This law states that illegal residence may not be pardoned. A deportation proceeding will therefore be conducted with every project participant. However, we see the motivation for foreigners in the fact that the project's participants will know the exact length of a prohibition on entering the Czech Republic (a table with the exact length of a ban on entry can be found at the end of the article -- editorial note). This information can also be found in the leaflets. Note that those who will be able to cover their own travel expenses will always get a shorter ban on entry.

**There is no limit on the number of participants; however, what are your estimations as to the number of foreigners who will join the project?**

Presently, we find ourselves in the very same situation as when the Project of Voluntary Returns for legally residing migrants was launched; that is, we do have some evidence that people are interested in the project, or at least in obtaining information about it. All the same, we are not able to say what the real number of applicants will look like. There is a huge difference between foreigners' interest in the project, and whether they will make actual use of it. We will see.

**When will the project be launched?**

On September 15<sup>th</sup>, 2009, and the time span is strictly set for three months. In our view, it is an exceptional one-time project, which should not be repeated in the future.

**Why did you decide that the project will last only three months, and why did you choose to launch it in September? Would it not be strategically wiser to run the project in winter, as it is probably the most difficult time of the year in this country? That could also play a role in the foreigners' decision-making.**

The project has been prepared since July, but these were the reasons for us not to launch it earlier and to move its start to the more challenging end of the year. We hope that this period will correspond to the period of harsh weather.

**Has a specific monetary sum been allocated for this project, even though it is difficult to estimate how many migrants will be interested in participation?**

No specific sum has been allocated for the project. The approximately 1.5 million CZK needed for the information campaign are covered by the budget of the Ministry of the Interior. Those migrants who will cover the cost of their return journey themselves will not generate nearly any extra cost, and those whose transportation will be paid for will be subject to standard deportation proceedings, which means that the cost is covered by the Czech Police. Since at the moment we do not know what extent of interest to expect in the project, the counseling services of NGOs are covered by already existing contracts.

**In the case that foreigners will show interest in the project, will their "deportation" not be much cheaper than the overall cost of forced deportation, which is otherwise carried out by the Alien Police?**

Voluntary return is a much cheaper option, there is no doubt about that. It was also one of the arguments in favor of the preceding Project of Voluntary Returns.

**You have mentioned that this is supposed to be a one-time project. But what if it will become clear that such an approach is significantly cheaper for the authorities? Would that not be a good enough reason to repeat the project?**

It has to be said that the programme of voluntary returns as such has been in existence for many years, and foreigners may take part in it via the Alien Police or via IOM and return to their countries of origin. What is new, are the special projects.

**Yet the continuously running programme of voluntary returns is not very motivating for illegally residing migrants. Why not, if the current project proves as more motivating, adopt the design of this project also for the ongoing voluntary returns?**

At the moment, this is not our intention. We do not want to create a practice that would among foreigners lead to the assumption that an expired residence permit is a thing which can be sorted out. From our perspective, it is a very serious issue. That is why, at the moment, we do not consider any repetition of the Voluntary Returns Project for Illegal Immigrants.

**The NGOs dealing with migrants and migration presented proposals of similar return projects for illegally residing foreigners in the past. Last year, one of the proposed projects was even approved by the Government of the Czech Republic's Council for Human Rights. Why had this programme, or a similar one, not been adopted earlier?**

The project you mention was recommended by the Council under the condition that its authors should, together with the Ministry of the Interior, continue working on the project, so that it would comply with the current legislation. Following that, a work group was established at the Ministry, but the NGOs stopped being active.

**Does the new project draw inspiration from the previous proposals?**

Yes, in some way, but it was mainly influenced by the ongoing debate about illegal migration, and about possible solutions to this issue. The main source of inspiration was the Project of Voluntary Returns.

**The project description says that one of its aims is to decrease the numbers of illegally residing migrants in the Czech lands. What do the numbers of illegally residing migrants look like? Does the Ministry have any estimates or expert analyses pertaining to this number?**

We encounter this question rather frequently, but the Ministry of the Interior does not have any estimates as to the numbers of illegally residing migrants in our country. We have not pursued any such estimates and at the moment there is nothing upon which to base them. The data we can work with relate to documented, „discovered“ illegal migration only. Both interstate and cross-border migration falls within this category. In the recent years, both types of migration showed a decreasing tendency. Of course, this is, as I have said, discovered illegal migration which does not necessarily provide a generally true picture about illegal migration. It is a result of police activities and therefore it also depends on, e.g., the number and outreach of Alien Police controls. That is why we take it as one possible indicator. However, this project, too, may help us to see what the real picture looks like. I, for example, cannot identify with the claim that there are hundreds of thousands illegally residing migrants in this country, which is what some estimates say. These numbers, in my view, do not correspond to reality, but that is of course my personal view influenced also by my evaluation of the appropriateness of methods chosen for the calculation of these estimates. To conclude, the Ministry of the Interior does not have any estimates as to how many migrants reside in the Czech Republic illegally, and I am not able to say which methods would be suitable for acquiring such estimates. The fact, however, that there really are some illegally residing foreigners in this country, cannot be denied.

**From a long-term view, the Czech Republic, along with e.g. Germany, has shown a rather repressive approach to illegally residing migrants. Is this project a sign of a slight change of this approach?**

Recent activities by the Ministry of the Interior, as represented for instance by this project, or the approach of Alien Police, which also disseminates information on voluntary returns, can be described as being more understanding and helpful. Yet, this should not be misinterpreted as having an understanding for illegal migration – being helpful when a law is breached is an approach not to be expected in repressive organs. The Project of Voluntary Returns was an opportunity for migrants not to lose their legal status, and the current project is an opportunity for those who have lost it to leave. Return to their country of origin, of course, is not an ideal solution for everybody, but the prospects for the coming months indicate that the current situation will not change much, and that the ability of many migrants to obtain the basics – the life-sustaining necessities – is very low. Some migrants without legal status expect that a solution to their situation will somehow arise, but it will not; on the other hand, they will only become more and more vulnerable and dependant on various mediators and on other people's help. This project offers a solution to these people, yet it in no way suggests that we might be on the way to regularization of illegally residing migrants.

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Multiple language versions of the leaflet on the project can be downloaded here: <http://www.mvcr.cz/clanek/voluntary-returns-project.aspx>.

**An additional note:**

**The table of the length of ban on entering the Czech Republic subsequent to previous illegal stay as it applies to foreigners without residence permit participating in the Voluntary Returns Project.**

The following explanation of the table gives an answer to the following question: If I apply for the project, will the authorities launch a deportation proceeding because of my previous illegal stay in the country?

If you are living in the Czech Republic without a valid residence permit, you are breaking the law and the authorities must address the issue. However, if you register for the project, you



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will know exactly for how long you will have a ban on entering the Czech Republic. You will be included in "Group A" (see the table). If you register and cover the cost connected to your travel to your country of origin yourself, the length of the ban on entry will decrease. You will be included in "Group B".

<b>Length of Illegal Stay in the Czech Republic</b>	<b>Length of Subsequent Ban from Entering the Czech Republic</b>	
	<b>Group A</b>	<b>Group B</b>
<b>Up to 6 months (up to 0.5 year)</b>	<b>3 months (0.25 year)</b>	<b>1 month</b>
<b>Up to 12 months (up to 1 year)</b>	<b>6 months (0.5 year)</b>	<b>2 months</b>
<b>Up to 18 months (up to 1.5 years)</b>	<b>9 months (0.75 year)</b>	<b>3 months</b>
<b>Up to 24 months (up to 2 years)</b>	<b>12 months (1 year)</b>	<b>4 months</b>
<b>Up to 30 months (up to 2.5 years)</b>	<b>15 months (1.25 years)</b>	<b>5 months</b>
<b>Up to 36 months (up to 3 years)</b>	<b>18 months (1.5 years)</b>	<b>6 months</b>
<b>Up to 42 months (up to 3.5 years)</b>	<b>21 months (1.75 years)</b>	<b>8 months</b>
<b>Up to 48 months (up to 3.5 years)</b>	<b>24 months (2 years)</b>	<b>12 months</b>
<b>Up to 54 months (up to 4.5 years)</b>	<b>27 months (2.25 years)</b>	<b>16 months</b>
<b>Up to 60 months (up to 5 years)</b>	<b>30 months (2.5 years)</b>	<b>20 months</b>
<b>More than 60 months (5 years or more)</b>	<b>36 months (3 years)</b>	<b>24 months</b>

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