



Inspectorate
Ministry of Justice and Security

Review Framework for repatriation and departure

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1

Introduction

The Inspectorate of Justice and Security (*Inspectie Justitie en Veiligheid*, hereinafter IJenV) of the Dutch Ministry of Justice and Security (*Ministerie van Justitie en Veiligheid*, hereinafter JenV) monitors the situation of third-country nationals. Part of this is the supervision on the return of third-country nationals to their country of origin or another country where entry is guaranteed. This also includes the enforced repatriation and the return operation which is carried out in terms of that framework. This review framework contains the standards which the Inspectorate reviews in respect of this return operation in which departing third-country nationals are escorted by the Royal Military Constabulary (*Koninklijke Marechaussee*, hereinafter KMar) to their destination country.

The return operation, as referred to in this framework, commences from the moment that the returnee leaves their permanent/semi-permanent place of residence (e.g. an AZC, a VBL or a DC¹,) in connection with the journey to the location of actual departure from the Netherlands. This implies that the transportation (often conducted by the Transport & Support Unit (*Dienst Vervoer en Ondersteuning*, hereinafter DV&O) of the Custodial Institutions Agency (*Dienst Justitiële Inrichtingen*, hereinafter DJI)) from the place of residence to the location of actual departure also forms part of this review framework. The return operation concludes when the returnee is handed over to the local authorities. In order to ensure a successful return operation, various measures shall be taken prior to the operation. Where these measures could be of influence during the return operation and where review of these measures is possible, standards have been incorporated to this effect in the review framework. This concerns factors such as the information relevant to the return operation, as recorded in Sigma.² More specifically, it could concern, for example, the presence of a Fit to Fly statement. The completion of the return operation is also dealt with in this review framework. This is the debriefing and reporting on the state of affairs during the operation.

Consecutively, the following phases are included in the review framework:

- preparation of the return operation (this concerns preparatory tasks immediately prior to the actual departure, which are not part of the return operation itself, but do have an influence on it);

¹ AZC = Asylum Seekers' Centre, VBL = Freedom-restricting Centre, DC = Detention Centre.

² Sigma is an IT system used by chain partners to convey relevant information to each other about the returnee.



- transport from the place of residence to the location of actual departure;
- preparation of departure at the location of actual departure;
- transport from the location of actual departure to the final destination;
- handover to the receiving authorities;
- completion of the return operation (debriefing and reporting following completion of the return operation).

The review framework has been drawn up in such a way that it can be applied to every return operation in which third-country nationals are escorted to the country of destination. This could be transportation by road, by water or by air. For transportation by air, a differentiation can be made between return operations using scheduled flights, state flights and joint European flights (including Frontex flights³). For these latter flights, the Netherlands can act as an organising or a participating country.

The standards in this regard are derived from national and international regulations. Amongst other things, it concerns the following legislative and regulatory requirements:

- Aliens Act (Vw) 2000
- Aliens Decree (Vb) 2000
- Aliens Regulations (VV) 2000
- Aliens Act Implementation Guidelines (Vc) 2000
- Aviation Act
- Decree on the Security of Civil Aviation
- Official Instructions for the Police, the Royal Military Constabulary and other Special Investigating Officers
- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals
- EU Regulation 300/2008 (28 April 2008) and EU Regulation 185/2010 (29 April 2010)
- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, and the associated appendices
- Committee of Ministers 925 Meeting, 4 May 2005
- Frontex Code of Conduct for joint return operations dated 7 October 2013;
- guidelines/standards/guides/regulations of the International Air Transport Association (IATA)
- Convention of International Civil Aviation, Chicago, 1944
- Convention relating to the status of refugees
- Convention against Torture
- International Covenant on Civil and Political Rights
- Convention on the Rights of the Child
- Administrative Jurisdiction Division of the Council of State
- European Convention on Human Rights (ECHR)
- Charter of the Fundamental Rights of the European Union

³ Frontex flights are return operations jointly organised by European countries, in which third-country nationals originating from a number of European countries are collectively transported to one or more destination countries. One country is responsible for the organisation; other countries are responsible for escorting their third-country nationals.



In addition, standards have been derived from internal instructions and decisions from the Repatriation and Departure Service (*Dienst Terugkeer en Vertrek*, hereinafter DT&V) of JenV, the Transport & Support Unit (DV&O), the Royal Military Constabulary (KMar), and the Immigration and Naturalisation Service (*Immigratie en Naturalisatie Dienst*, hereinafter IND), from rulings by the Council of State and from findings by the National Ombudsman. In a single case, the Inspectorate of Security and Justice (IJenV) formulated its own standard.

During the supervision, the Inspectorate assumes that legislative and regulatory requirements are observed. If, given the specific circumstances, that is not the case, then it will use the standard as a starting point to review the reasonableness and fairness of the considerations which lead to the deviation from these requirements.

When reviewing the practical execution, the Inspectorate also takes into consideration whether account is and/or has been kept of the personal circumstances of these third-country nationals by the various executors in their decisions about and approach towards third-country nationals.

The standards incorporated in the review framework are elaborated in questionnaires and checklists that the inspectors use during the supervision of the return operation.

The review framework is coordinated with the KMar, DT&V and DV&O.



2

Preparation of the return operation

2.1 Legitimate departure

Standard

The enforcement of the return operation is based on an (individually directed) legally valid decision.

Explanatory information

Standard based on:

- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, Article 6.1.
- Aliens Act (Vw) 2000, Section 63.
- Aliens Regulations (VV) 2000, Article 6.1(2).

IJenV will examine whether the return operation is based on a legally valid decision. This can be done, for example, by inspecting the case history at DT&V or, prior to the observation of the return operation, by requesting a copy of the return decision.

2.2 Provision of information with regard to complaints

Standard

Prior to the return operation, the departing returnee shall be informed by the authorities/officials involved about the right of complaint about their treatment during the return operation.

**Explanatory information**

IJenV standard based on various complaints procedures.

IJenV expects DT&V to notify the returnee that they will be dealing with various institutions and their representatives during the return operation and that they have the right to lodge a complaint against each of these institutions individually. IJenV expects that a recording of this reporting shall be maintained. During the return operation, IJenV can check whether the recording is in order. If desired, the recording can be done using Sigma.

2.3 Timely and adequate furnishing of information to returnee/authorised representative regarding return

Standard

The departing returnee – and their authorised representative – shall be informed of the implementation of the return decision and the manner of its execution, including the time of departure, by the authorities/officials involved in the organisation of the return operation as soon as possible, and at the very least 48 hours prior to the actual departure.⁴

Specific attention is paid to the potential application of coercive and enforcement measures, if the behaviour of the returnee gives rise thereto. The date and time of notification, the manner of notification and which officer took care of the notification shall be recorded.

Explanatory information

IJenV standard, based partly on:

- European Convention on Human Rights (ECHR), Article 13.
- Report by the National Ombudsman (2012/081).
- Administrative Jurisdiction Division of the Council of State (201202050/4/V4).

Explanation:

IJenV is of the opinion that a recording must take place of the time of notification and the manner in which and by whom the notification was undertaken. If desired, this can be recorded in Sigma.

One way to inform the returnee about the general state of affairs prior to and during the return operation is by showing an information video or providing a brochure.

⁴ The actual departure starts from the moment that the returnee enters the vehicle which provides transportation from the Netherlands to the destination country.



2.4 Psychological and medical check before the start of a return operation

Standard

Before the start of the return operation, assessment shall be conducted to examine whether possible psychological-medical circumstances (and consequential risks) could arise in respect of the departing returnee prior to and/or during the return operation.

If such circumstances arise, IJenV expects the employees concerned to take measures to mitigate the risks to the greatest extent possible during the deportation.

Possible measures in this regard include requesting a declaration of medical fitness to travel (known as a 'Fit to Fly' statement) and/or requesting medical supervision during the flight (known as a medical escort).

Any possible circumstances/incidents shall be recorded in Sigma.

Explanatory information

Standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendix 1.1.2.
- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, Article 9.2.a.
- Committee of Ministers 925 Meeting, 4 May 2005, Articles 16.1, 16.2 and 16.4.
- Frontex Code of Conduct, Articles 7.1, 7.2.
- Aliens Act (Vw) 2000, Section 64.
- Aliens Act Implementation Guidelines (Vc) 2000 (A3), Article 6.6 (which states that, in the preparation of the departure, 'if this is required', DT&V must ascertain whether the returnee is 'Fit to Fly').

Explanation:

IJenV thinks it is important to check, prior to the actual return, whether adequate screening has taken place to preclude any unforeseen psychological or medical facts and/or circumstances, so the actual return can be carried out effectively.

The execution of the screening must be recorded; for example, this can be done in Sigma and/or by providing – with consent from the returnee – access to their medical file or a copy of their medical file to authorised officers for inspection.



2.5 Informing relatives about the return

Standard

Prior to the start of the return operation, the departing returnee shall – if possible – be given the opportunity to inform their relatives by phone or by some other means about their envisaged return. This facility being made available and its possible use shall be recorded.

If the departing returnee is given the opportunity by KMar to this effect prior to the start of the actual departure, this shall be recorded.

Explanatory information

IJenV standard: IJenV is of the opinion that this opportunity being made available facilitates the effectiveness of the return operation. However, it could happen that there are well-founded reasons to omit informing the relatives prior to the start of the return operation.

Such well-founded reasons to omit notification of the relatives shall be recorded in Sigma.

2.6 Risk of having asylum information on return

Standard

Before the deportation takes place, the official responsible for the actual deportation will inform the returnee that any evidence that shows the returnee has requested a temporary asylum residence permit can be left behind.

Explanatory information

Standard based on:

- Aliens Act Implementation Guidelines (Vc) 2000 (A3), Article 6.6.
- DT&V working instructions B2, no. 8.1.

Explanation:

An indication with regard to this risk must be provided prior to the return operation, for example, coinciding with the notification of departure by the supervisor. In addition, this indication must be given or repeated by the KMar officers upon the actual departure and must also be recorded. Upon the execution of the return operation, IJenV must check whether the departing returnee has been or will be informed about this risk.



2.7 Information relating to personal documents, including valuables and luggage belonging to the returnee

Standard

Prior to the return operation, the departing returnee shall be informed about the possibilities/impossibilities pertaining to the personal documents/luggage that they are allowed to take. The information provided in this regard and the time at which it was provided shall be recorded in Sigma.

Possibilities vary regarding the amount of luggage allowed, and depend in part on the arrangements made by DT&V with the returnee concerning the departure, the possibilities at the destination and the rules of the airline in question.

Explanatory information

Standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendix 2.2c.
- Aliens Act Implementation Guidelines (Vc) 2000 (A3), Article 6.6.
- Working instructions entitled 'Procedure and responsibilities regarding luggage during repatriation', version 2018-1.

Explanation:

This information shall, for example, be provided upon notification of departure by the DT&V supervisor. This information shall also be furnished by the KMar upon the actual departure at the location of departure. This information should preferably be furnished at an early stage, as the return operation could otherwise be hampered by uncertainty regarding whether or not the returnee is permitted to take personal documents with them.



2.8 Number of members of the escort

Standard

After an analysis of the potential risks, the number of members of the escort will be determined on a case-by-case basis.

For a journey of not more than four hours, there shall be at least two escorts for each departing returnee. For a journey of five, six or seven hours, there shall be at least three escorts for each departing returnee. For a journey of eight hours or longer, there shall be at least four escorts for each departing returnee.

Every unaccompanied minor returnee (AMV) shall always be accompanied by at least two escorts.

Explanatory information

Standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Appendix 1.2.6.
- Collaboration agreement between DT&V and KMar, 1 July 2013.

2.9 Return of minors

Standard

If an unaccompanied minor returnee (AMV) is involved in a return operation, it must be determined prior to the actual departure that the intention of the operation is to hand over the minor on arrival to a family member, custodian, relief facility or representative of the country of destination.

Explanatory information

Standard based on:

- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, Article 10.2.
- Aliens Act Implementation Guidelines (Vc) 2000 (A3), Article 6.1.

Explanation:

IJenV will check whether a handover has been arranged as such and is conducted accordingly.



3

Transport from the place of residence to the place of departure

3.1 Preparation of transport from the place of residence to the location of actual departure

Standard

The officers who are responsible for the transportation of the returnee from the place of residence to the location of actual departure shall be aware of the particulars in respect of health, luggage, at what time that they must be present at the location of departure and other matters that could be of influence to the transportation process and the subsequent return operation. These particulars shall be recorded in Sigma and shall be accessible to the transporters.

Explanatory information

IJenV standard based on:

- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Articles 9 and 15⁵.
- Working instructions entitled 'Procedure and responsibilities regarding luggage during repatriation', version 2018-1.

IJenV believes that the ability to access the aforementioned information is essential to the transport officers, as it enables the transport to be conducted in a manner that is meticulous, humane and safe for all parties concerned.

⁵ Working instructions intended for the transport of detainees by DV&O.



3.2 Timely presence at the place of residence

Standard

The DV&O transport officers who will escort the returnee during the return operation shall arrive at the place of residence on time in order to ensure – taking into account the transport time – that they are at the location of actual departure (i.e. the airport) at least two and a half hours before the actual departure.

Explanatory information

IJenV standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendix 2.1.a.

Explanation

1. This applies to transport to airports; other times can be used for other locations of actual departure. These times are determined by IJenV, in liaison with the authorities involved in the execution of the return operation.
2. In practice, it is not always possible to be present 2.5 hours before departure, e.g. because facilities are not operational yet at that time. The determining factor in IJenV's decision in this regard is whether there is sufficient time – including from the returnee's perspective – for a careful preparation of the actual departure.

3.3 Arrival at the place of residence

Standard

Upon arrival at an institution or another location where the returnee is residing, the DV&O transport officers are obliged to comply with the house rules applicable within that institution or location and to follow all instructions issued by employees of the institution or location.

**Explanatory information**

Standard based on:

- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Article 2.

Explanation:

In line with the framework acts, all penitentiary institutions are obliged to set house rules. These rule sets are basically uniform, although they can differ on some specific aspects (e.g. methods for handing over weapons and the procedure for the pick-up and drop-off at the Detainee Reception (RI)). Other specific rules may apply at other locations where returnees reside. The transport officers must comply with these rules and follow the instructions issued on site.

Standard

Upon entry to the institution, transport officers shall stow their service gun and pepper spray in the designated weapon lockers at the institution or in the lockers in the vehicle. The key shall remain in possession of the vehicle commander.

Explanatory information

Standard based on:

- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Article 11.

3.4 Timely preparation of the returnee for transport

Standard

The medical service and the employees of the Detainee Reception (RI) at the place of residence will ensure that the returnee is prepared for transport in a timely manner. The personnel will take the required measures in order to limit the waiting time for the transport officers as much as possible.

In addition, the medical service shall – if applicable – ensure that the returnee takes any prescribed medication prior to departure from the place of residence.

**Explanatory information**

Standard based on:

- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Article 14.

Explanation:

The DV&O Logistics Department shall send a pick-up plan to the pick-up location, which will specify the time at which the returnee must be ready for pick-up. As standard, the journey schedule will take into account fifteen minutes of boarding and alighting time.

The medical service is responsible for the provision of medication.

Standard

The RI will ensure that the returnee – if desired – is provided with a lunch package and drink(s) (metal or glass packaging not permitted) upon departure from the place of residence.

Explanatory information

Standard based on:

- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Article 15 and 17(4).

Whether or not the RI will provide a lunch package and drink(s) depends partly on the time of departure from the institution, the duration of travel within the Netherlands and the returnee's eventual destination.



3.5 Luggage

Standard

The RI shall ensure that the quantity of and manner of packing the luggage comply with the luggage rules applicable at the airport of departure, unless specific agreements have been made with the returnee by DT&V. The RI shall ensure that the luggage is checked in the presence of the returnee and that the returnee has signed for the luggage that will be transported.

On the day before departure, the institution will make a record in Sigma of the luggage to be taken by the returnee. Upon the actual departure from the institution, a final check of the luggage will be conducted and any changes will immediately be recorded in Sigma.

In the event that a departure under supervision by officers from DT&V's Special Departures Department is required, then the Special Departures supervisor will be responsible for ensuring up-to-date and comprehensive records in Sigma of the luggage belonging to the returnee in their charge.

Explanatory information

Standard based on:

- working instructions entitled 'Procedure and responsibilities regarding luggage during repatriation', version 2018-1.

Explanation:

The RI is responsible for transferring the returnee and any luggage to DV&O.

Any hand luggage and hold luggage will be packed in compliance with the generally applicable rules of the airport in question. See the aforementioned working instructions for more information on this matter.

3.6 Verification of the returnee's identity

Standard

The RI is responsible for transferring the correct returnee to the vehicle commander from DV&O.

**Explanatory information**

Standard based on:

- Identification and Labelling Protocol, 4 January 2016.
- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Article 15.

Explanation:

Verification of the returnee's identity will be conducted by the RI by means of digital photograph verification and verification of fingerprints.

3.7 Handover to the Transport & Support Unit of:**3.7.1 Returnee****Standard**

The vehicle commander will check that the returnee presented for transfer is indeed the party for whom the transport has been requested by checking the name, the date of birth and the destination, which are displayed on the kilometre record.

Explanatory information

Standard based on:

- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Article 15.

3.7.2 Transport documents**Standard**

The RI will provide the transport officers with the necessary transport documents (travel envelope containing flight details and/or the foreign-transport form).

Explanatory information

Standard based on:

- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Article 15.

Explanation:

The foreign-transport form will only be used if the returnee is to be transported by DV&O to an airport or consulate abroad.



3.7.3 Medical file and/or medication

Standard

The RI will provide the transport officers with the returnee's medical file and/or medication, if required.

Explanatory information

IJenV standard based on:

- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Article 15.
- Working agreements for immigration detention institutions, November 2017.

Explanation:

If the medication must be transported or taken by the returnee during the journey, then the vehicle commander will seek information on this matter from the medical service of the institution in question. They shall also indicate whether the medication should be given to the returnee or if it should be given to the personnel at the location of actual departure. The medical service is responsible for the returnee's medical file, for preparing a sufficient amount of the correct travel medication and luggage medication and for delivering the file and medication to the Detainee Reception. The medical service will provide the travel medication in an envelope, on which the name of the detainee, the date of birth of the detainee and the time at which the medication must be provided to the detainee shall be written.

The RI is responsible for transferring the medical file and the medication to DV&O.

The medical service at the place of residence will ensure that any medication brought by the returnee him or herself ('personal medication', i.e. medication not provided by the medical service) will be checked; upon departure from the place of residence, the returnee will only be provided with medication that poses no risk whatsoever to the transport being conducted safely. The medical service will ensure that the personal medication is provided separately and is clearly labelled as personal medication, for the purposes of clarification towards implementing services such as DV&O and KMar. The medical service will record information about the returnee's personal medication in Sigma, for the purposes of clarification towards implementing services such as DV&O and KMar.

3.7.4 Luggage and valuables

Standard

The vehicle commander shall check that the returnee's luggage has been properly packed and provided with a label displaying the name of the legal owner and the destination.

**Explanatory information**

Standard based on:

- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Article 17.
- Working instructions entitled 'Procedure and responsibilities regarding luggage during repatriation', version 2018-1.

Explanation:

Also see 3.4 and 3.5. The Detainee Reception at the place of residence shall verify in advance the weight of the luggage, the number of items of luggage and whether the luggage has been properly packed and labelled.

Standard

The vehicle commander shall sign for receipt of the luggage, although not for the contents.

Explanatory information

Standard based on:

- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Article 17.

Standard

The transport officers are not authorised to open the luggage, valuables bags or medical file during the transport.

The luggage will be placed in the back of the vehicle, separate from the returnee. The returnee is not permitted to have access to luggage or to have any items on their person. The vehicle commander can decide to allow the detainee to retain jewellery and hand luggage during the transport.

Explanatory information

IJenV standard, based partly on:

- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Articles 7 and 17(2).



3.8 Frisking

Standard

The employees of the place of residence will frisk⁶ and/or conduct a body search⁷ on the returnee upon departure from the place of residence. The DV&O employees will be present throughout.

To the greatest extent possible, frisking shall be conducted by an employee of the same gender as the returnee.

The vehicle commander shall ensure that the returnee has been frisked. For example, this can be done by attending the frisking of the returnee by the employers of the place of residence.

Explanatory information

IJenV standard, based partly on:

- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Article 16.

IJenV expects the vehicle commander to frisk the returnee personally if the returnee has not been or has been insufficiently frisked by the employees of

Standard

Any items confiscated by the vehicle commander or transport officers during a frisking shall promptly be submitted to the institution's security department.

Explanatory information

Standard based on:

- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Article 7.

Explanation:

Confiscated items will be registered by the institution and handed over to the police. If a returnee objects to the confiscation, the police will be informed of this.

⁶ Security frisking is an examination of the clothing (not inside the clothing), which includes the items that the returnee has in their possession and will be taking with them on the journey.

⁷ A body search is an examination of or inside the body.



3.9 Use of force or force-restricting/freedom-restricting measures

Standard

To the extent that the circumstances permit, the departing returnee will be promptly informed by the transport officer(s) of the use of or intention to use force or force-restricting/freedom-restricting measures during the transport.

Explanatory information

Standard based on:

- Article 2 of the Rules governing the use of force within penitentiary institutions.

Standard

Force or force-restricting/freedom-restricting measures shall be employed in compliance with the 'Rules governing the use of force within penitentiary institutions' and the stipulations in the instructions regarding proportionality and subsidiarity.

Explanatory information

Standard based on:

- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Article 6.

Standard

Coercive means will only be used by transport officers who are proficient in the use of such means.

Explanatory information

Standard based on:

- Rules governing the use of force within penitentiary institutions, Article 2, and the stipulations in the instructions regarding proportionality and subsidiarity.

Standard

Departing returnees who are coercively restrained during the execution of the return operation shall be permanently supervised by the transport officers.

The vehicle commander shall ensure that regular checks are conducted regarding whether any freedom-restricting means have been applied correctly.

**Explanatory information**

IJenV standard, based partly on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendix 3.2.g.
- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Article 6(4).

Explanation:

In principle, no coercive means will be employed during the transport. In situations in which the safety of the returnee or employees cannot be guaranteed, it is possible to place the returnee in a separate compartment of the vehicle. Handcuffing the returnee for such operations is also an option. Monitoring of this situation will be conducted via the camera system installed in the vehicle.

In the event of risks regarding control of the returnee, DV&O will deploy Extra Secure Transport (EBV). During such transport, additional security measures are required.

For example, the returnee may be handcuffed on the front of their body. Monitoring of the correct application of such measures will be conducted by the DV&O employee sitting beside the returnee.

3.10 Boarding and alighting

Standard

Boarding and alighting shall be conducted in a designated closed-off room at the institution, or, in the event none exists, within the fencing around the institution. At unsecured locations, boarding and alighting shall be conducted as close to the entrance of the location as possible.

Explanatory information

Standard based on:

- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Article 18.

Standard

All transport officers shall be present during the boarding and alighting and will monitor this process.

Explanatory information

Standard based on:

- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Article 18.

**Standard**

Once the returnee has boarded, the vehicle commander will check that the doors of the vehicle and/or the compartment accommodating the returnee are properly closed.

Explanatory information

Standard based on:

- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Article 18.

3.11 Separation of returnees during transport

Standard

Youths under the age of 18 will be transported separately from adults. Men, women, boys and girls will all be transported in separate compartments. When travelling together with adults, youths aged 18 and over⁸ who are being detained in a young-offenders institution will be transported in a separate compartment to the adults. To the greatest extent possible, families will be transported in the same vehicle. If the number of family members exceeds the number of seats in a vehicle, a second vehicle will be deployed. To the greatest extent possible, children will travel in the same vehicle as one or both of their parents.

Explanatory information

Standard based on:

- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Article 19.

3.12 The actual transport

Standard

During the journey, the transport officers are not permitted to stop in order to buy, obtain or consume refreshments for themselves or the returnee(s).

Explanatory information

Standard based on:

- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Article 19.

⁸ Youths as defined by the Young Offenders Institutions (Framework) Act.

**Standard**

During the journey, the transport officers shall remain constantly alert in order to prevent the returnee(s) from escaping and to guarantee the safety of the returnee(s); as long as one or more returnees remain in the vehicle, at least one of the transport officers must remain in the immediate proximity of the vehicle.

Explanatory information

Standard based on:

- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Article 5.

Standard

During the transport, if the returnee urgently needs to use the toilet and no toilet is available in the vehicle, use shall be made of secure facilities such as a nearby police station or courthouse.

If any irregularities occur during the transport that are unmanageable if the door of the vehicle or compartment is not opened, then the transport officers shall request assistance from the police and drive to the nearest institution or, in the event of medical emergencies, to a doctor or hospital.

Explanatory information

Standard based on:

- Circular dated 1 July 2014, no. ZD20140000955/14/DJI; Article 20.

Explanation:

In principle, use of the toilet will be made at the destination. If the returnee needs to use the toilet during the journey, in principle, a detour will be made to a secure location.

3.13 Timely presence at the location of actual departure

Standard

The departing returnee and the officers who are escorting the returnee during the return operation shall be available at the location of departure at least 2.5 hours before the actual departure⁹ from the Netherlands.

⁹ See Footnote 5



Explanatory information

Standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendix 2.1.a.

Explanation:

1. This applies to departures from airports; other times could be used for other locations of departure. These times are determined by IJenV, in liaison with the authorities involved in the execution of the return operation.
2. In practice, it is not always possible to be present 2.5 hours before departure, e.g. because facilities are not operational yet at that time. The determining factor in IJenV's decision in this regard is whether there is sufficient time – including from the returnee's perspective – for a careful preparation of the actual departure.



4

Preparation for departure from the location of actual departure (usually Amsterdam Airport Schiphol)

4.1 Briefing prior to the actual departure

Standard

Prior to the commencement of the actual departure, the officer responsible for the process¹⁰ shall check whether all the conditions are present to execute the return operation effectively.

At the very least, attention should be paid to the following aspects:

- all required travel documents for both the returnees and the members of the escort. The briefing will include which travel document the departing returnee will use for travel. In the event of departure from an airport, the departing returnee will be checked in using this document;
- all other required documents (tickets, boarding passes, a valid vaccination book (if required), etc.);
- all necessary tools and equipment (including the BodyCuff);
- all information in Sigma, including with regard to matters such as the current behaviour of the departing returnee, the previous history, the risk category of the departing returnee, the travel route and transport organisations involved and any details about the destination;
- if applicable, the medical file, the medical passport, the Fit to Fly statement, medical supervision for the deportation, a sufficient amount of the correct medication required by the returnee for at least the estimated duration of the return operation and medication for the initial period of residence in the destination location;
- the number of escorts, the seating plan, the evacuation plan and the plan of action for the use of coercive means;
- whether or not the returnee is in possession of objects during the return operation;
- other tactical aspects concerning the operation, such as the assignment of tasks regarding the body search, the supervision in the holding room and entering of the vehicle/aircraft/vessel.

¹⁰ In most cases, this is the Escort Commander.

**Explanatory information**

Standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendices 1.1.2, 1.1.3, 1.2.6 3.2. a, b, c, d, e, f.
- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, Article 8.4.
- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).

4.2 Provision of information to the returnee about the actual departure

Standard

The KMar escorts shall immediately provide proof of identity in the presence of the returnee upon the transfer of the returnee by the DV&O employees. They will do this by showing their KMar ID document to the returnee.

Explanatory information

Standard based on:

- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).

Standard

Upon commencement of the 'intake meeting', the employees of KMar will inform the returnee of the course of proceedings during the deportation. At this point, they will indicate that it is in the returnee's best interests to cooperate with the deportation and that coercive means can be used if required.

Explanatory information

Standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendix 2.1.b.
- Frontex Code of Conduct, Articles 5.1.

**Standard**

The information about the course of proceedings during the deportation shall be understandable to the returnee. If the language barrier is an issue, then an interpreter can be engaged either in person or by phone.

Explanatory information

Standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendix 3.3.d.
- Frontex Code of Conduct, Articles 5.2 and Article 11.2.

4.3 Frisking/body search

Standard

Prior to the start of the actual departure, for the purposes of personal and general security, the returnee shall be subjected to a clothing search to check for the presence of objects that may present a risk.

The search will be conducted by authorised employees who are the same gender as the returnee and will be carried out immediately following the transfer of the returnee from DV&O to KMar. This must preferably not be carried out by the officers who will escort the departing returnee during the journey.

Explanatory information

Standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendix 2.2.b.
- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).

4.4 Verification of identity

Standard

The KMar employee shall verify the identity and nationality of the departing returnee on the basis of the travel document provided.



Explanatory information

Standard based on:

- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).

4.5 Inspection of hand luggage and hold luggage

Standard

The hand luggage and hold luggage of the departing returnee shall be inspected by KMar employees for dangerous goods.

All objects which could pose a danger to the departing returnee, the members of the escort or others present in the vehicle/aircraft/vessel shall be confiscated and, depending on the nature of the risk, placed in the hold luggage.

For the return operation, any money and valuable objects belonging to the returnee shall be packed in transparent, sealed packaging labelled with the name of the returnee.

Explanatory information

Standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendices 2.2.b and 2.2.c.
- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).

Explanation:

The search of the luggage shall be carried out immediately following the transfer of the luggage by DV&O to KMar.

Standard

During the search of the luggage, the KMar employees will look out for any documents indicating that the returnee has submitted an application for asylum in the Netherlands.

Before the deportation takes place, the KMar employee shall clearly notify the returnee of the risk of taking documents that show they have submitted an application for asylum in the Netherlands.

This notification will be recorded in the KMar information system.

**Explanatory information**

Standard based on:

- Aliens Act Implementation Guidelines (Vc) 2000 (A3), Article 6.6.

4.6 Layout of the location of actual departure

Standard

After the 'intake meeting', the returnee will be taken to a holding room. This holding room must be safe, secure and discrete to such an extent that the returnee is not capable of escaping the supervision of the KMar employees, while the returnee's personal safety, integrity and privacy must also be optimally protected.

Returnees shall always be detained in an individual holding room. At all times, at least one KMar employee must remain with the returnee in order to monitor them. The door of the holding room shall remain open.

Explanatory information

Standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendix 2.1.c.
- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).

Explanation:

IJenV assesses the rooms used to hold returnees at the location of departure. If the returnee is held in a room similar to a police cell, IJenV shall make use of its review framework on custody accommodation.

4.7 Escort to the aircraft

Standard

The KMar employees will transport the returnee to the aircraft by bus and conduct themselves in accordance with the instructions discussed during the briefing. The returnee shall be continually monitored by a KMar employee.

The Escort Commander shall ensure that all of the returnee's luggage is taken on the flight.

**Explanatory information**

Standard based on:

- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).

4.8 Notification of the crew of the transportation vehicle/vessel before departure

Standard

In any event, the Escort Commander will inform the captain and possibly a representative of the crew of the following matters:

- how many accompanying escorts there are and why;
- what the category is of the departing returnee;
- who the departing returnee is and what their frame of mind is;
- which coercive means have been used or may be used;
- the course of proceedings during boarding (when to board, whether to board via the back or front of the aircraft, behaviour of the returnee);
- what is expected of the crew when boarding;
- what the crew can expect from the members of the escort;
- that the Escort Commander is the point of contact;
- that the Escort Commander will continuously keep the captain informed if there is cause to do so.

If the departing returnee is transported by air, the 'Airline notification' document shall be handed over to the captain. This document contains the relevant information for the airline about the departing returnee and the members of the escort. If there is a transfer during the journey, then a copy of the 'Airline notification' document shall be handed over to the captain of the continuing flight.

Explanatory information

Standard based on:

- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).



4.9 Boarding procedure for the aircraft/vehicle/vessel

Standard

If normal passengers also travel with the transporting aircraft/vehicle/vessel, the members of the escort shall take the departing returnee on board as the first or last passenger (known as preboarding or late boarding respectively).

Upon removal of the aircraft steps, the KMar employees will maintain continuous contact with the returnee.

If necessary, the other passengers will be informed of the deportation by the crew.

In liaison with the crew, any children or elderly who are present among the ordinary passengers shall be moved to the front of the aircraft/vehicle/vessel if necessary.

Explanatory information

Standard based on:

- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).

4.10 Last-minute application for asylum

Standard

During the actual departure, the returnee shall be in a position to direct him or herself to a representative of the authority who is authorised to decide on an application/repeated application for asylum.

Explanatory information

Standard based on:

- Convention relating to the status of refugees.
- General Administrative Law Act.
- Aliens Act Implementation Guidelines (Vc) 2000 (A3), Article 6.4.



5

Flight process

5.1 Providing information to the crew of the aircraft

Standard

On board the plane, the Escort Commander shall introduce him or herself and the other members of the escort to the captain and the crew.

The Escort Commander will then discuss the following matters with a representative of the crew:

- who the members of the escort are and where they will be sitting;
- who the returnee is and where that person is sitting;
- any use of coercive means;
- the procedure regarding visits to the toilet;
- the fact that no alcohol may be consumed by the members of the escort and the returnee;
- the fact that hot beverages may only be served with permission from the Escort Commander;
- the fact that communication with the returnee always happens via the members of the escort;
- the fact that the returnee does not get a knife and fork with the meal, but only a spoon;
- what the procedure is at the place of destination.

Explanatory information

Standard based on:

- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).



5.2 Position and supervision on the aircraft

Standard

The Escort Commander shall decide where the returnee will be placed in the aircraft. They shall therefore keep account of the seats made available, the layout of the aircraft and the number of members of the escort. An escort will always be seated next to the departing returnee. The departing returnee never sits along the aisle or at an emergency exit.

At least two fully awake escorts shall always be seated next to the departing returnee, allowing the other members of the escort the chance to rest.

In the event the returnee needs to visit the toilet, they shall always be accompanied by the escorts. It is prohibited to close the toilet door during the visit to the toilet.

Explanatory information

Standard based on:

- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).

5.3 Applying enforcement and/or coercive means

Standard

Insofar as the circumstances permit, the departing returnee shall immediately be informed about the application of or intention to apply enforcement and coercive means.



Explanatory information

Standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendix 3.2a, b, c, d, e.
- Frontex Code of Conduct, Articles 5 and 6.
- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, Article 8.4.
- Committee of Ministers 925 Meeting, 4 May 2005, Articles 19.1 and 19.2.

The application of enforcement and/or coercive means occurs pursuant to:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendix 3.2.e.
- Official Instructions for the Police, the Royal Military Constabulary and the Special Investigating Officer.
- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).

Standard

The decision of whether to use coercive means will be taken by the Escort Commander.

Explanatory information

Standard based on:

- Official Instructions for the Police, the Royal Military Constabulary and other Special Investigating Officers, Article 23(a)(3).
- Committee of Ministers 925 Meeting, 4 May 2005, Article 19.2.
- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).

Standard

Within reason, the application of the coercive means must not present any risk to the health or safety of the returnee. Accordingly, any activities that block the airways or prevent breathing are strictly prohibited.



Explanatory information

Standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Appendix 3.2.c.
- Frontex Code of Conduct, Article 6.3.
- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, Article 8.4.
- Committee of Ministers 925 Meeting, 4 May 2005, Article 19.2.
- Official Instructions for the Police, the Royal Military Constabulary and other Special Investigating Officers, Article 23(a)(2)(b).
- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).

Standard

Departing returnees who are coercively restrained during the execution of the return operation shall be permanently supervised by the escorts.

If coercive means have already been applied to the returnee prior to the actual departure, then at least one escort will always stay with the returnee in order to supervise them.

Explanatory information

Standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendix 3.2.g.

Standard

The use of sedatives to facilitate the removal is forbidden, without prejudice to emergency measures to ensure flight security. A decision to use sedatives can only be taken by the superior who is responsible for the transportation, after having heard the opinion of the medical staff. Sedatives may only be administered by a medical professional.

**Explanatory information**

Standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendices 3.2.e and 3.4.2.
- Frontex Code of Conduct, Article 6.4.

Standard

Any decision to temporarily or permanently remove any coercive means applied during the return operation shall be made by the Escort Commander.

For transport by air, if the coercive means had already been applied in the removal centre, then this must be discussed with the captain prior to boarding. If the captain has no objections, the coercive means shall not be removed from the returnee as long as the Escort Commander considers these means necessary.

Explanatory information

Standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendix 3.2.h.

Standard

The application of enforcement or coercive means or the application of sedatives shall be recorded by or on behalf of the Escort Commander.

N.B. In practice, the deployment of coercive means is notified in retrospect by filling in the 'Use of violence during deportations' report form. Together with the Briefing and Debriefing forms, this form is part of the transport assignment.

Explanatory information

Standard based on:

- Official Instructions for the Police, the Royal Military Constabulary and other Special Investigating Officers, Article 23b.
- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).



5.4 Assessment of medical condition and medical supervision in general

Standard

At the start of the actual departure, any medical supervisors involved in the actual return shall ascertain whether the state of health of the returnee is sufficient to deem them fit to travel. For that purpose, at least 24 hours prior to the start of the actual departure, the medical supervisors shall have at their disposal the medical documentation for the returnee they are to escort.

Where indicated, the state of health of the returnee at the time of the actual departure shall be assessed again by a physician (independent or otherwise) before the departure can commence. The Escort Commander can decide whether this assessment will be conducted, either on the advice of a medical supervisor or otherwise.

During the actual return, professional medical supervision shall be available if the circumstances necessitate this.

Explanatory information

Standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendices 1.1.2 and 3.3..
- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, Article 9.2.a.
- Committee of Ministers 925 Meeting, 4 May 2005, Articles 16.1 and 16.4.

5.5 Application of safety precautions

Standard

During the flight, the returnee shall wear a safety belt, including if they have been laid down across three chairs after ferocious resistance.

Explanatory information

Standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendix 3.1.c.



5.6 Money and valuables

Standard

Immediately before or after landing, the travel envelope, the search bag and the hand luggage will be returned to the returnee by the Escort Commander.

Explanatory information

Standard based on:

- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).

5.7 Recognisability of members of the escort

Standard

The escorts involved in the return operation shall be individually recognisable and identifiable.

Explanatory information

Standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendix 1.2.5.
- Frontex Code of Conduct, Articles 9.
- Committee of Ministers 925 Meeting, 4 May 2005 Article 18.4.

5.8 Weapons of escorts

Standard

In deviation from *the Official Instructions for the police, the Royal Military Constabulary and the Special Investigating Officer and the measures to which persons who are legally deprived of their freedom can be subjected*, it is not permitted for the officers involved in the return operation to have firearms or other weapons at their disposal for the purposes of maintaining order. Other than that, the stipulations of the Official Instructions mentioned apply unabridged.

**Explanatory information**

Standard based on:

2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendix 1.2.5.

5.9 Stopovers during the return operation**Standard**

During a stopover/transit switch at a location abroad, account is kept of local viewpoints in respect of the use of coercive means. The Escort Commander will weigh up the decision in each individual situation.

On foreign territory, Dutch escorts have no jurisdiction, but they continue to be responsible for the departing returnee.

The escorts will remain with the returnee until the moment that the returnee is handed over to the receiving authorities responsible for the departing returnee. At least two escorts will remain in the immediate vicinity of the departing returnee, also during a stopover abroad. During the stopover, the returnee shall not – in principle – be temporarily handed over to the local authorities.

If, following the stopover, the journey continues with a new crew and captain, then they must be duly informed by the Escort Commander in advance about all the particulars at the location of actual departure, in accordance with the procedure.

Explanatory information

Standard based on:

- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).

Standard

The layout of the location where the departing returnee stays during the stopover shall be safe, secure and discrete to such an extent that the returnee is not capable of escaping the supervision of the KMar employees, while the returnee's personal safety, integrity and privacy must also be optimally protected.

To this end, the officers responsible for the execution of the return operation shall make arrangements with the local authorities prior to the operation. These arrangements shall be recorded in writing.



Explanatory information

IJenV standard.



6

Handover to the receiving authorities

6.1 Preparation of the handover

Standard

The Escort Commander shall be aware of local procedures regarding the disembarkation and handover of the departing returnee to the local authorities. If necessary, they will seek further information from the crew. Depending on the local conditions, the members of the escort may or may not remain on board the aircraft and the returnee shall be the first or last passenger to disembark.

Explanatory information

Standard based on:

- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).

Standard

Where possible, consular staff and/or immigration liaison officers of the receiving country shall be involved in the planned handover of the returnee.

Explanatory information

Standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendix 5.d.



6.2 Handover at the destination location

Standard

At the destination location, the departing returnee will be handed over to the authorities of the receiving country.

The handover of the returnee to these authorities and the exchange of the necessary documents shall be conducted in accordance with the process agreed in advance with the receiving authorities.

The returnee's travel document (passport, LP, EU document, Guiding Letter or Covering Letter) shall be handed over to the receiving authorities.

If required, adequate reception shall be arranged for unaccompanied minor returnees, i.e. they will be received by parents or family members, an appointed custodian or a local reception organisation.

If this has been arranged in advance, a medical handover to a local healthcare provider will be conducted.

Explanatory information

Standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendix 5.
- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, Article 10.2.
- Aliens Act Implementation Guidelines (Vc) 2000 (A3), Article 6.1.
- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).

All employees involved in the handover will be notified in advance of the requirements with which the handover must comply, in view of the situation (such as the availability of suitable reception parties or the medical handover to a local healthcare provider). In situations in which the actual handover cannot be conducted in compliance with the applicable requirements, IJenV expects that the deportation shall be terminated and that the returnee shall be returned to the Netherlands.



6.3 Exemptions from handover and provision of information

Standard

Any search bags still in the possession of the escorts shall be handed over to the returnee. The mutations, the travel assignment, the information registered in Sigma, etc. shall never be handed over or shown to the authorities of the receiving country.

The escorts shall never inform the authorities of the receiving country of any history of asylum applications the returnee may have. Where appropriate, a notification that the returnee has been removed on account of being an illegal should suffice.

Explanatory information

Standard based on:

- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).
- Committee of Ministers 925 Meeting, 4 May 2005 Article 18.4.

6.4 Departing returnees not handcuffed

Standard

During handover to the authorities from the receiving country, the departing returnee will not be handcuffed.

Explanatory information

Standard based on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendix 5.e.

6.5 Handover/departure delayed

Standard

In the event of delays to the return operation, the Escort Commander shall be responsible for ensuring accommodation facilities are provided for the returnee and the escorts. If necessary, the Escort Commander will contact DT&V regarding this matter.



Explanatory information

IJenV standard, based partly on:

- 2004/573/EC: Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Article 7, in conjunction with Appendix 5.h.

6.6 Conduct when accompanying a returnee back to the Netherlands

Standard

When a returnee must be accompanied back to the Netherlands because the handover to the authorities at the destination country fell through or because a person previously handed over to the authorities of the destination country must be taken back by the Netherlands, the same standards and guarantees apply in respect of, amongst other things, the treatment/handling of, the furnishing of information to and the complaint options available to the returnee, as would be the case for the original escort to the destination country. This takes place with due observance of the situation applicable at that time and with the reasonableness and fairness that is expected from the executors in those situations.

Explanatory information

IJenV standard based on:

- the previously mentioned sources and standards in the return and departure process.

Explanation:

By way of this general provision, IJenV declares that the previously mentioned standards for the return to or the preparation for the return to the destination country are equally applicable to a situation where the returnee is to be accompanied back to the Netherlands. IJenV will assess the execution of the case in light of the circumstances in that situation. Therefore, in specific situations, it could mean that permission for the use of oppressive force is required from the authorities of the country from where the journey back to the Netherlands takes place.



7

Completion of the return operation

7.1 Debriefing following actual departure

Standard

Immediately after the completion of the actual departure process, a debriefing shall be held under the responsibility of the Escort Commander, in which all the details pertaining to the process shall be exchanged and recorded by the officers involved.

Explanatory information

- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).

7.2 Reporting of the actual departure

Standard

The Escort Commander will create a written report with regard to the actual departure. If any circumstances arose during the departure, such as medical issues or the application of force or coercive means, then these will be explicitly mentioned in the report.

The report will also include a description of the process of the handover to the receiving authorities. If special conditions applied to the handover (such as a handover to appropriate reception parties or a medical handover), then the report shall specify to what extent these conditions were complied with. A copy of this report shall be made available to IJenV at the first possible opportunity.



Explanatory information

IJenV standard, based partly on:

- KMar working instructions as recorded in the KMar Operational Workplace Activities Information System (as displayed on 21 November 2017).



Appendix

Abbreviations

Abbreviation	Meaning
ABRvS	Administrative Jurisdiction Division of the Council of State
AMV	unaccompanied minor returnee
AZC	Asylum Seekers' Centre
DC	Detention Centre
DJI	Custodial Institutions Agency
DV&O	Transport and Support Unit
DT&V	Repatriation and Departure Service
EBV	Extra Secure Transport
ECHR	European Convention on Human Rights
IND	Immigration and Naturalisation Service
IJenV	Inspectorate of Justice and Security
IATA	International Air Transport Association
IVRK	Convention on the Rights of the Child
JJI	Young-offenders institution
RI	Detainee Reception (at a detention centre)
KMar	Royal Military Constabulary
Vb	Aliens Decree 2000
VBL	Freedom-limiting centre
Vc	Aliens Act Implementation Guidelines 2000
VV	Aliens Regulations 2000
Vw	Aliens Act 2000



Mission of the Inspectorate of Justice and Security

The Inspectorate of Justice and Security monitors the domain of justice and security in the interest of society, the parties subject to monitoring and persons politically and administratively responsible, in order to provide insight into the quality of the performance of tasks and the compliance with rules and standards, to detect risks and to stimulate organisations to perform better, thereby contributing to a safe and just society.

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