



SUPPORTING SAFE, ORDERLY AND DIGNIFIED MIGRATION THROUGH ASSISTED VOLUNTARY RETURN AND REINTEGRATION

Building upon the New York Declaration for Refugees and Migrants adopted on 19 September 2016, the Global Compact on Safe, Orderly and Regular Migration (GCM) will set out a range of principles, commitments and understandings among Member States regarding international migration in all its dimensions. The GCM should make an important contribution to global governance and enhance coordination on international migration. For the consideration of Member States, the Thematic Papers, developed by IOM, outline core topics and suggestions to inform actors involved in the broad 2017 consultation process that will lead to the inter-governmental negotiations and final adoption of the GCM.

INTRODUCTION

Assisted Voluntary Return and Reintegration (AVRR) is an indispensable part of a comprehensive approach to migration management. It contributes to achieving safe, orderly and dignified migration, since it safeguards the human rights of migrants, upholds international principles and standards, and contributes to preserving the integrity of regular migration structures and asylum systems.

Often implemented in cooperation with non-governmental organizations and diaspora communities, AVRR provides vital assistance – including reintegration assistance¹ – to tens of thousands of migrants returning home voluntarily every year under a diverse range of circumstances. AVRR relies on partnerships and institutional dialogue, as well as data collection, monitoring and evaluation for evidence-based policy and programme formulation.

In the New York Declaration and its Annex II², AVRR is an important component of (e) (“The facilitation of safe, orderly, regular and responsible migration and mobility of people”) and (s) (“Return and readmission, and improving cooperation in this regard between countries of origin and destination”).³ Moreover, Recommendation 7 of the Sutherland Report specifically calls on States “...to start a dialogue among countries of origin, transit and destination on return practices....with a view to establishing....shared principles to govern cooperation on return and reintegration in all world regions.”⁴

This paper outlines the existing approaches and key gaps faced by States and stakeholders involved in the provision of AVRR and makes recommendations for concrete actions and commitments that could be included in the GCM.

EXISTING PRINCIPLES

Normative framework

The human rights of migrants and responsibilities of States are outlined in the Universal Declaration of Human Rights (1948), as well as in the nine core international human rights treaties⁵, which apply to all persons, including migrants, and in all contexts, including migration. Furthermore, the principle of safe and dignified return is embedded in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)⁶, and in the Protocol against the Smuggling of Migrants by Land,



Sea and Air (2000)⁷. Additional regional instruments may also apply, such as the European Convention on Human Rights (1950), the American Convention on Human Rights (1969), the African Charter on Human and People's Rights (1981), or the European Directive on common standards and procedures in Member States for returning illegally staying third-country nationals.⁸

Under the international human rights framework, governments of countries of destination, transit and origin are under obligation to respect the human rights of migrants, such as: the right to return⁹ and the right to leave any country¹⁰; the right not to be returned to a country where they would be persecuted, or tortured¹¹, or not have access to adequate protection¹²; the right to health and access to social and health-care services¹³; and the rights of the child and in particular of unaccompanied minors, whose return must abide by, *inter alia*, the principle of the best interest of the child.¹⁴

2030 Agenda for Sustainable Development

Migration is mainstreamed within the 2030 Agenda for Sustainable Development ("Sustainable Development Goals," or SDGs)¹⁵. The introduction states:

"We recognize the positive contribution of migrants for inclusive growth and sustainable development. We also recognize that international migration is a multi-dimensional reality of major relevance for the development of countries of origin, transit and destination, which requires coherent and comprehensive responses. We will cooperate internationally to **ensure safe, orderly and regular migration involving full respect for human rights and the humane treatment of migrants regardless of migration status**, of refugees and of displaced persons. Such cooperation should also strengthen the resilience of communities hosting refugees, particularly in developing countries. We underline the right of migrants to return to their country of citizenship, and recall that States must ensure that their returning nationals are duly received".

AVRR primarily contributes to Target 10.7 – *Facilitate orderly, safe, regular and responsible migration and mobility of people, including through ...* (1) facilitating voluntary returns, which form part of the cycle of international migration and are essential to comprehensive migration management, and by (2) assisting returning migrants as well as Member States to address challenges associated with return migration and re-inclusion.

In addition, AVRR contributes to Target 10.2 – *Empower/promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status* by supporting returnees in their economic, social and psychosocial reintegration process in their countries and communities of origin¹⁶.

Through local partnerships and cooperation in the implementation of and referrals for reintegration support, AVRR is also relevant for Target 17.17 – *Encourage and promote effective public, public-private and civil society partnership*. Furthermore, by engaging and building the capacity of all relevant stakeholders at the local, regional and national levels, AVRR programmes foster a broader and more comprehensive understanding of the importance of well managed return policies, thereby relating to Target 17.9 – *Enhance international support for implementing effective and targeted capacity-building in developing countries to support national plans to implement all the sustainable development goals, including through North-South, South-South and triangular cooperation*. Such an approach is particularly relevant for countries facing challenges and/or limited capacity to reintegrate returning migrants.



The IOM Migration Governance Framework¹⁷ further provides a comprehensive overview of the essential elements for planned and well-managed migration. The Framework underlines principles and objectives which are also relevant to voluntary return assistance and reintegration. While objective 3 – *Migration should take place in a safe, orderly and dignified manner* – articulates the need for comprehensive migration management policies that ensure the well-being and dignity of migrants, including for dignified and voluntary returns, objective 1 – *Good migration governance and related policy should seek to advance the socioeconomic well-being of migrants and society* – highlights the need for strong, results-focused reintegration and social cohesion programmes to support returnees in the framework of AVRR programmes.

Reflecting on this normative framework, AVRR contributes to ensuring safe, orderly, and dignified migration by observing the following principles:¹⁸

- **Voluntariness:** voluntariness is a prerequisite to AVRR¹⁹. It is assumed to exist if a free and informed decision is taken by the returning individual. A voluntary decision encompasses three elements: (a) freedom of choice, which is defined by the absence of any physical or psychological coercion; (b) an informed decision which requires the availability of accurate and objective information upon which to base the decision; and c) the legal capacity on the part of the migrant to make an informed decision (or their legal guardian in the event they are not capable of doing so).
- **Protection of migrant rights:** in the return process, the governments of countries of destination, transit and origin are under obligation to respect the rights of migrants enshrined in international law and in national legislation, as outlined above.
- **State sovereignty:** under international law, and without prejudice to certain provisions deriving from international standards, such as the principle of *non-refoulement*, the right to return, and the obligations for governments of countries of origin to accept (readmit) returning nationals²⁰, each State has the sovereign right to decide who may enter and remain on its territory.
- **Tailored assistance according to the specific needs of migrants:** each returnee should receive an individualized response to his or her specific needs. The provision of a specific and tailored approach is particularly required for migrants in situation of vulnerable situations, who may have particular protection needs.²¹ These include unaccompanied migrant, migrants with health needs, victims of human trafficking, stranded migrants and migrants subject to abuse and exploitation, as well as single mothers with children.

ISSUES

In line with the rise in the volume of migration in recent years, including irregular and forced migration, the number of returns has also significantly increased. In 2015 for example, AVRR services have been provided to more than 69,000 migrants²² and this number has reached approximately 98,000 in 2016. This represents a considerable increase in comparison with the average number of migrants assisted with AVRR every year between 2005 and 2014 (i.e. 34,000 per year on average). Recent trends also indicate that South-South returns, including from transit countries²³, are also increasing.

AVRR represents a humane and dignified manner for a migrant to return to one's country of origin, whatever the reason may be, including a rejected or withdrawn application for asylum, falling victim to



human trafficking, exploitation or extortion²⁴, being in an irregular situation, or lacking the means to return.

AVRR is critical in the context of transit migration, as it provides assistance to stranded migrants who are in distress and often destitute, or who lack the means to continue their journey, be they in a regular or in an irregular situation. Conversely, the lack of such programmes can exacerbate the vulnerability experienced by specific groups (in particular, unaccompanied migrant children, those with health needs, and victims of trafficking) and can present an additional burden for national assistance care systems in host countries.

From a State perspective, AVRR is a consensual and cost-effective option that helps strengthen the integrity of asylum systems, while avoiding a systematic and generally costly use of law enforcement. For countries of origin, AVRR contributes to reintegrate returnees into the national socioeconomic fabric. AVRR also complements and supports the capacities of host countries, transit countries and countries of origin by supporting migrants through travel document acquisition, counselling, travel arrangements and arrival assistance, among others.

Existing approaches and gaps

AVRR is delivered following a tailored and individualized approach, putting the needs of the returnee at the forefront and therefore allowing the returnee to retain his or her dignity and take responsibility for and ownership of the return process²⁵. In doing so, international organizations, local governmental agencies, and non-governmental organizations work in close cooperation to ensure that migrants have access to adequate and accurate information and individualized assistance. AVRR includes a pre-departure assistance phase, involving outreach, counselling and return-related information on the country of origin, medical assistance, travel documentation and specialized assistance to vulnerable individuals. As such, the pre-departure assistance phase is key to building trust between migrants and AVRR service providers to ensure the credibility and overall success of the assisted voluntary return process. The travel assistance phase may include departure assistance, transport, transit assistance, escort assistance (operational or medical) based on individual needs and circumstances, and reception assistance. In the post-arrival phase, reintegration assistance is typically provided as part of a comprehensive approach to return migration²⁶ in view of promoting sustainability.

At the policy level, return migration is also increasingly addressed in international and regional fora, such as Regional Consultative Processes on Migration (RCPs)²⁷, thus fostering dialogue, understanding, and stronger coordination on AVRR.

Perspectives on return differ from country to country, leading to disparities in the formulation of return migration related policies and in the development and the implementation of AVRR programmes. In addition, addressing the specific needs of migrants who are trafficked, exploited, or who are highly vulnerable to exploitation, continues to present significant challenges among host countries, transit countries and countries of origin with limited response capacities, and particularly in the context of large-scale migration.

Lastly, the lack of systematic data on AVRR (and on return migration in general), and specifically the lack of long-term monitoring and evaluation processes of returns by most countries, limits the ability to identify and address gaps to strengthen future AVRR programming.



SUGGESTED ACTION

In the context of comprehensive migration governance, AVRR is one essential elements that protects the rights and dignity of migrants and contributes to the socioeconomic well-being of migrants and societies. To achieve this aim, policymakers may consider the following actions:

- 1) **Adopt concerted policies on AVRR at the international, regional, and national levels**, to ensure safe voluntary returns and sustainable reintegration, in full respect for human rights, guaranteeing the humane treatment of migrants regardless of migration status.
- 2) **Preserve the integrity and independence of AVRR processes** by ensuring a clear distinction between voluntary return and law enforcement mechanisms, both at the national policy and at the implementation level.
- 3) **Take into account gender and the specific needs of migrants in vulnerable situations** in the formulation of return-related policies and programmes, and in particular across AVRR programmes.
- 4) **Foster cooperation and partnerships between stakeholders**, governmental and non-governmental, public and private, local and international to ensure coordination, complementarity and coherence across stakeholders who often have different mandates and priorities.
- 5) **Encourage dialogue among host, transit and countries of origin on return practices and standards**. This could be achieved through reinforcing international and regional fora such as Regional Consultative Processes.
- 6) **Promote evidence-based programming** by encouraging long-term, systematic and comprehensive data-collection and monitoring and evaluation schemes, to help assess the relevance, effectiveness, and impact of voluntary return and reintegration assistance.

Suggested programmatic response:

- 7) **Establish a global funding instrument for AVRR** to respond to sudden and/or unexpected needs for AVRR, especially in transit countries, in a flexible, efficient and needs-based manner.
- 8) **Strengthen capacities of governments and partners** in the definition and implementation of return and reintegration management policies and programmes through legislative reviews, trainings and study visits, support to develop guidelines and standard operating procedures.
- 9) **Reinforce return and reintegration data collection and monitoring systems globally**, through the adoption of harmonized sets of indicators and monitoring procedures.
- 10) **Increase migrants' awareness and increase the understanding of AVRR** among the general public, through balanced and objective communication.
- 11) **Ensure availability of adequate counselling and provision of up-to-date information**, notably on conditions in countries of origin, at all stages of the return process, as a key service to migrants considering the option of voluntary return.



- 12) Prepare prospective returnees for socioeconomic reintegration** and help build their confidence as they seek to establish self-sufficiency in the country of origin, for example through training courses or skills assessments.
- 13) Tailor AVRR assistance to migrants' specific vulnerabilities:** provide specific counselling and referral measures adjusted to the needs of the individual, and involve the returnees' family where appropriate. Capacity-building for relevant entities in host countries and countries of origin is crucial to strengthen their ability to effectively address the needs of migrants in situations of vulnerability.
- 14) Link AVRR pre-departure activities to post-arrival reintegration assistance** to enhance the success and the long-term impact of voluntary return.
- 15) Complement individual reintegration assistance with community-based assistance and structural interventions.** These three levels of intervention are essential to foster sustainability of reintegration after the return²⁸.
- 16) Implement regional AVRR projects** involving two or more countries to streamline approaches and reinforce best practices.

¹ This paper should be read in conjunction with the IOM's Thematic Papers on *Enhancing migrant well-being upon return through an integrated approach to reintegration*, and on *Readmission*.

² UN General Assembly resolution 71/1, *New York Declaration for Refugees and Migrants* (3 October 2016), A/RES/71/1.

³ The following provisions of the New York Declaration are also relevant with regards to AVRR: (c) ("The need to address the drivers of migration, including through strengthened efforts in development (...)", (f) ("The scope for greater international cooperation, with a view to improving migration governance"), (i) ("Effective protection of the human rights and fundamental freedoms of migrants, including women and children, regardless of their migratory status, and the specific needs of migrants in vulnerable situations"), and (x) ("Cooperation at the national, regional and international levels on all aspects of migration").

⁴ Report of the Special Representative of the Secretary General on Migration, A/71/728, 3 February 2017.

⁵ International Covenant on Economic, Social, and Cultural Rights (1966); International Covenant on Civil and Political Rights (1966); International Convention on the Elimination of All Forms of Racial Discrimination (1965); the Convention on the Elimination of All Forms of Discrimination against Women (1979); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); Convention on the Rights of the Child (1989); International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990); International Convention for the Protection of All Persons from Enforced Disappearance (2006); and Convention of the Rights of Persons with Disabilities (2006).

⁶ Art.8, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000).

⁷ Art.18, Protocol against the Smuggling of Migrants by Land, Sea and Air (2000).

⁸ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008.

⁹ Art. 13 (2) of the Universal Declaration of Human Rights (1948), Art. 12(4), International Covenant on Civil and Political Rights (1966).

¹⁰ Art. 13 (2) of the Universal Declaration of Human Rights (1948), art. 12(2), International Covenant on Civil and Political Rights (1966).

¹¹ Article 3(1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).

¹² The principle of non-refoulement is laid down in the Geneva Convention relating to the Status of Refugees (1951), and is generally considered as a norm of customary law



¹³ See for example, art. 28 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990).

¹⁴ Art.20, Convention on the Rights of the Child (1989).

¹⁵ General Assembly resolution 70/1, *Transforming our world: the 2030 Agenda for Sustainable Development*, A/RES/70/1, 25 September 2015.

¹⁶ For more details on the reintegration process, see IOM's Thematic Paper on *Enhancing migrant well-being upon return through an integrated approach to reintegration*.

¹⁷ IOM's Migration Governance Framework, adopted by the Council in November 2015, seeks to present, in a consolidated, coherent and comprehensive way, a set of three principles and three objectives which, if respected and fulfilled, would ensure that migration is safe, orderly and dignified, and benefits migrants and society.

¹⁸ These principles are expressly embedded in IOM Constitution, as well as in key policy and strategy documents that have been adopted by IOM Member States over the course of the past three decades, namely: IOM Strategy, MC/INF/287 (2007), reviewed in 2010 (MC/INF/302); Policies and Practices with Respect to Rejected Asylum Seekers, 3 November 1992, MC/INF/222; IOM Policy Concerning its Assistance to Unsuccessful Asylum Seekers and Irregular Migrants Returning to Their Country of Origin, 29 March 1996, MC/EX/INF/51; and IOM Policy Concerning its Assistance to Unsuccessful Asylum Seekers and Irregular Migrants Returning to Their Country of Origin, 5 November 1997, MC/INF/236.

¹⁹ IOM Constitution, art.1(d).

²⁰ Art. 18 of the Protocol against the Smuggling of Migrants by Land, Sea and Air (2000); and Art. 8 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000).

²¹ See also IOM's Thematic Paper on *Effective protection of the human rights and fundamental freedoms of migrants, including women and children, regardless of their migratory status, and the specific needs of migrants in vulnerable situations*.

²² These figures relate to IOM AVRR activities. For more information, see *Assisted Voluntary Return and Reintegration – Key Highlights 2015*, IOM (2016):

http://www.iom.int/sites/default/files/our_work/DMM/AVRR/AVRR_2015_Key_Highlights.pdf

²³ In the migratory context, transit countries are usually referred to as countries through which a person or a group of persons pass on any journey to the country of destination. Nevertheless, many migrants, especially those migrating irregularly, often cannot continue their journey for a variety of reasons and instead become stranded in a transit country. As such, transit and destination countries are not always clearly distinguishable.

²⁴ See also IOM's Thematic Paper on *Combating Trafficking in Persons and Contemporary Forms of Slavery*.

²⁵ With regards to reintegration assistance however, individual assistance should be complemented by community-based assistance and broader structural interventions. Taking into consideration these three levels of intervention are essential to foster sustainability of reintegration after the return.

²⁶ For more details, see IOM's Thematic Paper on *Enhancing migrant well-being upon return through an integrated approach to reintegration*.

²⁷ RCPs are State-led, informal, non-binding dialogues on migration which now exist in most regions of the world. Among RCPs specifically focusing on voluntary return and/or reintegration are: the Rabat Process (the Euro-African Dialogue on Migration and Development), the Bali Process on People-Smuggling, the Budapest Process, the Puebla Process, or the Migration Dialogue for Southern Africa (MIDSA).

²⁸For more details on reintegration assistance, see IOM's Thematic Paper on *Enhancing migrant well-being upon return through an integrated approach to reintegration*.