Assisted Voluntary Return and Reintegration Handbook for the North African Region

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IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental body, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants

This handbook is greatly inspired by the IOM global internal handbook for AVRR and other IOM tools, but has been adapted to the regional context of North Africa and tailored for an external audience.

Contents

List of Acronyms

AVRR	Assisted Voluntary Return and Reintegration
CRC	Convention on the Rights of the Child
ENP	European Neighbourhood Policy
ERI	European Re-integration Instrument
EU	European Union
GAM	Global Approach to Migration
GAMM	Global Approach to Migration and Mobility
HA	Health Assessment
HEC	Humanitarian Evacuation Cell
ICRC	International Committee of the Red Cross
IOM	International Organization for Migration
NGO	Non-Governmental Organization
MENA	Middle East and North African Region
PCM	Catalonia Magrib Project (Projecte Català del Magrib)
SMC	Significant Medical Condition
UMC	Unaccompanied Migrant Children
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
VoT	Victims of Trafficking
WHO	World Health Organization

Glossary [1]

Administrative detention is a measure taken by a competent administrative authority of a State to deprive a person of his or her liberty. Legislation in many countries provides for the placement in administrative detention of migrants in an irregular situation, whether on their arrival in the territory or at a later stage of the migration process, sometimes with a view to their expulsion.

Assisted voluntary return and reintegration refers to the administrative, logistical and financial return and reintegration support extended to rejected asylum-seekers, victims of trafficking in human beings, stranded migrants, qualified nationals and other migrants unable or unwilling to remain in the host country who volunteer to return to their countries of origin.

Asylum-seeker is a person who flees to a country other than his or her own to seek safety from persecution or serious harm and awaits a decision on his or her application for refugee status under relevant international and national instruments. In the case of a negative decision, the asylum-seeker may be expelled and must leave the country, as may any non-national in an irregular or unlawful situation, unless permission to stay is granted on humanitarian or other related grounds.

Country of destination is a country that serves as a destination for migratory flows (whether regular or irregular).

Country of origin is a source country of migratory flows (whether regular or irregular).

Country of transit is a country through which migratory flows (whether regular or irregular) move.

Deportation is the act carried out by a State, in the exercise of its sovereignty, of removing a non-national from its territory back to his or her country of origin or to a third State after refusal of admission or termination of permission to remain.

Deportation order is an administrative or judicial decision or act ordering a removal.

Detainee is a person held in detention.

Detention is the restriction on the freedom of movement through confinement, ordered by an administrative or judicial authority. There are two types of detention: (a) criminal detention, having as its purpose punishment for the committed crime, and (b) administrative detention, which guarantees that another administrative measure (such as deportation or expulsion) can be implemented. In the majority of countries, irregular migrants are subject to administrative detention, as they have violated immigration laws and regulations that are not considered to be crimes. In many States, a non-national

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1 Adapted from the IOM Glossary on Migration (see IOM 2011e).

may also be administratively detained pending a decision on his or her refugee status or admission to or removal from the State.

Exit visa is issued for individuals with expired visas who need to have them extended before leaving the country. Some countries also refer to this as a "bridging visa." (See also visa)

Expatriate is one who lives in a foreign country.

Exploitation is the act of taking advantage of something or someone, in particular the act of taking unjust advantage of another for one's own benefit (e.g. sexual exploitation, forced labour or services, slavery or similar practices, servitude or the removal of organs).

Expulsion is an act carried out by an authority of the State with the intention and with the effect of securing the removal or a person or persons (specifically, non-nationals or state-less persons) against his or her will from the territory of that State.

Expulsion order is the judicial or administrative order of a State obliging a non-national to leave its national territory.

Forced/compulsory labour is all and any work or service exacted from any person under the menace of any penalty for which the said person has not offered him or herself voluntarily.

Forced return is the compulsory return of an individual to his or her country of origin, or a transit or third country, on the basis of an administrative or judicial act.

Guardian is one who has the legal authority and duty to care for another's person or property, usually because of that other person's incapacity, disability or status as a minor. A guardian may either be appointed for all purposes or for a specific purpose.

Health, according to the preamble of the WHO Constitution (1946), is a state of complete physical, mental and social well-being and not merely the absence of disease of infirmity.

Health assessment, in the migration context, is the function of reducing and better managing the public health impact of population mobility on receiving countries, as well as facilitating the integration of migrants through the detection and cost-effective management of health conditions and medical conditions. Pre-departure health assessments offer an opportunity to promote the health of assisted migrants by serving as an occasion to initiate preventative and curative interventions for conditions that, if left untreated, could have a negative impact on a migrant's health status and/or on the public health of the host communities.

Involuntary repatriation is the return of a refugee, prisoner of war or civil detainee to his or her territory/State of origin as a result of circumstances which do not leave any other alternative. Repatriation is a personal right (unlike expulsion and deportation, which are primarily within the domain of State sovereignty); as such, neither the State of nationality nor the State of temporary residence or detaining power is justified in enforcing repatriation against the will of a person eligible to remain, whether a refugee, prisoner of war or

civil detainee. According to contemporary international law, prisoners of war, civil detainees and refugees refusing repatriation, particularly if motivated by fears of political persecution in their own country, should be protected from refoulement and given, if possible, temporary or permanent asylum.

Irregular migrant is a person who, owing to his or her unauthorized entry, breach of a condition of entry, or the expiry of his or her visa, lacks legal status in a transit or host country. The definition covers, inter alia, those persons who have entered a transit or host country lawfully but have stayed for a longer period than authorized, or those who have subsequently taken unauthorized employment (also called "clandestine/undocumented migrant" or "migrant in an irregular situation"). The term 'irregular' is preferable to 'illegal' because the latter carries a criminal connotation and is seen as denying migrants' humanity.

Labour migration is the movement of persons from one State to another, or within their own country of residence, for the purpose of employment. The matter is addressed by most States in their migration laws. In addition, some States take an active role in regulating outward labour migration and in seeking opportunities for their nationals abroad.

Laissez-passer is a travel document issued in exceptional circumstance by the consular office of a country to a national of a certain country of origin (e.g. in the case of loss or theft of his or her passport) or to migrants to whom the State has assured protection (e.g. the nationals of certain States that are under the protection of another State, in the absence of diplomatic representation or consular officials, or in the case of loss or theft of their passport).

Mixed flows are complex migratory population movements that include refugees, asylum-seekers, economic migrants and other types of migrants, as opposed to migratory population movements that consist entirely of one migrant category.

Non-refoulement is the principle in international refugee law that prohibits States from returning refugees, in any manner whatsoever, to countries or territories in which their lives or freedom may be threatened. The principle of non-refoulement is considered by many authors as part of customary international law, while for others the requirements for the existence of a customary norm are not met.

Person of concern is the term used by the Office of the UN High Commissioner for Refugees (UNHCR) to describe all individuals, including refugees, asylum-seekers, internally displaced and stateless people, whose protection and assistance needs are of interest to it. (UNHCR, 2001)

Post-arrival and reintegration assistance (PARA) is a form of assistance provided only upon request from the return migrant's country of origin and is limited to in country support for non-IOM returnees. IOM does not involve itself in the implementation of forced returns. However, PARA is provided to returnees who have been returned under the auspices of their host governments, once these returnees have been formally readmitted in their countries of origin.

Readmission is an act by a State accepting the re-entry of an individual, whether he or she is its own national, a third-country national or a stateless person).

Readmission agreement is an international agreement which addresses procedures, on a reciprocal basis, for one State to return non-nationals in an irregular situation, to their home State or a State through which they have transited.

Refugee is a person who, "owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country (Article 1A(2), Convention and Protocol Relating to the Status of Refugees [1951], as modified by the 1967 Protocol). In addition to this definition of "refugee", the 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa defines a refugee as any person compelled to leave his or her country "owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality." Similarly, the 1984 Cartagena Declaration states that refugees also include persons who flee their country "because their lives, security or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order."

Refugee status determination is a process (conducted by States and/or the Office of the UN High Commissioner for Refugees) to determine whether an individual should be recognized as a refugee in accordance with applicable national and international law.

Regular migration is migration that occurs through recognized and authorized channels.

Reintegration is the re-inclusion or re-incorporation of a person into a group or process, for example, of a migrant into the society of his or her country of origin or habitual residence.

Reintegration assistance is provided to help returnees re-establish themselves; it ranges from in-cash or in-kind financial aid, guidance and training to set up micro-businesses or cooperatives, to direct aid to communities and local governments of return and even to countries of origin at the macro-level.

Return refers to the act of going back from a country of presence (either transit or destination) to the country of previous transit or origin. Return may also take place within a country. However, and for the purpose of this handbook, only international migration will be addressed. There are various categories of return that take place or are implemented, namely, voluntary, forced, assisted or spontaneously (without the involvement of States or other national and international actors), and the repatriation of refugees.

Sexual exploitation is any actual or attempted abuse of a position of vulnerability, power differential, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

Smuggled person/migrant is a migrant who is enabled, by providing financial or material benefit to another person, to gain illegal entry into a State of which he or she is not a national or a permanent resident.

Smuggler (of migrants) is an intermediary who moves a person, by agreement with that person, in order to transport him or her in an unauthorized manner across an internationally recognized State border.

Smuggling is "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident" (Article 3(a), UN Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000). Smuggling, contrary to trafficking, does not require an element of exploitation, coercion or violation of human rights.

Trafficker (human) is an intermediary who is involved in the movement of persons in order to obtain an economic or other form of profit by means of deception, physical or psychological coercion for the purpose of exploitation. The intent, ab initio, on the part of the trafficker is to exploit the person and gain profit or advantage from the exploitation.

Trafficking in persons is "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation" (Art. 3(a), UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime, 2000). Trafficking in persons can take place within the borders of one State or may have a transnational character.

Travel documents is the generic term used to encompass all documents issued by a competent authority which serve as acceptable proof of identity for the purpose of entering another country. Passports and visas are the most widely used forms of travel documents. Some States also accept certain identity cards or other documents, such as residence permits.

Unaccompanied migrant children (UMC) are persons under the age of majority in a country other than that of their nationality who are not accompanied by a parent, guardian or other adult who, by law or custom, is responsible for them. Unaccompanied children present special challenges for border control officials, because detention and other practices applied to undocumented adult non-nationals may not be appropriate for children.

Victim of human trafficking (VoT) is any natural person who is subject to trafficking in human beings.

Voluntary repatriation is the return of eligible persons to the country of origin on the basis of their freely expressed willingness to such return; the term is most often used in the context of refugees, prisoners of war, and civil detainees. It is also one of the three

durable solutions to address the plight of refugees. Where IOM is involved in the activity, it is in conjunction with UNHCR and is always voluntary in nature. This activity, however, is not covered in this handbook.

Voluntary return is based on a decision freely taken by an individual to his or her country of origin or transit and consists of two elements: (a) freedom of choice, which is defined by the absence of any physical or psychological pressure and; (b) an informed decision, which requires the availability of enough accurate and objective information upon which to base such decision.

Vulnerable group is any group or sector of society that is at a higher risk of being subjected to discriminatory practices, violence, natural or environmental disasters, or economic hardship, than other groups within the State; it may also refer to any group or sector of society (such as women, children, the elderly, persons with disabilities, indigenous peoples or migrants) that is at a higher risk in periods of conflict and crisis.

Foreword

Assisted voluntary return and reintegration (AVRR) is increasingly becoming widely recognized and globally implemented as a durable solution for irregular migrants in need and as a more cost-effective, humane and sustainable alternative to forced return. However, it is important to consider AVRR as one of several important and complementary tools in an overall country or regional migration management framework. Indeed, IOM experience has shown that AVRR is more effective when complemented with tools such as capacity-building for State institutions and civil society, counter-trafficking, migration protection strategies and migrant health initiatives. A poignant example of this are the AVRR frameworks implemented in North Africa, given the popular uprisings in 2011 which have seen migratory flows to, from and through the North African region become more complex and mobility on the whole increased. This has led to migrants' needs becoming more varied and migrants themselves becoming more vulnerable, often stranded and in risk of destitution.

It is within this context of mixed and complex migration flows that implementing AVRR in North Africa has become more critical and necessarily more flexible and tailored to the individual needs of each assisted migrant, who often finds him-or herself with no means or resources to lead a dignified life in his or her host country or to return home. Through AVRR, as part of an overall migrant protection framework, IOM strives to protect migrants' rights and assist its Member States by bringing together a multitude of stakeholders to provide a comprehensive AVRR service. This not only protects migrants, but empowers them to become agents in their own development, as well as in the development of their own communities, ensuring durable solutions for each and every returnee.

Therefore, based on IOM's experience in the region and the lessons it has learned, it is with great pleasure that the Organization presents this AVRR handbook for the North African region, which provides guidance on how to successfully implement a comprehensive AVRR framework, complete with tips, recommendations, best practices and illustrative case studies.

This handbook is produced under the Regional Assisted Voluntary Return and Reintegration Programme for Stranded Migrants in Egypt and Libya (RAVEL), funded by the European Union and co-funded by the Italian Government. The overall objective of this project is to support the national and civil society effort to stem illegal migration along the "Eastern migration route" and assist vulnerable migrants, including through a comprehensive AVRR programme operating outside of Libya and Egypt. This handbook is one of the project's activities to enhance interregional cooperation and encourage coherent programme delivery in origin, transit and destination countries. I therefore hope that this handbook will assist in guiding government institutions, NGOs, international organizations and other interested entities in the development of a human cooperative approach to returning migrants.

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Introduction

Assisted voluntary return and reintegration (AVRR) is widely recognized and implemented as an essential element of an effective migration management system. IOM has been implementing AVRR programmes since the late 1970s by helping individual migrants stranded in a host country to return and reintegrate in their home countries. In so doing, IOM supports governments to develop a humane and coordinated approach to return migration. AVRR activities within the Middle East and North Africa (MENA) region are a relatively new, complex and multifaceted experience, since they are carried out in a region which contains, all at the same time, origin, transit and destination points for migratory flows. By attracting flows of asylum-seekers, refugees and economic migrants alike, not only has migration become more mixed in this region, but mobility per se has increased. At the same time, recent, continued and protracted crises in the region overall and beyond (such as in the Sahel), have led to some migrants becoming more vulnerable as they turn to irregular, and at times risky, migration practices in search of better options and even safety. In light of the above, AVRR to and from the region has become a flexible and durable solution for migrants who can and want to return to their countries of origin. Individually tailored in approach, AVRR from the MENA region is also inherently oriented to the specific needs of each and every migrant without protection concerns in their country of origin.

It is within such a diverse migration context that this handbook aims to bring together the experiences, best practices and lessons learned by IOM from carrying out AVRR globally and specifically, in North Africa. The handbook is a product, first and foremost, of IOM's work and lessons learned over many years. The handbook is one of the activities being carried out under the IOM Regional Assisted Voluntary Return and Reintegration Programme for Stranded Migrants in Egypt and Libya (RAVEL) project, funded by the European Union and co-funded by the Ministry of Interior of the Italian Republic. The programme aims to foster cooperation between origin, transit and destination countries, as well as promote coherent programme delivery of AVRR.

The methodology used for the collection of data involved an in-depth desk review of both IOM and other AVRR-related documents, globally and in the region, as well as project documents and evaluations; individual qualitative interviews of IOM staff in North Africa; and information exchange from various IOM-sending Missions in Europe and receiving Missions in the rest of Africa.

How to use this manual

The handbook is intended for IOM staff, policymakers, AVRR counselors, governments, international organizations, civil society, embassies, consulates and other interested parties. In addition to stimulating information exchange and adoption of good practices, the handbook can also be used to train AVRR staff and as a reference when the need arises.

The handbook is divided into two parts. Part I provides an introduction to AVRR in the North African context and IOM's global and regional policies and work in AVRR. Part II provides guidelines, good practices, tips, case studies and recommendations relating to the various stages of the AVRR process, with specific chapters addressing various types of vulnerable migrants and the associated and enhanced AVRR mechanisms that are required.

Throughout Parts I and II, the reader will come across text boxes that are designed to highlight useful information pertinent to the issue at hand. These include the following: (a) tips that provide practical guidance when implementing AVRR activities, based on IOM staff experience; (b) good practices that serve as concrete examples of actions that have proven to be successful; (c) obstacles which underline possible problems that may arise under certain circumstances; and (d) recommendations that provide some guidance and inspiration for the design and/or implementation of future AVRR initiatives based on general IOM experience to date. Case studies illustrate the complexities of AVRR addressed in their respective chapters by providing the concrete, individual experiences of returnees.

For further reference, there are also five complementary Annexes: Annex 1 provides country profiles for Egypt, Libya, Morocco and Tunisia, each giving a summary overview of AVRR practices, projects, statistics and expertise for the country. Annex 2 is a list of international and regional human rights conventions that may be consulted in relation to the protection of migrants, particularly in AVRR, and on which all AVRR initiatives should be based. Annex 3 provides a history of EU migration policies, laws and directives, showing the EU's role with regard to migration in North Africa; Annex 4 provides a list of references categorized into the areas of interest addressed throughout the handbook, to allow for further reading on any particular area of AVRR. Lastly, Annex 5 provides a list of examples of other AVRR practices outside the North African region.

Part I:

Introduction to AVRR and AVRR in the North African Region

Returnee uses RAVEL reintegration grant to set up a small store selling edible oil in Addis Ababa with a plan to expand to include fruit and vegetables.

PART 1: An Introduction to AVRR and AVRR in the North African Region [2]

Introduction

The concept and practice of AVRR from transit countries is relatively new: Prior to IOM's implementation AVRR assistance in North Africa – which is recognized as a sending, transit and destination region for migration – beginning 2006, most programmes were running from host States traditionally considered to be migratory destination countries, that is, EU Member States. However, managing and responding to transit migration, including the needs of stranded migrants, are fundamental aspects of a sound and rights-based migration management framework.

In part I, and drawing upon IOM's experience within a context of diverse migration patterns, the reader will be provided with an overall introduction to IOM AVRR policies and principles. The global context is then adapted and contextualized to the North African region, in which AVRR is now being carried out, with the discussion turning towards the key roles that partnerships with various stakeholders, including the European Union, have in the North African context of AVRR.

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2   This study focused on Egypt, Libya, Morocco and Tunisia. Algeria is not included since IOM does not have an established office in this country.

CHAPTER 1
IOM and AVRR

IOM staff assists returnee with the search and purchase of solar panels to run a business to recharge mobiles with solar power in areas with no electricity access in South Sudan under the RAVEL project.

CHAPTER 1: IOM AND AVRR

IOM and AVRR

IOM defines "assisted voluntary return and reintegration" (AVRR) as "the administrative, logistical, financial and reintegration support to rejected asylum-seekers, victims of trafficking in human beings, stranded migrants, qualified nationals and other migrants unable or unwilling to remain in the host country who volunteer to return to their countries of origin" (IOM, 2011e). IOM has been implementing AVRR programmes since the late 1970s by helping individual migrants return and reintegrate, and governments to develop and implement a humane and cooperative approach to return migration (IOM, 2011c). Indeed, AVRR has come to be accepted as an integral and essential part of general migration management, in which almost all IOM Missions are now involved in direct assistance for potential and actual returnees around the world. Through a variety of its AVRR programmes, policy development and extensive presence both in countries of destination, transit and origin, IOM contributes to the establishment of international practices in AVRR. IOM works with partner governments to ensure the rapid implementation of AVRR operations and activities, while at the same time ensuring that the rights of migrants are respected, in compliance with applicable international and national standards. Particularly through the provision of reintegration assistance, IOM is able to contribute to the sustainability and success of the return.

In 2012 with the support of over 200 IOM Missions in both destination countries and countries of origin around the globe, IOM assisted 88,829 migrants to voluntarily return and/or reintegrate in their respective countries of origin. Having originated in its programmatic origins from within the European Union (EU), AVRR, for the most part, still takes place from EU Member States, Norway and Switzerland to countries of origin all over the world. Nevertheless, given the complex and ever-changing face of migration, there are increasing demands for AVRR services to be provided to migrants in Eastern Europe, Central Asia, Latin America and the Caribbean, the Middle East and North Africa (MENA), sub-Saharan Africa and Asia and the Pacific (IOM, 2011c).

IOM return policy

The IOM return policy governing AVRR falls under the general framework of migration management through a rights-based lens and, specifically, as a contribution to combating irregular migration – an increasing phenomenon in current international migration trends and increasingly recognized as a priority on the international agenda.

Where feasible, AVRR is the most desirable form of return, given that it takes the individual's free and, therefore, voluntary decision into account and allows him or her to prepare for return, while avoiding the stigma of deportation and its negative repercussions for successful reintegration. AVRR also, and specifically within the North African context, provides a viable and humanitarian response to migrants who are stranded and are often destitute, with no other alternatives (IOM, 2011c).

IOM policy and guidelines on the implementation of AVRR are taken from three IOM Council documents (namely, *Policies and practices with respect to rejected asylum-*

seekers, IOM Policy Concerning its Assistance to Unsuccessful Asylum-seekers and Irregular Migrants Returning to Their Country of Origin and *IOM Return Policy and Programmes*) which consider voluntary return to be a key strategy in ensuring the humane and orderly movement of migrants. AVRR is therefore seen as an indispensable part of a migration management approach that is mutually beneficial to migrants, governments and other sectors of society affected by migration.

The key policy objectives identified in these documents are as follows:

(a) To safeguard migrants' dignity and rights in operating their return, while seeking adherence to applicable international principles and standards;

(b) To ensure that migrants have access to protection and refugee determination mechanisms;

(c) To preserve the integrity of regular migration structures and asylum procedures;

(d) To enhance cooperation between origin, transit and host countries in the return process and reinforce the responsibility of countries of origin to their returning nationals;

(e) To address the root causes of irregular migration through a rights-based lens;

(f) To advocate the adoption of comprehensive voluntary return approaches, inclusive of post-return reintegration assistance, wherever possible, as a more effective, sustainable and mutually beneficial option that can contribute to addressing repeated irregular migration.

Comparative advantages of AVRR

AVRR, rather than forced return or irregular stay, is understood to be more beneficial to migrants and governments, particularly when forced return can lead to controversial incidents, for example, when potential deportees physically resist their removal (UNHCR, 2013). Moreover, it can complicate relations with countries of origin, some of which refuse to accept forced returns of their nationals. In addition, forced return can also persuade rejected migrants that the best option is to go underground or acquire false documents in order to be able to remain in the country. With the aforementioned key policy objectives in mind, AVRR, rather than forced return or irregular stay, is therefore understood to be more beneficial to migrants and governments since, inter alia, AVRR:

(a) Represents a humane, dignified and voluntary approach to return; enhances reintegration perspectives at home; and is more cost- and time-effective;

(b) Ensures the return process respects international standards for the protection of human rights at all times;

(c) Allows the migrants concerned to freely prepare for their return, enabling them to identify potential opportunities for socioeconomic reinsertion into communities of origin, thereby enhancing the sustainability[3] of their return;

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3   For the purpose of this manual, sustainability will mean successfully reintegrating a migrant whereby: (a) the migrant's quality of life is improved and/or (b) a sustainable livelihood is acquired for the migrant and his or her family that, to the extent possible, also fosters local development in the community of origin. (See the overview of Chapter 4 on page 45 for further information.)

(d) Facilitates and enhances a cooperative approach to return between the relevant authorities in host, transit and origin countries;

(e) Reinforces the integrity of regular migration programmes and fair asylum procedures;

(f) Can lead to countries of origin to assume greater responsibility towards their returning nationals;

(g) Can support institutional and economic development efforts in countries and regions of origin;

(h) Can support labour migration arrangements and assist with the socioeconomic reinsertion of returning workers and;

(i) Can provide more effective reintegration assistance which can respond in some capacity to the immediate needs of returnees, contributing to their self-sufficiency upon return.

By ensuring the above advantages through its various AVRR programmes, IOM has therefore been able to demonstrate to nation States that AVRR is, indeed, the most beneficial option for both migrants and governments. This is reflected in the fact that governments across the globe are being increasingly attracted by the idea of encouraging irregular migrants and rejected asylum seekers to return home through AVRR programmes (UNHCR,2013) .

Key concepts [4]

IOM considers the following definitions to be the key concepts in AVRR:

Return refers to the act of going back from a country of presence (either transit or destination) to the country of previous transit or origin. Return may also take place within a country. However, and for the purpose of this handbook, only international migration will be addressed. There are various categories of return that take place or are implemented, namely, voluntary, forced, assisted or spontaneously (without the involvement of States or other national and international actors), and the repatriation of refugees.

Voluntary return is based on a decision freely taken by an individual to his or her country of origin or transit and consists of two elements: (a) freedom of choice, which is defined by the absence of any physical or psychological pressure and; (b) an informed decision, which requires the availability of enough accurate and objective information upon which to base such decision.

Forced return is the compulsory return of an individual to his or her country of origin, or a transit or third country, on the basis of an administrative or judicial act.

Assisted voluntary return and reintegration refers to the administrative, logistical and financial return and reintegration support extended to rejected asylum-seekers, victims of trafficking in human beings, stranded migrants, qualified nationals and other migrants unable or unwilling to remain in the host country who volunteer to return to their countries of origin.

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4 Taken from the IOM Glossary on Migration.

Reintegration assistance is provided to help returnees re-establish themselves; it ranges from in-cash or in-kind financial aid, guidance and training to set up micro-businesses or cooperatives, to direct aid to communities and local governments of return and even to countries of origin at the macro-level.

Post-arrival and reintegration assistance (PARA) is a form of assistance provided only upon request from the return migrant's country of origin and is limited to in country support for non-IOM returnees. IOM does not involve itself in the implementation of forced returns. However, PARA is provided to returnees who have been returned under the auspices of their host governments, once these returnees have been formally readmitted in their countries of origin.

Underlying principles of return

When carrying out any AVRR initiative, it is important to adhere to the following principles which should be considered as the backbone for any AVRR framework – at all times:

(a) **Return must be voluntary.** IOM experience has shown that the concept of return necessarily being voluntary is an essential element for the credibility of any AVRR programme. A non-governmental entity implementing AVRR should, therefore, not become involved in facilitating return operations that entail the use of coercion, since this is considered to be forced return, which should be a matter only for relevant national authorities.

(b) **Voluntary return must be based on an informed decision.** Potential returnees must be presented with as much information as possible about their country of origin; such information must be factual and neutral, to allow the migrant to make an informed decision about his or her return. In addition, AVRR should not be promoted in such a way as to influence or encourage a migrant to accept AVRR.

(c) **The human rights of migrants must be protected at all times.** Governments of countries of destination, transit and origin are under obligation to respect the human rights of migrants enshrined in international law, as well as those provided for under national laws. Under international law, the rights of migrants stem from a number of sources (see Annex 2 for a list of these laws, the rights they protect and the years of their ratification by North African countries).

(d) **Sovereignty of the State.** Under international law, each State has the sovereign right to decide who may enter and remain on its territory. However, international law is increasingly obliging States to also accept their returning migrants, under Article 18 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime (2000), and Article 8 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, United Nations (2000).

CHAPTER 2
AVRR in North Africa

IOM reintegration officers visit a returnee in Torit, South Sudan, to monitor the progress of the restaurant business set up under the RAVEL reintegration grant.

CHAPTER 2: AVRR IN NORTH AFRICA

Overview

"Assisted voluntary return and reintegration in the Middle East and North Africa are both a representation of a much needed humanitarian response to migrants in need and a reflection of the complex face of migration within the region."

IOM, Annual Report of Activities in AVRR, 2011

Migrants in North Africa are becoming increasingly vulnerable and the North African IOM Missions' AVRR response has been marked by a need to cover the needs of more and more stranded migrants, victims of trafficking, single mothers, unaccompanied and separated migrant children, migrants with health-related needs and other vulnerable groups. Although migration has been a longstanding phenomenon in North Africa, the region is now understood to represent points of origin, transit and destination for migrants within a context of complex mixed and irregular migratory flows.

In addition, the ensuing general instability in North Africa in the aftermath of the Arab Spring and the already-high rates of unemployment and underemployment, as well as the perceived and actual socioeconomic opportunities abroad, have also contributed to a surge in irregular migration at the intraregional level and onward to Europe (IOM, 2012a). Such irregular migration has resulted in tragic losses of lives in the Mediterranean Sea of those attempting to reach Europe, or in the Saharan Desert of those attempting to reach North Africa.

For those migrants who do manage to reach North Africa, Europe, the Middle East and further afield, exploitation, detention and destitution await many. This is a situation particularly aggravated by the current global economic crisis whereby, despite international obligations, many countries are not able and capacitated to cater to such vulnerable migrants and their associated needs, including by providing them with durable solutions to address either a lack of resources or skills. In the North African context, the events and consequences of the Arab Spring have placed increasing economic, political and social and pressures on North African countries, many of which lack regulations and human and financial resources to assist stranded and vulnerable migrants. Such difficulties also add to xenophobia, and migrants can become subject to hostility and violence, eventually impacting on their ability to integrate.

It is within such a highly sensitive, complex, and what is often also referred to as a "mixed" migration context, that the international community and States, both north and south of the Mediterranean, are becoming increasingly interested in contributing to migration management efforts in the Mediterranean basin. What remains essential, however, is that such approaches are also balanced against the rights of such irregular migrants. AVRR is thus a crucial component of these efforts, both for vulnerable and irregular migrants and rejected asylum-seekers who risk destitution and who want to return home to invest in their home countries as a sustainable alternative to onward irregular migration.

Partnerships

While IOM is a leading provider of AVRR assistance and services, AVRR programmes necessarily involve a large array of other actors, as solid and cooperative partnerships are paramount for the success of any AVRR programme. This is especially the case in the North African context, where a multi-stakeholder approach has become necessary to respond to and cater to vulnerable migrants' needs. It is within in this context that IOM places its policy and practices concerning AVRR within the context of international cooperation, working with the concerned governments, other international organizations, non-governmental organizations (NGOs) and migrants, with the strong belief that partnerships are crucial in ensuring a comprehensive approach to migration. This is in line with the Programme of Action of the 1994 Cairo International Conference on Population and Development, which called on all States to manage returns through dialogue and constructive interaction.

The following table provides a non-exhaustive list of key actors and their possible various roles in implementing, supporting or facilitating an AVRR framework in both countries of origin and destination:

Host Country Actors	Role
Governments	If a government does not implement the AVRR framework itself, it will nevertheless serve as a key actor by providing funding and support to AVRR initiatives being carried out by other entities. Governments are also key partners with which agreements/memorandums of understanding that permit AVRR to take place can be established. Moreover, they provide access to migrants in detention and transit areas where migrants may become stranded, such xxas airports; information and statistics on migrant locations and issues; access to NGOs and civil society organizations and other stakeholders; and assistance in facilitating exit visas and any other necessary travel documents.
Embassies and consulates	Embassies and consulates have an important role to play, as well as an established objective to protect its nationals as outlined in Article 5 of the UN General Assembly's Vienna Convention on Consular Relationsa by providing their nationals with travel documents when necessary, nationality determination, interpretation services and referral to an AVRR framework. Furthermore, in the event of detention, referrals from embassies and consulates are often the most direct manner of accessing and assisting such cases to ensure that their rights and dignity are upheld, and that durable solutions provided.

Non-governmental organizations (NGOs)	NGOs are essential partners in referral networks that assist potential returnees in accessing an AVRR framework. IOM Missions in North Africa have provided training sessions to NGOs to enhance their knowledge and capacities in AVRR to facilitate this process. NGOs also provide basic services to stranded migrants pre-departure (i.e. while awaiting return), for example, by ensuring the provision of shelter, clothing, food, water, psychosocial assistance and return counselling.
National asylum partners /Office of the United Nations High Commissioner for Refugees (UNHCR)	Such partners should be consulted when ascertaining whether a migrant is a possible asylum-seeker or refugee with an open case registered with the UNCHR or the national system, in which case the migrant's claim for protection must be withdrawn prior to registering in an AVRR programme. Also, in case of doubts relating to the individual protection concerns of a potential returnee, these partners should be consulted on whether return is recommendable or not.
International Organization for Migration (IOM)	IOM can provide technical assistance and capacity-building to other entities or institutions taking up this role. IOM can also facilitate dialogue, knowledge-sharing and exchange of good practices at the regional and international levels to further enhance the effectiveness and sustainability of AVRR frameworks.
Community-based organizations (CBOs) with a national, ethnic or religious basis	Together with NGOs, provide referrals of potential returnees to an AVRR framework. These are particularly important in providing access to extremely vulnerable migrants when, for example, the main implementing actor is not able to reach them.
Expatriate communities abroad associations/groups	Together with NGOs, these groups provide referrals of potential returnees to an AVRR framework. In addition, they can provide important information regarding safety issues in the country of origin, as well as regarding development needs that can guide reintegration plans for income generation projects to benefit whole communities. They can also help to provide basic services, for example, shelter, clothing, food, water, psychosocial assistance and return counselling, to stranded migrants awaiting return.
Academic institutions	Academic institutions can provide support to or itself carry out research that aims to feed into the improvement of AVRR policy and of the implementation of AVRR frameworks.

Country of Origin Actors	Role
Governments	If a government does not implement the AVRR programme itself, it will nevertheless serve as a key actor by facilitating the re-entry of nationals at a legal and administrative level. Specific ministries, such as labour or agriculture, can set up systems to implement training and give technical assistance to returnees to set up income-generating activities. Governments can also provide information and statistics on migrant locations and issues, as well as access to NGOs and civil society organizations and other stakeholders. IOM Tunisia, for example, has built a relationship and signed cooperation agreements with the Agence Nationale pour l'Emploi et le Travail Independent de Tunisie (ANETI or National Agency for Employment and Autonomous Work in Tunisia) for the reception and training of Tunisian returnees on how to start micro-businesses.
Non-governmental Organizations (NGOs)	NGOs can assist governments in the development and implementation of migration policy. NGOs can also implement counselling and reintegration assistance and provide or organize trainings for returnees. NGOs also provide basic services, for example, shelter, clothing, food, water, psychosocial assistance and return integration support, to particularly vulnerable returnees upon return.
International organizations	International organizations, as IOM does in the North African context, can provide AVRR services post-arrival, as well as support reintegration assistance, in close cooperation with all actors involved. International organizations can also provide technical assistance and capacity-building to other entities or institutions taking up this role. International organizations can also facilitate dialogue, knowledge-sharing and exchange of good practices at the regional and international levels to further enhance the effectiveness and sustainability of AVRR frameworks.
Academic institutions	Academic institutions can provide support to or itself carry out research that aims to feed into the improvement of AVRR policy and of the implementation of AVRR frameworks.

The role of the European Union

Particularly in the case of the Mediterranean, the transformation of North Africa into a sending, transit and destination region for migrants potentially travelling towards the European Union (EU) has made this region a priority in the migration policies of the EU and respective Member States, with a special focus on combating irregular migration of sub-Saharan Africans and North Africans to Europe. The programmes and policies described in the succeeding paragraphs, which consider North Africa as a region of return in such a context, should be taken into consideration when designing and implementing an AVRR framework in any North African country.

In recent years, the EU has gradually built a common EU migration and asylum system that was made concrete in 2008, with the conclusion of the European Pact on Immigration and Asylum. This agreement included five basic commitments to be transposed into concrete measures, one of which is to manage irregular immigration through the return of migrants to their respective countries of origin or transit (European Council, 2008b). The EU then set out the common standards and procedures to be applied in Member States for returning irregular migrants, underlining the need for community and bilateral readmission agreements with third countries to facilitate the return process as described in the EU Return Directive (European Commission, 2008b).

Progressing from many migration management programmes, the current EU Global Approach to Migration and Mobility (GAMM) establishes a comprehensive framework to manage migration and mobility with partner countries in a coherent and mutually beneficial way through policy dialogue and close practical cooperation. The GAMM should be considered as the overarching framework of the EU External Migration Policy (European Commission, 2008a). Migration and mobility dialogues are considered to be the drivers of the GAMM and should be carried out as part of the broader frameworks for bilateral relations and dialogue and are made concrete in "Mobility Partnerships," which are specific frameworks for dialogue and cooperation between the EU and its Member States and non-EU states. This cooperation focuses on legal migration, migration and development and the fight against irregular migration. For this reason, Mobility Partnerships include many components, an important one of which is readmission agreements. Since readmission agreements essentially facilitate the forceful return of irregular migrants in a bid to curb irregular migration, States who should receive readmitted migrants under a readmission agreement understandably have been hesitant in concluding such agreements. This is due to these States seeing forced return as, inter alia, putting extra pressure on already struggling economies, as well as a loss in terms of possible future remittances. The implementation of such agreements can also affect attempts to propose and implement AVRR activities that can be seen in the same light as forced return. Moreover, experience has shown that forced return can leave migrants ill-prepared for their reintegration into society, given the loss of belongings, savings and even dignity in the face of their families back home. It is therefore essential that AVRR, which is centred around the needs and vulnerabilities of each migrant, is conveyed as a positive alternative to forced return.

IOM has been promoting and providing support to the EU in AVRR since the AVRR concept was first introduced. This cooperation was made concrete in July 2012, with the signing of an EU–IOM strategic cooperation agreement and includes support in the areas of the GAMM, the IOM Migration Crisis Operational Framework and the UN High-level Dialogue on International Migration and Development. In a meeting in early February 2013, further discussions were held where the EU emphasized the importance of assistance from IOM to ensure the efficient implementation of Mobility Partnerships with countries of the EU Southern Neighbourhood (European Commission, 2008a). Morocco and the EU have now established a Mobility Partnership,[5] signed on 7 June 2013, and negotiations with Tunisia are currently underway. Both the EU and IOM also agreed on the concern in North Africa regarding mixed migration flows and foresee a balanced approach that includes both protection and migration tools according to the needs of the migrants concerned (internal report on the EU-IOM Strategic Cooperation Meeting 5th Feb). Moreover, at the bilateral level, many individual EU Member States have already established readmission agreements with Egypt, Morocco and Tunisia.[6]

For a more detailed account of EU migration policy with particular focus on readmission to date and links to pertinent documents, see Annex 2, with its table of EU laws, directives and programmes and their objectives.

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[5]   Available in French from http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2013/
       docs/20130607_declaration_conjointe-maroc_eu_version_3_6_13_fr.pdf.
[6]   For more information on this, see the country profiles provided in Annex 1.

Part II:

Operational Guidance and Guidelines for AVRR in North Africa

IOM transit centre canteen in Addis Ababa. Returnees returning to other regions are hosted in this centre until the departure date to their final destination.

PART II: Operational Guidance and Guidelines for AVRR in North Africa

Introduction

Given the increasing numbers and vulnerabilities of migrants requiring AVRR assistance in North Africa, the operational guidance and guidelines for AVRR set out in Part II emphasize areas of AVRR that are pertinent to the North African context. These are complimented with tips, case studies, recommendations and good practices for each area of AVRR addressed. Chapter 3 outlines IOM's overarching general guidelines on AVRR procedures adapted to the context of the region. Following on from this, and given the increasing importance of return and reintegration assistance for return sustainability and the challenges it poses, chapter 4 is dedicated solely to reintegration assistance. Chapter 5 is dedicated to providing guidance when dealing with the particularly vulnerable migrants in North Africa.

CHAPTER 3
General Guidelines on AVRR

A Chadian mother sends her children to school back in Ndjamena with the support of the RAVEL grant.

CHAPTER 3: General Guidelines on AVRR

Overview

In the North African region, migrants are increasingly vulnerable, becoming stranded or detained, with no means or resources to continue on their migration path in a safe and regular manner, nor to return to their countries of origin. IOM experience has shown that by applying the following integral set of assistance activities, it is possible to provide tailored assistance to each returnee adapted to the specific needs of any particular migrant on a case-by-case basis. Ensuring such tailored assistance should be the overall objective of AVRR, particularly in the North African region, given the high diversity of needs among returnees who may be victims of trafficking, minors or detainees, or who may be suffering from health conditions, and so forth. Moreover, tailoring assistance can enhance the effectiveness and sustainability of reintegration plans and projects, as discussed in chapter 4.

Creating and implementing an integral AVRR framework can be categorized into six main phases, namely:

(a) Setting up an AVRR framework
(b) Pre-departure assistance
(c) Travel assistance
(d) Post-arrival assistance (including reintegration assistance, is addressed in greater detail in chapter 4)
(e) Reporting
(f) Monitoring and evaluation

The AVRR process

Within each of these six phases of AVRR, IOM recommends that AVRR frameworks be built around the various pillars outlined below and will be addressed individually in this Chapter.

(a) Setting up an AVRR framework

(i)   Assessment of the profiles and potential returnees
(ii) Establish a coordinated network of stakeholders
(iii) Establish roles and responsibilities
(iv) Design an AVRR framework

(b)Pre-departure assistance

(i)   Outreach activities
(ii) Eligibility of the migrant
(iii) Ensure return is voluntary and feasible
(iv) Provide enhanced measures to vulnerable migrants
(v) Arrange a medical examination and pre-embarkation checks

(c)Travel assistance

(i)   Ensure receiving partner is ready for reception and any onward travel assistance
(ii) Organize travel logistics
(iii) Escorts

(d) Post-arrival assistance

    (i)   Reception

    (ii) Reintegration assistance

    (iii) Return counselling

    (iv) Continued direct assistance

(e) Reporting

(f) Monitoring and evaluation

Setting up an AVRR framework

Assessment of the profiles and potential returnees

A full understanding of the profiles and numbers of potential returnees is necessary in order to be able to design and implement a suitable AVRR programme that will respond to migrants' needs and vulnerabilities. This necessarily implies carrying out an assessment or study, in collaboration with sending, transit and receiving countries, that investigates the different types of migrants and their vulnerabilities and needs, as well as their soci-odemographic information. Such a study was carried out by the Robert Schuman Centre for Advanced Studies in Florence, Italy regarding AVRR from the EU to Morocco, Algeria and Tunisia. The study highlighted the many facets of return migrant profiles and reveals knowledge that can be used to adjust AVRR initiatives that include, inter alia, migrants' ages, the capitals they possess, their motivations for migration and return, the amount of time they spent in the host country, their sectors of experience, their propensity to invest in the home country, and so on (European Commission, 2012).

Moreover, given the extreme vulnerability of many migrants in this region, it is important to identify, analyse and focus on the specific AVRR-related needs and vulnerabilities of victims of trafficking, unaccompanied migrant children, single parents, women and so on.

Establish a coordinated network of stakeholders in both country of origin and destination

An AVRR programme cannot be implemented by a lone actor. Experience with special regard to the high vulnerabilities in the North African region has shown that a multi-stake-holder approach at both ends of the AVRR process is paramount to provide comprehensive AVRR assistance. IOM Missions in North Africa work in collaboration with national and local governments (and their respective service-providing institutions), migrant communities, migrants' embassies and consulates, NGOs, research bodies and international organizations to ensure that all needs of returnees are provided throughout the whole AVRR process. All of these actors have an essential role to play in facilitating migrants' documents, acting as a referral network (including by referring migrants to IOM), and providing direct assistance to especially vulnerable migrants. Replicating the IOM model, it is therefore essential to identify and engage with all stakeholders to ensure their full support for the programme, as well as their participation in its design and implementation.

> **TIP**
>
> Mitigating the taboo of return: The concept of the voluntary return programme is subject to misunderstanding and misconceptions by civil society actors about its intentions and conditions. It is therefore recommended that relevant NGOs be included in this process and that return is discussed and not treated as taboo. General support of AVRR by civil society can enhance the awareness of AVRR and diminish the stigma attached to return. (IOM, 2005)

> **GOOD PRACTICE**
>
> In Tunisia, the AVRR Programme for Tunisian migrants returning from Switzerland involves reintegration assistance that gives the opportunity to beneficiaries to develop micro-projects. To ensure that correct migrant data are collected by local Swiss authorities and that clear information is transmitted to the migrant about the kind of project they can set up back in Tunisia, staff in charge of AVRR from the partner offices – one in Switzerland and another in Tunisia – participated in two-week visits to observe each other's functioning. This enables staff to better understand the needs and the work done by each country's team. Following this exchange, both staff shared their experiences with the rest of their team, as well as with the local Swiss authorities in charge of return counselling, leading to a smoother coordination between the two countries and a deeper understanding of the project, the needs of the migrants and the overall challenges encountered.

Establish roles and responsibilities

Once a network of stakeholders has been established, it is important to reach a joint consensus on the rules of engagement, each actor's role, responsibilities and services to be provided, the costs involved, as well as funding arrangements, before actually implementing any activities (a table outlining the possible roles of the various actors involved can be referred to in the section Partnerships in chapter 2). This ensures that all areas of the AVRR programme are covered and that migrants are assisted in the most integrated way possible. Moreover, having clearly defined roles helps to avoid any misunderstandings during the implementation phase. To facilitate implementation, the elaboration of standard operating procedures and/or memorandums of understanding may be used to identify roles and strategies and strengthen cooperation. The establishment of a steering committee or working group involving all stakeholders is a key factor that ensures coordination and monitoring of the programme. In addition, from the perspective of North Africa as a receiving region, an investigation into any existing readmission agreements between sending countries and countries of return should be carried out.

GOOD PRACTICE:

Establishing cooperation, rules and roles with all stakeholders. IOM Egypt has gone beyond building an effective network of stakeholders by actively ensuring all actors' participation in regular meetings to discuss particular cases, events or other situations that may arise, in order to ensure the provision of comprehensive, coherent and effective assistance to migrants by all actors involved. Such an approach has proven effective, especially for vulnerable and highly sensitive cases, and could eventually be assumed by the Government of Egypt as part of an IOM exit strategy.

TIP

When identifying stakeholders, it is important to also identify and include entities that do not necessarily work on migration issues, but have the potential to become allies. There are numerous NGOs – for example, homeless shelters, religious bodies and humanitarian actors – that attend to migrants and other vulnerable populations. Many of these actors already assist migrants or would be able to provide relevant services, as well as refer migrants to AVRR frameworks.

GOOD PRACTICE

In Tunisia, IOM, through the programme "AVRR SWISS" for Tunisians returning from Switzerland, has established an efficient coordination mechanism between international and local stakeholders by holding regular steering committee meetings with institutional partners. These meetings take place every two weeks at the IOM implementing office and gather representatives from IOM and the Swiss Agency for Development and Cooperation, as well as governmental officials from the Office for Tunisians Abroad (OTE), the Secretary of State for Migration and Tunisians Abroad, and two national and local agencies providing return migrants with business training to help them develop their reintegration projects.

The committee meetings are of paramount importance, given the high number of return migrants coming from Switzerland (482 in June 2013). They involve both national and local partners, keeping them updated and giving them time to discuss the aims and the rationales of the programme, as well as coordinate the actions of the various stakeholders, find useful synergies with local authorities and local partners, and follow the reintegration path of each returning migrant. A technical committee is also established and meetings take place regularly in the Tunisian city of Sfax, where IOM has a dedicated AVRR field office hosted within the premises of its project partner, OTE, to advise on the specific challenges and cases encountered in this important return migration area.

On a more operational basis, assisting migrants implies having to work to meet their needs on a case-by-case basis. In this context, establishing the roles of actors dealing with VoTs, unaccompanied migrant children (UMCs) and migrants with health needs, for example, is essential, given the complex nature of such assistance and the legal obligations involved. Such obligations involve determining the best interests of UMCs and acquiring written agreements from their legal guardians and/or parents, for example. (See chapter 4 for the specific procedures relating to the various kinds of vulnerable migrants assisted in North Africa.)

Design an AVRR framework

An AVRR framework should consist of all the steps outlined in this chapter, adapted according to the migrants' identified profiles and needs. Frameworks should also be elaborated in collaboration with all stakeholders. The following elements should be taken into consideration when planning an AVRR framework:

(a) Establishment of an operations team, which consists of a manager/coordinator with experience in AVRR who will oversee the whole process; sufficient personnel acting as caseworkers to receive returning migrants and process migrants returning from the sending country and, if need be, cultural mediators or governmental focal points to provide family counselling and support with visa/travel document procedures and establish good relationships with government actors that will facilitate the entire AVRR process.

(b) Involve receiving country stakeholders in framework design, as they hold key knowledge and operational expertise regarding country of origin information and will be key partners in assuring the success of post-arrival reintegration. As such, working with receiving countries makes it possible to establish modalities of reception and reintegration assistance that fully meet returnee needs and maximize their potential to create sustainable livelihoods.

(c) Migrant communities themselves also play an important role in facilitating access to their most vulnerable members, for example, as interpreters when there are language barriers and providing country of origin information. Establishing contacts with community leaders or community focal points may help in building solid and continuous relationships with these communities. These actors may also serve as key providers of country of origin information, including current needs and available income-generating activity opportunities.

(d) Identify the activities to be implemented and the services to be provided by determining the most common needs of the returnee population. For example, a high number of female victims of trafficking (VoTs) usually implies the need for additional specific health, psychosocial and shelter services in order to make assistance more comprehensive. It will also be necessary to design means to assess risk factors for returning VoTs.

(e) At this stage, it is important to establish indicators to facilitate the monitoring and evaluation process. (Refer to the section Post-arrival assistance for more information on monitoring and evaluation.)

Pre-departure assistance

Outreach activities

In order to reach potential returnees, it is of great importance to develop outreach strategies that target them. In North Africa, word of mouth is an important tool; it is therefore important that clear messages and consistent eligibility criteria for AVRR are disseminated.[7] In addition, information sheets, posters, websites, DVDs, videos and other communication materials can be developed in the returnees' native language for use in outreach and initial counselling activities. Whenever possible, targeted migrant communities and returning country embassies should be involved in the creation of such information materials, to ensure that messages are culturally sensitive and correctly understood by the intended audiences.

It is important to ensure the regular distribution of these key information materials directly to migrants, as well as to stakeholders within an established referral network. It is likewise crucial to arrange information seminars that are in line with the identified outreach strategy with partners, migrant communities and so on.

The support of all stakeholders is, once more, crucial at this stage, where it can be difficult to gain access to particularly vulnerable migrants. Civil society organizations and migrant communities, for example, can facilitate such access by referring migrants to AVRR frameworks. Therefore, training referral partners with clear and precise knowledge of the AVRR process also helps in increasing referrals and avoiding misunderstanding regarding eligibility, the type(s) of reintegration assistance provided and so on.

Outreach poster designed under RAVEL project.

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7 Inconsistent messages may cause tensions and conflict among migrants and result in mistrust of IOM.

> **GOOD PRACTICE**
>
> AVRR tools: IOM Morocco, for example, is currently in the process of designing fact sheets with country of origin information in languages pertinent to returnees. Moreover, a video was produced by colleagues in the receiving Missions explaining the entire return process in local languages, to allow migrants to be fully aware of what the AVRR experience entails, ensuring their preparedness. Under RAVEL, the AVRR project operating from outside Libya and Egypt, IOM has produced similar videos for returnees to South Sudan and Ethiopia.

> **TIP**
>
> Outreach activities: It is worth considering the dissemination of materials to migrants in a regular status, as they may have more access to and will likely pass information on to irregular migrants at risk of destitution and who are wishing to return home.

> **TIP**
>
> Outreach activities: Outreach can, at times, be counterproductive – for example, if it encourages many more migrants to apply for AVRR than the framework in place can provide support to or if demand increases towards the end of the project and time is limited. For this reason, it is important to set clear eligibility criteria, as well as ensure that outreach activities attract realistic numbers of migrants. Moreover, it is important to ensure that funding is planned correctly, to ensure that outreach expenses are covered, and to carry out outreach activities from the beginning of the AVRR programme, to make sure there is time to provide assistance to all applicants.

Eligibility of the migrant

A system should be put in place to assess the eligibility of a migrant applying for AVRR assistance. IOM experience has shown that eligibility criteria should be defined as a set of migrant characteristics and as part of the design of the programme prior to implementation, remaining consistent for all applicants, where possible, to avoid any misunderstanding, disappointment and negative consequences. Such a system should be designed by both sending and receiving partners, in line with international human rights standards. Moreover, both sending and receiving partners should make a final decision on the eligibility of a migrant to receive AVRR, taking into consideration the following:

> (a) Typically, a migrant must not be able to provide for his or her own return and reintegration into the country of origin, nor be able to sustain a dignified and sustainable livelihood in the host country. To assess this, a series of questions are posed in an interview that aims to evaluate a migrant's vulnerability by assessing his or her social, economic, physical and migratory situation. Such questions may

include how long the migrant has been in the country, where he or she lives, if he or she has adequate housing or a stable job (i.e. how the migrant earns income), how many dependents he or she looks after, if he or she is of irregular status, and so on. In the North African context, focus is given to the most vulnerable migrants, who are usually irregular and in (or at risk of) destitution.

(b) In order to obtain the correct information for use in considering eligibility, a general profile should be constructed for each selected migrant, with his or her consent; the profile should include an account of the migrant's migration experience (which includes information on the migration route taken, the means used to move, the reason[s] for leaving the country of origin, and so on). It would also be useful to use a screening form that is adequately designed to gather all pertinent information, as well as detect the possibility that the migrant is a victim of trafficking and so on. Such a form would also include a medical assessment(s) and medical reports and highlight the particular needs and desires of the migrant. (For details on migrant health assessment, see the section Arrange for a medical examination and pre-embarkation checks.)

(c) If a migrant is identified to have specific health needs, it would be important for the receiving partner to ensure that the migrant will have adequate access to any necessary medical assistance upon return; where this is not possible, referral to another service in the host country and the decision to not assist with AVRR should be considered. The issue of migrants with health problems is addressed in greater detail in chapter 5.

(d) If a migrant is identified as a victim of trafficking, further risk assessment should be carried out to determine whether return will put him or her in danger. Similarly, if the migrant is identified to be a minor, the return process should be carried out within the framework of "determining the best interests of the child." The specific procedures to follow for each of these cases are addressed in greater detail in chapter 5.

(e) If a migrant is suspected to be a person of concern (POC),[8] whose return may put his or her life in danger, the principle of non-refoulement[9] applies. In such a case, the migrant POC should be granted the option of applying for refugee status with the pertinent national asylum institution or with UNHCR.

All of the above collected information should, with the migrant's consent, be shared with the receiving country partner. Sharing of such information is highly beneficial, as it allows the receiving partner to be better prepared and gives it a full understanding of the returnee's specific needs. Staff on the receiving end of AVRR (i.e. in the receiving country) have confirmed that this facilitates their work in reintegration assistance and also saves time, as, for example, they no longer have to repeat the same questions in interviews.

8 See the definition of this term in the glossary on page 4.
9 See the definition of this term in the glossary on page 4.

Migrants may have lived abroad for many years and be unaware of the political climate or socioeconomic context of the country to which they will return. It is therefore important to collect and provide as much information on the country of origin as possible through the receiving partners. See the section Provision of return information and counselling for more details.

> **TIP**
>
> It is essential that from the beginning, the migrant clearly understands the role of the entity implementing AVRR and the relationship it has established with other involved actors, and is given time to ask questions and resolve any doubts. It is also essential to stress that AVRR is voluntary and that, at any time, the migrant can change his or her mind. This mitigates mistrust and suspicion, an understandable reaction that migrants may have after a traumatic migration experience.

> **TIP**
>
> It is recommended not to commit the AVRR applicant's eligibility until all aspects have been considered and the case has been officially approved.

> **TIP**
>
> Once the migrant has decided to benefit from AVRR assistance and his or her case has been approved, the actual return should take place as soon as possible. This is necessary since the waiting period represents an important source of stress for migrants, who may find themselves trapped in a limbo between current life in the host country and their future life back home. Moreover, due consideration must be given to the logistical challenges that this phase may present, such as accommodation, schooling for children and so forth. If, for any reason, the process requires a longer time than usual, action must be taken to make sure that a constant and reliable communication channel with the migrant is established, possibly involving other stakeholders, in order to provide the migrant with all the necessary additional assistance that such prolonged waiting might entail.

Ensure return is voluntary and feasible

It is essential for return to be ascertained as voluntary, i.e. the decision is based after the migrant receives all pertinent information, during the return information provision and counselling process. Therefore, once a migrant's eligibility for return is ascertained, he or she must be given as much information as possible, and counselling must be carried out independently of national or local authorities and in a non-restrictive setting where the migrant can express his or her views freely and clearly, irrespective of his or her legal status or location (see the section Provision of return information and counseling for further

details). The migrant must also confirm in writing that he or she is returning voluntarily, on a form prepared in a language that he or she clearly understands.

Provision of return information and counselling

Ensuring that the migrant has the below-listed return information is of utmost importance. It is necessary to present such information to migrants, to ensure that they fully understand the socioeconomic and political situation in the home or transit country before deciding to return:

(a) Their current status in the host country;
(b) Any possibility of being detained or investigated upon arrival in the country of return[10] (see section on migrants in administrative immigration detention in chapter 5);
(c) As much country of origin information as possible, including:

    (i) labour market trends
    (ii) socioeconomic context
    (iii) political climate.

> **TIP**
>
> To ensure the capacity of a receiving country to provide accurate country of origin information, sufficient human and financial resources are essential and should be factored into the project and programme design. This allows for staff to dedicate time and effort to providing and updating country of origin information for all sending partners, facilitating the return process.

Providing such information should be carried out as part of return counselling. Ideally, pre-departure counselling should take place more than once and on an individual basis, to fully ensure that the needs of the migrant are taken into account. It should also provide clear, thorough and objective information from countries of origin and introduce planning for reintegration activities in the country of origin according to the needs and skills of the migrant.

In order to ensure counselling is conducted effectively and professionally, it is important, more-over, to select and train competent caseworkers with the following qualifications and skills:

(a) Speaks the languages of the returnees;
(b) Trained in psychosocial counselling;
(c) Has sound knowledge of the AVRR process;
(d) Has sound knowledge of migration issues, in particular the UNHCR/national refugee system, and is able to recognize migrants who are possible refugees;
(e) Has sound knowledge of the procedures to be carried out with particular respect to dealing with minors, victims of trafficking, migrants with health issues, and so on, as outlined in chapter 5 on vulnerable migrants.

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10 AVRR should not be implemented where it may put the migrant and his or her family at risk.

(f) Is not perceived by the migrant as a possible threat, in a position of conflict of interest, or unable to provide an unbiased and disinterested assistance; in sensitive cases, this can include the caseworker's ethnic group, language and even personal features such as ornamental scars, tattoos, among others;

(g) Is knowledgeable of the cultural and social issues of the returnee population;

(h) Has sound knowledge of small business creation, local development issues and labour market needs.

TIP

A cultural mediator from a main country of origin of returnees can be a possible solution for particularly sensitive cases, as he or she speaks the same language, understands the migrants' cultural approach and is perceived to be culturally and emotionally closer to the migrant's situation. A cultural mediator can also ensure a more effective liaison between the migrant and his or her local community. However, it is important to make sure that all stakeholders agree and support such an initiative.

TIP

It cannot be stressed enough that information about the AVRR process must be clear and concise. Problems can arise at any time when what is expected or understood does not eventually occur along the process. When providing financial assistance, for example, even a simple change of currency, although equivalent in terms of amount, can cause anxiety and mistrust in the returnee towards the whole process.

Provide enhanced measures to vulnerable migrants

Very often migrants come in contact with an AVRR framework after a long and traumatic process that undermines their mental and psychosocial well-being. Together with partners and while counselling is being provided and travel arrangements made, an AVRR framework should provide comprehensive assistance to protect the migrant awaiting return. This includes shelter, medical assistance, financial assistance for basic needs, psychosocial intervention for migrants suffering from trauma and any other services that ensure the person's dignity and the protection of his or her basic human rights.

GOOD PRACTICE

Providing extra services: AVRR frameworks should always consider resource allocation for urgent needs migrants may have. Furthermore, it is paramount that networks of NGOs and other stakeholders at the local level are built to ensure that migrant assistance can benefit from any services the referral system as a whole can provide. It is important to note that this kind of cooperation can bring relevant actors into the design and implementation of synergized and integrated initiatives, thus offering migrants the most extensive and comprehensive assistance.

Arrange for a medical examination and pre-embarkation checks

As a principle, all returnees should undertake a health assessment (HA) to ensure fitness for travel as well as a pre-embarkation check (PEC). The HA is an evaluation of the physical and mental health of the returnees that serves to detect any significant medical conditions that could deteriorate, jeopardizing the safety of other passengers (e.g. active airborne communicable diseases, harmful behavior, etc.) or cause – as a result of foreseeable health-related conditions – a logistical and/or financial burden (e.g. flight deviation). The HA also enables the verification of the migrant's capability to make a competent decision, for example, in case of an existing mental disorder or other incapacitating factors, and the identification of health-related needs that will need to be addressed after return to facilitate reintegration.

A full physical examination (health assessment) should be conducted when an applicant, AVRR caseworker or medical focal point[11] identifies the existence of a significant medical condition (SMC). A physician should assess whether the migrant is fit to travel and whether a medical escort or any other special travel arrangements (e.g. a wheelchair) are required in order to make arrangements.

Providing medical services–which may range from basic health assessments to full physical examinations and further necessary testing and treatment– may require new national structures or engaging with civil society organizations, international humanitarian organizations or private medical facilities.

The sending partner should also contact the receiving partner to ask for information regarding the availability of treatment in the community of origin and duly inform the migrant before any decisions are made.

Aside from a health assessment, a pre-embarkation check (PEC) should be conducted. IOM carries out the PEC within a period of 24 to 72 hours before departure, which has been identified as a successful and good practice. However, it is important to keep in mind that this is not a medical examination, but the minimum possible screening procedure conducted by a doctor or nurse prior to the return. Ideally, both a full physical examination and a pre-embarkation check should be conducted for every returnee (unless the full physical examination is carried out shortly before return and is therefore still valid at the time of departure) to ensure the health and safety of all involved.

See Chapter 5 for further details on providing AVRR services to migrants with health problems.

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11   A medical focal point is a medical professional who should interpret available medical information and decide whether a full health assessment is required or not, as well as determine the medical requirements in the context of AVRR.

Travel assistance

Ensure the receiving partner is ready for reception and any onward travel assistance

When reception and transit in country of origin are arranged, the main implementing partner must be consulted as early as possible and the details of cooperation, flight times and special requirements discussed and arranged. The return of any migrant should therefore be coordinated with the receiving partner well in advance. When sending arrival information (such as migrant contact details; flight information, including schedule and airports of departure and destination; any special requirements; migrant profile and so forth), it is important that it is sent in written form and well enough in advance to ensure that the receiving partner is ready and prepared. IOM experience with receiving partners has shown that sending arrival information at least one week in advance allows the receiving partner sufficient time to make necessary preparations. In addition, it has been found to be helpful for sending partners to provide recommendations on how to proceed with reintegration assistance depending on the migrants' needs and wishes. This includes any disbursements to finance return and reintegration assistance or onward travel assistance, as necessary. This is particularly important if the migrant has special requirements (for instance, medical assistance).

> **TIP**
>
> Receiving countries tend to have many partner countries and, therefore, implement many different guidelines and requests for the various different AVRR programmes and projects. When sending return information on a particular migrant, receiving countries will find it useful to ask for confirmation of receipt from the host country and to always ensure to send a copy of the guidelines, amount of reintegration assistance and as much information on the returnee as possible, to ensure that the receiving country has all the information necessary to provide effective return and reintegration assistance.

Organize travel logistics

This should include assistance with travel and transit arrangements, escorts, disbursement of reintegration allowance, travel health insurance and advice and care for migrants with known health conditions. Assistance with travel arrangements may involve booking flights; facilitating the issuance of travel documents; securing airport clearance; making transit and reception arrangements; arranging for escorts, as required; ensuring migrants are aware of their entitlements; obtaining baggage allowance and other available support; and arranging for domestic transport in host countries from the place of residence to the point of departure (including overnight accommodation, if necessary). It is important to involve all stakeholders in the dialogue in order to discuss and define their roles and responsibilities, as well as establish lines of communication to ensure the smooth implementation of this process. See the below table for a list of actors that can be approached to provide such services:

	Action	Actor(s)
1	**Facilitate immigration procedures, such as the provision of exit visas**	Host government
2	**Provide travel documents such as laissez-passer and/ or passports**	Migrants' consulate/embassy in the host country
3	**Book flights**	Host government logistical staff; airline/airport staff, international organizations and NGOs in the host country
4	**Arrange for domestic transport in host country from place of residence to the point of departure**	Host government; international organizations, private companies, airline/airport staff and NGOs in the host country
5	**Arrange for escorts**	International organizations, private companies, airline/airport staff, medical unit and NGOs in the host country
6	**Secure airport clearance/ accompaniment**	Host government; airline/airport staff, private companies, international organization and NGOs in the host country
7	**Make transit arrangements**	Host government logistical staff; airline/airport staff and international organizations in the host country
8	**Disbursement of reintegration allowance**	Host government; airline/airport staff and international organization in the host country
9	**Arrange for transport in home country to the final destination**	Home government; receiving partner; partner NGOs and partner international organizations in the home country.
10	**Organization of escorts**	Home government; sending partner; partner NGOs, partner International Organizations.

TIP

Migrants sometimes produce their passports at the airport even after declaring it missing. When this happens, it causes delays in and, in one case, the postponement of the flight's departure. In order to prevent such inconveniences, AVRR counsellors should stress the importance for migrants not to lie about their travel documents.

Difficulties can arise during the process of obtaining/renewing travel documents and exit visas, which can be cumbersome, as delays are possible and the documents do not always come free of charge. Furthermore, the procedures can present difficulties that the migrants may not be able to solve by themselves, such as languages barriers, misunderstanding of the process, fear of approaching governmental institutions and so on. IOM experience shows that relying on the support of a cultural mediator and of the migrant community to assist returnees during this difficult phase is a good and successful practice.

GOOD PRACTICE

Facilitating visa processing: Taking into account the concerns with costs, IOM Libya worked with the Government through its AVRR programme and came to a verbal agreement whereby all exit visa and other paperwork fees for IOM's beneficiaries are absolved.

In addition to the aforementioned activities, key recommendations are made in a compendium of best practices by IOM and the EU (IOM, 2005) in a bid to assist with efforts to shorten delays and facilitate the acquisition of return and travel documents. These recommendations are based on stressing the importance of maintaining good cooperation with the consular sections of the embassies in the host countries and advise the following:

(a) Coordinate contact with different units within the embassy in order to involve everybody concerned;

(b) Establish mutual cooperation with the embassies of the main countries of origin of migrants;

(c) Maintain good personal contacts;

(d) Employ a multilingual approach, as it shows respect and is welcomed by the various consular sections;

(e) Involve consular representations in the countries of origin, as they can support the issuance of travel documents;

(f) Organize meetings between migrants and consular sections of the respective countries

TIP

AVRR frameworks should envisage assistance to migrants' final destinations whenever possible. If this is not taken into account, a migrant may find himself or herself stuck at the host country's port of entry – usually the airport in the capital – with no means to reach his or her town or village. Such a situation not only puts extra burden on the receiving office, but is also highly detrimental for the returnee and jeopardizes the whole reintegration process, undermining the sustainability of the return. Thus, the final destination of the returnee should always be noted on the return interview form. It is also essential to investigate what means of travel are available to get the returnee there, as well as the costs involved. Arrangements should be made in advance with receiving partner(s) in order to ensure that migrants reach their final destination. When necessary – for instance, with late-night arrival – the receiving partner should be involved, and necessary resources should be allocated to cover one night's stay in a hotel or a dedicated shelter. The partner network should also be involved in order to reduce the financial impact of such assistance.

TIP

It is of paramount importance to ensure or try to ensure that all actors involved, especially those that are security-related, are fully aware of the return process. It has occurred that migrants awaiting their flight have been ushered onto an earlier flight by airport staff and authorities. Despite good intentions, it must be clarified and explained to airport staff and authorities that getting returnees on the correct flight is of utmost importance; otherwise, receiving partner staff will not be around to receive them in the host country. This brings to light two important lessons: (a) it is important to make sure, as much as possible, that all the parties involved in the process understand their respective phases and functions; and (b) preventive measures should be taken in order to avoid even minor setbacks that may undermine the whole return process – for instance, returnees should be provided with the receiving partner's contact details in writing so that they can easily be contacted in the event that assistance upon arrival fails due to unforeseen reasons.

TIP

Booking travel and time to prepare: When booking a migrant's return flight, one should make sure to clear the date with migrant himself or herself before confirming the booking. Although returning sooner, rather than later, is recommended, migrants may need time to tie up any loose ends in the host country and prepare for return. Careful planning with the migrant in question is therefore essential to ensure his or her preparedness.

Escorts

An escort should be used when a migrant is particularly vulnerable and needs accompaniment during travel. Such migrants include unaccompanied migrant children (UMC), migrants with serious health problems or disabilities, elderly migrants and, often, trafficked persons. Non-medical escorts work to ensure the safety and well-being of migrants during the return travel. In this context, escorts assist migrants in unfamiliar surroundings and act as interpreters, for example, to convey the migrant's needs to carrier crew. An escort also has the role of informing a migrant of his or her options and may be called upon to fulfill that role in situations where the migrant has last-minute doubts about the decision to return. Given the specificity of a vulnerable migrant's needs, an escort who speaks the appropriate language and has the right knowledge is not always easy to acquire. It is helpful to create a database or network of escorts that can be called upon when needed to facilitate the identification and the process of organizing escorts (The subject of medical escorts is addressed in greater detail in chapter 5, in the section on migrants with health problems).

> **TIP**
>
> Familiarizing returnees with their escorts: Given the vulnerability of many returnees with health problems and the possible disorientation or distress caused by travel, introducing the escort to the returnee before the return travel is a good way to ensure that both are familiar with each other. Allowing the returnee to ask any questions and clear any doubts also helps build rapport with and trust in the escort, helping to ensure safe return.

Post-arrival assistance

Reception

Upon arrival of a returnee in the country of origin, the receiving partner should provide reception assistance at the port of entry. IOM experience shows that in cases where an escort is accompanying the returnee, conducting a formal handover that involves the escort and the receiving partner signing a "confirmation of handover" form is useful, as this ensures that responsibilities are clear and avoids misunderstanding.

Assistance should also be provided with any luggage delays, initial post-arrival information and referral services, as appropriate. In addition, support for onward travel should be considered and confirmation of the migrant's safe arrival sent to the sending entity.

Reintegration assistance

Once the migrant is established and settled in his or her community of origin, he or she must contact the receiving partner to receive reintegration assistance. Reintegration assistance may take the form of referral to available opportunities, vocational training and the disbursement of grants for employment-generation support or micro-enterprise

projects. In North Africa, the large majority of grants disbursed go to finance micro-projects defined by the migrants themselves with support and approval of the sending partner. This area will be addressed in more detail in chapter 4.

Return counselling

Reintegration assistance should be coupled with return counselling that supports the migrant in refining his or her reintegration plans, monitor their implementation and provide assistance when needed. In addition to the qualifications and skills previously outlined, staff carrying out return counselling should also have in-depth knowledge of the country of origin and experience in income-generating activities at the local level. This allows counsellors to provide migrants with adequate support in the implementation of their reintegration plans.

Continued direct assistance

Particularly vulnerable migrants may need psychosocial counselling and more support than others due to traumatic experiences during the migration process. Direct assistance, whether medical, psychosocial, educational (e.g. scholarships for UMCs), and so on, are an integral component of post-arrival assistance and should complement reintegration assistance to ensure successful and sustainable return. In this sense, the creation of networks of stakeholders in both sending and receiving countries is essential. Receiving country agencies do not always have the resources or capacities to build such networks, so AVRR frameworks can and should include support in this area when necessary.

Reporting

Databases containing information on returnees assisted should be kept, and data should be extracted from AVRR registration forms and reintegration plans and stored in databases. This information, in disaggregated form, should be shared with governments, donors and all implementing partners while ensuring the highest level of migrant protection on sensitive data. Where possible, reasons for migration should also be collected. All such information can be used to determine migration trends and help design new initiatives.

It is important to note that IOM considers that confidentiality of individual information should be observed at all times. Awareness of any additional considerations to take into account in order to abide by the privacy laws of the country concerned is also paramount. Therefore, with regard to the collection and input of migrant data in databases, care must be taken to ensure that such databases remain internal. When analysing data and sharing statistics, information must be presented in a disaggregated manner to ensure confidentiality. Written consent should be obtained from the assisted individual for the disclosure of any personal data to a third party or even to receiving partners. This is especially important with vulnerable migrants whereby preparations need to be made by the receiving entity prior to return. Providing accurate and detailed information on the migrant's health, psychosocial or other needs previous to arrival is therefore of extreme impor-

tance. This process should be integrated into the assistance procedures and reflected in application forms. In light of all this, observance of the guidelines set by the IOM Data Protection Manual, which adhere to international standards on data protection, is highly recommended.

Monitoring and evaluation

A monitoring and evaluation system that employs indicators is necessary, and such indicators should be identified at the beginning of the project design process. Evaluations should be based on an assessment of the extent to which the general and specific objectives of the framework have been achieved. Indicators and criteria for evaluation can include comparisons of a migrant's situation before and after the return or a determination of the development impact that return has on a specific community.

For all AVRR frameworks, a discussion of the time and resources required for monitoring and evaluation should be included in the project proposal from the beginning, to ensure that there is sufficient funding for monitoring and evaluation activities and in order to understand the intended impact of the programme and measure its sustainability. The monitoring and evaluation activities should be identified in dialogue with both the sending and receiving partners to ensure the most efficient and mutually beneficial manner of carrying out monitoring and evaluation for all involved.

> **TIP**
>
> When designing an AVRR framework, adequate time and sufficient funding for monitoring and evaluation purposes should be taken into consideration.

Difficulties encountered

Support from and dialogue with governments is paramount even when they are not the main implementing partner in establishing an AVRR framework. However, this has proven difficult when governments do not consider AVRR as a priority within their migration management strategies. Moreover, AVRR from transit countries is a relatively new rationale, requiring a long and cumbersome process of earning governments' trust and proving that AVRR is a cost-effective and humane alternative that assists stranded migrants in destitution.

For this reason, much time and effort should go into ensuring that AVRR is perceived by both sending and receiving countries as a humane and dignified service that an AVRR framework provides to their nationals. Achieving this usually brings about a more cooperative approach, which is reflected, for instance, in the good relationships formed with and the responsiveness of receiving country consulates and embassies in host countries.

TIP

It is important that at the beginning of any AVRR framework, time is spent to build a relationship of trust with governments and make sure that governments understand that the AVRR framework is there to support them in providing assistance to migrants. This can be achieved through meetings and study visits, among others, and will have a positive effect on the implementation of the rest of the initiative, ensuring efficient implementation, with government support and cooperation. At the same time, it is paramount to make it clear from the start that the respect of migrants' dignity and human rights is not negotiable and that the implementing partner will not be involved in any initiative that could jeopardize this. The IOM experience in North Africa has proven that a consistent and firm approach from the beginning allows for the establishment of long-lasting and mutually trusting relations with governments, even on the most sensitive topics.

RECOMMENDATION

Information collection and use is paramount to ensure the development of targeted initiatives. Relevant resources should be allocated to make this possible (i.e. staff for data entry and analysis).

Further difficulties arise with the immigration processes for returning migrants (e.g. issuance of a valid exit visa to leave the host country). Lack of clear procedures, lack of coordination within the issuing authority, and, in extreme cases, lack of transparency, can make the exit visa issuance extremely cumbersome, even with support from various stakeholders.

GOOD PRACTICE

Speeding up exit visa processes: IOM Country Missions have facilitated exit visa processing in various ways. In Egypt, hiring an Arabic-speaking cultural mediator to accompany migrants and facilitate the process has proven extremely effective and has dramatically reduced waiting times and improved the treatment of migrants. IOM Libya has developed a process whereby the migrants themselves do not need to make a formal appearance, and visas are dealt with through IOM and the migrants' respective governments. Finally, the referral system may play a paramount role: because the system consists of several important entities – for example, international organizations like the UN and its agencies, religious institutions, and so on, the referral system can advocate with the governmental authorities for migrants to benefit from, inter alia, a faster exit visa procedure, the waiver of fees, and the appointment of dedicated focal points within these institutions.

CHAPTER 4
Return and Reintegration Assistance

IOM Tunisia provides post-arrival reintegration counselling to groups of returnees from Switzerland under the Swiss AVRR programme to provide them with support for the development of their business creation plans before they undergo business training.

CHAPTER 4: Forms oF Return and Reintegration Assistance

Introduction

A returnee already in a vulnerable situation because of his or her irregular immigration status, or some other factor, may face uncertain and precarious conditions, often finding himself or herself in a worse situation than in the country of origin, even with return and reintegration assistance (Swedish Red Cross, 2009). With the added stress of having gone through hardships during the migration process, persons returning may also have to rebuild their lives more or less from scratch and, depending on how long the period of absence was, reintegration might actually mean adjusting to a whole new environment and culture. For example, a child may have been born in the host country and would therefore have to learn a new language and adjust to a different academic curriculum. For all these reasons, return can be a traumatic experience.

Overview

In addition to the increasing vulnerabilities experienced by returnees as described above, it has been found that motivations to return have become more diverse (Cassarino, 2008) with the increasing diversity of the return migration spectrum within a mixed migration context. This has led to the growing complexity not only of the reasons for return, but also of the methods of reintegration and of the patterns of mobilization of resources necessary for returnees' resettlement and reintegration in their communities of origin (Cassarino, 2008). The types of return reintegration assistance available depend on the financial support and the conditions and opportunities present in host and origin countries. This may range from one-off allowances and grants at the micro level, to any of various forms of socioeconomic assistance provided directly to migrants, or institutional assistance, at the macro level, to the communities of return and country of origin as "reintegration in kind." Reintegration in kind is commonly provided to returnees from North Africa and includes: (a) small business development/income-generating activities; (b) vocational training to refine skills or learn new skills and trades; (c) education support to cover fees, books, uniforms and travel; (d) housing and health assistance, when necessary; (e) job placement or apprenticeships; and (f) community assistance (initiatives addressing the concerns and needs of the communities, such as local employment assistance schemes, funding of local infrastructure and so on).

Finally, reintegration assistance plays a key role in ensuring sustainable return. Given this linkage between sustainability of return and the reintegration component of AVRR, the latter has become increasingly more important over recent years. However, "sustainable" can have many meanings. For the purpose of this manual, sustainability, ideally and whenever possible, means successfully reintegrating a migrant whereby: (a) the migrant's quality of life is improved or (b) a sustainable livelihood is acquired for the migrant and his or her family that, to the extent possible, also fosters local development in the community of origin.

Given the complexities involved in providing reintegration that ensures sustainable return, the following set of key aspects should be considered when facilitating the reintegration process:

(a) At the planning stage, it would be useful to carry out a prior assessment of viable reintegration options and opportunities in countries of origin, in consultation with partners in countries of origin, as well as with the affected migrant communities. This should be based on the information acquired in the study of the profiles of the returnees, including all country of origin information acquired.

(b) As reintegration assistance provides limited financial support, the identification of options and synergies within the existing infrastructure in the country of origin, such as the private and public sectors, should also be considered.

GOOD PRACTICE

Linking AVRR to existing infrastructures: IOM Ethiopia refers AVRR returnees to a recently set up governmental scheme where AVRR recipients (and other Ethiopians) can access a government loan scheme, which pays up to 80 per cent of a business plan. Access is granted only after savings have been collected for six months and reached a certain amount, which can then be considered as the 20 per cent savings requirement. This allows AVRR returnees to have access to and opportunities for more funding to further their business ideas.

(c) The ability and willingness of returnees to participate in the whole reintegration process is a crucial aspect for the success of reintegration projects and should be encouraged at all times. This ensures that migrants take ownership of the project and act as the main driving force behind its implementation, thus increasing self-reliance.

(d) Failure of reintegration can be attributed to insufficient pre-departure preparation. Therefore, the reintegration process should ensure both pre-departure and post-arrival counselling to the extent possible. Indeed, a study by the European Commission entitled "Best Practices to Interlink Pre-Departure Reintegration Measures carried out in Member States with Short-and Long-Term Reintegration Measures in the Countries of Return" recognizes the value and success of such linkages to ensure that coherent return programmes lead to sustainable return. Moreover, the study shows that returnees who have had time and support and have reached an optimal degree of preparedness are able to organize their own return while mobilizing the necessary tangible and intangible resources (family support, school admission for children, bank loans, credit from family, create a business plan and receive in-kind financial assistance to carry it out and so on.)

(e) Flexibility in reintegration efforts is an important aspect to take into consideration. In this sense, tailoring assistance to individual needs, taking into account the wishes of the returnee, as well as the realistic possibilities of the person's capacities, is paramount. Tailoring is especially important in the Northern African context given the aforementioned increase in the vulnerability

of migrants. Frameworks should be flexible enough to allow for case-by-case analysis and provision of tailored assistance to suit specific needs. For further details, see chapter 5 ("Vulnerable Migrants").

(f) A reintegration plan must be realistic, with feasible goals that take into account, in line with point (e) above, the profile of the migrant, including his or her personal needs, skills and qualifications, and available opportunities and the general situation in the home community.

(g) Whenever possible, AVRR should be linked to local development by taking into account and encouraging the possible development impact returnees can have on the community of return. For more information on this, see the last section in this chapter, "AVRR, local development and labour migration."

Return and reintegration assistance process

The reintegration process can be divided into three main phases:

(a) pre-departure assessment/counselling.

(b) post-arrival assessment/counseling and.

(c) monitoring and evaluation.

a) Pre-departure assessment/counselling

Each individual returnee must present and discuss their needs with return counsellors pre-departure to start the reintegration process, as well as to enable an initial assessment of his or her needs and profile.

> **GOOD PRACTICE**
>
> AVRR tools: AVRR tools, such as videos featuring successful and unsuccessful experiences of past returnees, is an example of a good practice that allows migrants to hear compatriots' advice, examples and experiences. Also at the pre-departure assessment stage, IOM Ireland, for example, provides migrants with a guide on how to start a micro-business to help them structure their ideas and plans.

A reintegration plan should be initiated at this stage, though it is important to allow flexibility and room for change upon return, since migrants are able to assess their needs, priorities and opportunities further once they are back in the country of origin. This ensures that migrants have time to prepare the plan and his or her return.

b) Post-arrival assessment/counselling

Migrants are usually given a period of one month upon return to the country of origin to contact IOM so they may finalize the reintegration plan and begin to receive in-kind reintegration assistance. In-kind assistance should and usually consists of direct payment for materials and produce for use in business, when necessary, as well as support in finalizing and implementing business plans (including assistance with the necessary paperwork, licenses and information and legal documentation for renting property, purchasing produce, among others). Reintegration assistance for particularly vulnerable migrants with specific needs will be addressed in the following chapters.

OBSTACLE

Despite being able to claim in-kind assistance when they have returned to the country of origin, some migrants fail to contact IOM; in some cases, IOM is not able to contact these returnees through the contact details they provided. It is impossible to tell the exact reasons for this, but IOM staff concur that any of the following are possible: (a) migrants live very far away from the IOM Office and lack the will or financial means to attend training sessions or counselling; (b) in-kind assistance discourages some migrants, who see the process as cumbersome or impossible, since acquiring obligatory receipts, licenses and the like is not always possible, especially in rural settings; (c) the migrant has been able to find a job and therefore feels he or she no longer needs reintegration assistance; or (d) the migrant is planning to re-migrate or has already done so.

RECOMMENDATION

Enhanced monitoring or follow-up could inform as to the reasons why some migrants fail to claim reintegration assistance. In the event that difficult processes are the reason, flexibility with regard to providing obligatory receipts or allowing some reintegration assistance in cash could be shown.

TIP

While accepting reintegration assistance is not obligatory, to ensure that as many returnees receive this assistance as possible, it would be useful to: (a) make reintegration counselling a requirement to qualify for the assistance; (b) reimburse travel costs for returnees who are required to attend training sessions and counselling; (c) ensure that the address and contact details the migrant gives before departure are correct upon arrival; and (d) ensure that each returnee has the necessary contact details and written information on entitlements upon arrival (preferably in the returnee's native language or one that he or she clearly understands).

GOOD PRACTICE

Reintegration plans must be adapted to the specific needs and profile of migrants. This is the reason why the AVRR programme in Tunisia have partnered with the Tunisian Government's labour agency on business creation and management (Agence Nationale de l'Emploi et du Travail Indépendent, or ANETI) and local business partners (CONECT) to provide training to help returnees develop business ideas and micro-projects and support them during the initial phase of reintegration.

Since many migrants have been living abroad for a long time, their ideas for developing projects can often be disconnected from local realities and challenges. Assisting migrants in developing their business plans ensures that their projects get started and implemented according to well-defined financial strategies.

Given that most of the returning migrants have basic education and little experience managing such activities, some guidance and training must be put in place and adapted to the specific needs of the beneficiaries. For example, specific training is proposed in partnership with local agricultural authorities to provide migrants living in rural areas with useful information on managing sustainable farming and livestock activities.

C) Monitoring and evaluation

After the implementation of the whole reintegration process, it is important to assess the success of the reintegration initiatives, as well as any difficulties that arose, how these were solved and other factors or recommendations that should be integrated into future reintegration projects. To do so, individual monitoring should be carried out specifically to evaluate reintegration and on several occasions per individual returnee through visits and phone calls. These evaluations should be integrated into the overall monitoring and evaluation system built into the design of the whole project. Reintegration assistance forms one part of the AVRR process, and because reintegration assistance is essential for return sustainability and success, this should also be evaluated as a programme unto itself, assessing all activities under it and how these activities contribute to the effectiveness and sustainability of return and reintegration. (See more on monitoring and evaluation in chapter 3).

TIP

Under an AVRR project, it would be extremely useful to also design monitoring guidelines, as well as a monitoring form for the receiving partner to fill out for every returnee and which should be attached to the case file, together with the financial report on the expenditure of the reintegration assistance. This ensures coherent and standardized information collection.

Challenges experienced

Given the increasingly high vulnerability of migrants in North Africa, sufficient funding and human resources are essential to ensure a fully functional and sustainable return and

reintegration process. This means that a specific budget must be ensured and fully qualified and experienced staff to implement an AVRR framework. However, even when these conditions are met, ensuring sustainability can still be an extremely difficult challenge since returnees often go back to poorer countries with fewer opportunities and more difficult circumstances. It is therefore very difficult to ensure a sustainable livelihood unless the reasons behind their migration in the first place are addressed.

RECOMMENDATION

One option to address the difficulties faced by returnees when they go back to their countries of origins is to ensure that all return and reintegration aspects within AVRR frameworks are made a priority, with sufficient funding to provide for their requirements and to monitor and evaluate them.

Ensuring that receiving partners work in full collaboration with sending partners and show ownership of the reintegration assistance programme can be challenging and can lead to less effectiveness and attention given to returnees, as well as a lack of time for researching and providing full country of origin information.

TIP

It is recommendable that receiving countries are fully involved in the project proposal and design, to ensure ownership of this part of the AVRR process. Their knowledge of the country of origin helps shape reintegration plans so they can be more suitable to communities' and migrants' needs. Furthermore, their contribution and participation should be duly reflected in budget allocation to ensure that receiving countries have sufficient human and financial resources to successfully carry out the reintegration activities. Other possibilities include collaboration with local NGOs and referral networks to receive support in the collection of country of origin data.

Further difficulties arise as tensions result between returnees of the same nationality receiving different amounts of reintegration assistance and in different forms, some much more generous than others.

GOOD PRACTICE

IOM Missions in North Africa have mitigated tensions caused by varying reintegration amounts (which arise when various AVRR projects are in implementation) by ensuring two things: (a) when a project that is about to end overlaps with one that has just started, the ending project's resources must first be exhausted before commencing allocation of new funding to returnees and (b) returnees to the same country must be provided with the same reintegration assistance from the same project.

> **RECOMMENDATION**
>
> Effort and emphasis can be made to ensure migrants understand the reasons behind differing reintegration amounts. Further possibilities include redirecting additional assistance given to some migrants into home community development initiatives that, in turn, facilitate the reintegration of all migrants, especially those who are most vulnerable. Further options include calculating return amounts per country of origin, rather than by project in the sending country, and based on the vulnerability of the migrant and according to the socioeconomic context of the country of return. Finally, reintegration can be directed to the community itself, rather than at the individual level, because community development projects have a direct impact not only on the returnee, but the community as well.

Another general obstacle to return and reintegration assistance becomes evident when looking at reintegration numbers. Large numbers that come under well-planned and extensive projects facilitate the provision of an integrated approach to reintegration. However, when receiving countries receive migrants in trickles and from various sending countries, with different sets of instructions for carrying out reintegration, setting up any kind of coherent and integrated reintegration process becomes extremely difficult.

> **RECOMMENDATION**
>
> Establishing a more generalized and common regional reintegration process based on the context of the receiving partner country could be useful. This should include the aforementioned key aspects and involve the receiving country in the design and planning process. These measures could facilitate more integrated reintegration services, making reintegration more sustainable.

Lastly, it can be very difficult to carry out reintegration disbursement and monitoring of reintegration initiatives if returnees reside long distances from the central office. Travelling to purchase equipment or follow up initiatives can be time-consuming and costly. Moreover, often in rural areas, receipts and documentation usually necessary to record budget expense are not readily available. In such cases, the only option available may be to provide cash support upon return.

AVRR, local development and labour migration

Whenever possible, the returnees' home communities in origin countries should also benefit from the outcomes of the reintegration activities to discourage any tensions that may arise between returnees and the community members who are not receiving the same assistance. The receiving community can also play an essential role in guiding the success of the reintegration initiative by providing information on its and returnees' immediate needs (e.g., local shops, schools, training, among others), which can help formulate specific reintegration activities that would benefit both parties.

> **TIP**
>
> Building partnerships or dialogue with the receiving partner in the community of ori-gin and the local community could be extremely useful in this regard, as this allows the receiving partner to feed such information to the sending partner and potential returnees before starting their reintegration plans, as well as ensure that reintegration programmes benefit both the community and the returnees.

The link between migration and development is now widely understood and can be harnessed in many ways through the many capitals that migrants possess. Moreover, the aforementioned European Commission study, "Best Practices to Interlink Pre-Departure Reintegration Measures carried out in Member States with Short-and Long-Term Reintegration Measures in the Countries of Return," has also revealed an important aspect to voluntary return and development in that it was found that a migrant's propensity to invest in his or her home country of a migrant is much higher if the migrant decides to return home on his or her own initiative (European Commission, 2012).

Return through AVRR has consequently been found to link to local development in the following ways: (a) creation of jobs through the start-up of small businesses; (b) the use of integration assistance to send children to school or provide training in trades, ensuring their future; (c) for migrants returning with some skills, the use of integration assistance to pay for extra training to enhance such skills, otherwise, entirely new training in trades local communities would benefit from; (d) inclusion in AVRR projects of awareness-raising regarding irregular migration, in a bid to help lower the incidence of the phenomenon and promote regular means of migration, possibly linked to investing in home communities through remittances and acquired skills acquired; and (e) in general, the transfer of new skills and capitals acquired by returning migrants to home communities. These skills can be shared and passed on in many areas, helping the community to improve services and development efforts.

It is not enough, however, to only recognize the linkages between migration and development. In order to fully maximize the benefits of return for development, these linkages can be enhanced in many ways to suit the needs of both communities of origin and returning migrants and their families, for example: (a) AVRR frameworks could be linked to existing migration-for-development initiatives, helping enhance the development potential of the returnee; (b) AVRR frameworks can be linked to existing labour migration initiatives to foster legal migration options, curb irregular migration and, especially in the case of circular labour migration, help prepare and reintegrate returnees with new skills; (c) The migration–development nexus can be integrated into the AVRR process, which would include establishing development objectives in communities of return, to be achieved by supporting returnees as development actors; (d) Holding dialogue and maintaining cooperation with various levels of the community would be necessary to ensure that they participate in and contribute to the design of initiatives that aim to foster development; (e) AVRR frameworks can be designed to foster development innovation through the competitive awarding of AVRR reintegration for the most innovative and pertinent projects and business ideas; (f) Incentives in the form of funding and support can go to businesses set up in sectors and areas that communities have identified as necessary for local development; (g) Training in areas where communities need skills and trade can be promoted to ensure that returnees contribute to their communities in ways that both the returnees and the communities have identified as beneficial to both parties.

GOOD PRACTICE

Sustainable reintegration in Iraq through the labour market: "Promotion of sustainable reinstallation in Iraq through the creation of a job counseling and referral mechanism to better attract and support Iraqi migrants in the UK returning to the Kurdistan Regional Government (KRG)." This project began on 1 March, 2013 to complement the previous MAGNET project implemented through Austria, Belgium, France and the Netherlands. Both projects aimed to promote sustainable reintegration according to the needs of the communities by:

(a) Providing Iraqi AVRR applicants with pre-departure and post-arrival information on the Iraqi labour market, key economic sectors, training and job opportunities, with the view of encouraging pro-active job placement of Iraqi returnees to the KRG;

(b) Strengthening the links between IOM Iraq and the private sector in Iraq in order to facilitate the job referral of returnees and increase the number of their job offers;

(c) Improving the current existing system of job placement for Iraqi returnees by setting up a more structured mechanism for the matching of job supply and demand;

(d) Assisting returnees once in Iraq with job referral services towards potential employers based on the identified needs of the private sectors and the skills of the returnees.

Through cooperation and dialogue with home communities and returnees regarding both their needs, these joint initiatives help returnees prepare and fully integrate into their community of origin by creating new opportunities for economic installation of Iraqis and improvement of their life conditions. This consequently contributes to the stabilization and improvement of the social and economic climate in Iraq as well as reducing irregular immigration.

GOOD PRACTICE

Under IOM Tunisia's AVRR programme for migrants returning from Switzerland, as aside from the chance to implement individual micro-projects, there are also opportunities for those who have the skills and expertise to develop larger projects that support the inclusion of unemployed local residents. The aim is to provide job opportunities that go beyond assistance to individual migrants. Setting up these community projects makes it possible to create a higher impact on local development, encourage a sense of responsibility among returnees towards the receiving partners, as well as increase the sustainability of their activities. Involving the families of returnees in setting up new local businesses also increases project sustainability: indeed, beyond developing ties with and promoting growth for local communities, women's participation and input have often greatly benefitted the beneficiaries' projects. Between July 2012 and June 2013, some 43 per cent of beneficiaries who submitted project proposals chose to develop such community projects, enabling the creation of jobs for their families and relations.

CASE STUDY 1: The successful return and reintegration of a Tunisian national

Sami emigrated from Tunisia to Italy, and then on to Switzerland, in the aftermath of the 2011 Tunisian revolution. Given the irregular context of his migration and the hardships involved, and having heard of the Swiss IOM AVRR programme, Sami contacted IOM in July 2012. Sami was interviewed and went on to receive AVRR assistance to return to Kasserine in Tunisia.

Sami received 15,000 CHF in reintegration assistance, to be allocated in kind to him and four associates as part of a community development project that aims to benefit the returnees and their families and contribute to the local development of the community. Upon arrival in Tunisia, Sami contacted IOM Tunis within a month of return to begin the process. Sami received group return counselling at the IOM Tunis Office, during which a reintegration plan was envisaged. Sami then received further training from the Agence Nationale de l'Emploiet du Travail Indépendent (ANETI), the Tunisian Government's labour agency, on business creation and management. To ensure that Sami would be able to benefit from both of these training sessions, travel costs were fully reimbursed. IOM Tunis provided support to Sami for the finalization of his reintegration project: the establishment of a small supermarket with four associates. This project was designed specifically to meet the needs of Sami's small village of origin; situated 30 km from Kasserine, by providing entertainment and hygiene products that villagers otherwise had to travel to Kasserine to purchase. Moreover, Sami understood well that he could count on receiving more and diverse clients, given the proximity to the Algerian border, where travellers would pass by.

After several months of work designing and building a supermarket with modern and attractive decor, the supermarket was opened and is successful to this day, providing employment to his two brothers, as well as two community members. Moreover, given the success of the project, Sami plans to expand into the sale of poultry, allowing him to open the only mini-market in the area.

Sami and the partners who helped him create his supermarket project.

The success of this return story owes itself to Sami's dedication and ownership of the project, an idea of his own from the beginning, as well as the strong support of his family throughout the process. This example of successful and sustainable return highlights the importance of having a support system and positive feedback from family and friends, as well as ensuring returnees assume responsibility and a proactive attitude towards the project. It also shows how investing in local community projects through returnees and community members can assist in ensuring the sustainability of return and its consequent positive impact on local development.

CHAPTER 5
Vulnerable Migrants

IOM reintegration officer pays a visit to a family that returned to South Sudan under the RAVEL project.

CHAPTER 5: Vulnerable migrants

Introduction

IOM's AVRR experience in North Africa has shown that there are an increasing number of vulnerable migrants, particularly migrants with specific health needs, victims of trafficking, unaccompanied migrant children, and migrants in administrative immigration detention. Host governments experience difficulties in assisting such migrants, and, unable to integrate or access education and health, and without the means to return on their own, many irregular migrants choose AVRR as it offers a humane alternative to deportation and destitution. Due to the specific vulnerabilities of migrants in North Africa, assistance must be tailored to meet their specific needs, as well as ensure their successful and sustainable reintegration. This chapter outlines the procedures and key aspects to consider when providing AVRR to such migrants and should complement the overarching process of AVRR, as outlined in chapters 3 and 4.

Migrants with health needs

Overview

Within the AVRR process, it is essential to identify whether the potential returnee has any significant medical condition that may require treatment before and/or after return, in order to be fit for travel and to ensure safe return. IOM considers an SMC to be a disease or disability of the beneficiary which is likely to have an impact on the implementation of AVRR, either at the pre-departure stage (for matters of eligibility) or in relation to transportability (i.e. fitness for travel). These conditions may include: (a) mental conditions that may affect an individual's capacity to make a competent decision, thus affecting the voluntariness to return; (b) communicable diseases of public health concern that may affect travel; (c) rapidly deteriorating or unstable health conditions; and (d) chronic health conditions in need of specialized treatment.

Health factors are often linked to the legal status of migrants and since the majority of migrants applying for AVRR in the MENA region are irregular or rejected asylum seekers, they may be exposed to risky travel, marginalization, stigma and lack of access to health care in the host country. This makes migrants more vulnerable to disease and may aggravate existing health conditions. Fear of being detained and the lack of financial resources also mean that migrants may not want to seek medical health care even when they are able to. In the North African region, it is particularly important to address violence–including sexual violence–and the health problems associated with it, as well as its link to trafficking in persons, particularly cases of sexual slavery and forced prostitution. For example, a Médécins Sans Frontières report (2013) on sub-Saharan migrants stranded in Morocco (a transit or destination country for many sub-Saharan migrants) shows that since 2011, there has been a sharp increase in abuse, degrading treatment and violence against sub-Saharan migrants and emphasizes the particularly shocking levels of sexual violence.[12]

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12   MSF, 2013

Migrants with health needs in North Africa

Based on the current RAVEL project, of the 863 migrants assisted with AVRR from Egypt to their countries of origin, the majority of migrants tend to suffer from chronic diseases such as hypertension, diabetes and heart diseases.[13] They can also suffer from health conditions that have been aggravated due to the fact that irregular migrants generally tend to avoid accessing health care services. Given the health vulnerabilities of migrants, assessing both physical and psychological health are of utmost importance to ensure the sustainable and successful return and reintegration of migrants.

Actors involved

The caseworker, on first registration of the AVRR applicant, should arrange for a medical check-up, whereby the designated medical focal point collects relevant medical documents available and contacts the current health-care provider when possible. A medical focal point is a medical professional who should interpret available medical information and decide whether a full health assessment is required or not, as well as determine the AVRR-related medical requirements. This person can be a member of staff within the implementing entity, an external consultant, or member of a specifically set up medical unit. The migrant may then be referred to another service provider for further tests or services. Only medical staff should have access to the migrants' health information for data protection reasons. This information should include any data on chronic conditions, ongoing medical treatment, hospitalization history, pregnancy and so on. It is important to determine what health services are available to returnees pre-departure and which actors can provide these services and at what cost. Health services may be provided by NGOs, public health institutions or international organizations, depending on what is deemed best by all actors involved.

Assessing returnability

The health aspect of AVRR should be fully integrated into AVRR frameworks, and include a health assessment to ensure the migrant can be returned considering his/her health condition and the health care situation in the community of return. This must be considered in close cooperation with partners in the country of origin. Therefore, once a health assessment has been carried out and the returnee is declared as having an SMC, it is important to consider the following factors in the decision to declare a migrant fit to travel and fit to return when carrying out the return process:

    (a) The (pre-existing) health condition of the returnee;
    (b) The duration of the journey and possible stress involved;
    (c) The mode of transportation;
    (d) Access to health services during travel;
    (e) Access to health services at the final destination;
    (f) Severity of the health condition;
    (g) Time span and consequences if a medical intervention is required;

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13   Information provided through direct consultation with IOM medical staff in Cairo.

(h) Availability, quality and durable access of prescribed medical treatment in the country of return;

(i) Presence of relatives or guardian to assist the returnee if needed;

(j) All possible negative effects on the returnee's health if returned;

(k) For a migrant suffering from a mental health problem, a clear and authoritative written approval should be issued by a psychiatrist, stating in writing that the person in question is fit to make his or her own decisions and providing the psychiatrist's recommendations concerning return travel and post-return treatment needs, if any. (If the migrant is under guardianship, the legal guardian's written consent must also be obtained);

(l) Confidentiality of information provided regarding the returnee's health must be confidential. (migrants or guardians must consent to disclosure of information when there is a need to pass on information to third parties).

> **TIP**
>
> To ensure smooth handover of migrants with a medical condition to home community NGOs/medical services, all documentation should be in or translated into a language well understood by home community members.

Following the health assessment, the following options are available:

(1) The sending partner will decide whether to provide its assistance unconditionally or link this assistance to certain conditions, for example, provision of a medical escort or organization of treatment upon return).

(2) The return of the migrant is not recommended.

(3) The return of the migrant is deferred. Deferral usually occurs until symptoms are treated or the returnee is stable enough to travel and able to receive continued care in the home community.

Once travel is approved, a pre-embarkation check for all returnees, medical cases or not, is essential. This consists of a rapid visual check by a physician or nurse for any signs emerging health conditions, ensures that existing conditions are stable and serves as a last minute check to ensure health and safety of all involved.

The partners involved in AVRR should work together to ensure that, when needed, returnees can benefit from the widest range of assistance possible. Especially when it comes to chronic or serious conditions, AVRR projects may not be able to foresee the necessary resources for a permanent and/or costly medical assistance: once again the cooperation with partners and dedicated agreement with local medical facilities is crucial. Each AVRR actor will need to have clear guidelines on when and when not to return migrants with a medical condition. However, these guidelines should be followed while also taking into consideration the specificities of each migrant's needs since each individual case is different and, at times, can be quite complex.

Counselling

As part of the AVRR counselling that all migrants go through, partners in the destination country should also investigate and provide information to the migrant with a health condition regarding available medical care and institutions in the country of origin, as well as contact relatives and assign a guardian if the health condition requires extra assistance. This requires close cooperation between the sending and receiving partners on a case-by-case basis. The case-worker should collect all information from receiving partners, other partners, health providers and present it clearly to the migrant, outlining the consequences related to his or her return.

> **TIP**
>
> The migrants and relatives themselves are likely to have firsthand knowledge of the community of return and the services available. It is therefore recommended that both are included in the information gathering process.

Medical escorts and travel assistance

A medical escort is necessary when an SMC is detected that can be aggravated during travel, or when a condition means that a migrant needs assistance to be able to travel. The medical escort chosen must be competent to manage the medical condition of the passenger during travel as well as capable of dealing with unexpected complications or emergencies that may develop during the journey. Preparations must also be carried out as soon as the need for a medical escort is established, ensuring that he/she has a valid passport, valid entry/exit visas and any other necessary security or formal authorizations. In case of a medical emergency, the escort must have correct contact details as well as accurate details of the migrant's condition in order to communicate the situation to the necessary partners and/or emergency services and adequately assist the migrant. Furthermore, the escort must formally carry out a handover procedure. This usually entails a signed form that indicates that the escort is handing over the migrant to a family member or medical services in the home community. The person receiving the migrant should also sign to confirm this. It is also of extreme importance that the escort is able to communicate clearly with the returnee in a language fully understood by the returnee.

In addition, the return journey may be associated with increased risks and an aggravation of symptoms, for example, by stressful situations, the tiresomeness and length of the trip, or the travel conditions encountered. For migrants with a mental health condition, stressful situations during return can provoke severe reactions such as fits or shock. It is therefore important to ensure that the escort is correctly informed of the returnee's condition, and the procedures to follow and medication to be administered. The migrant must also be informed of all any changes beforehand to ensure his or her preparedness. Overall, as much as possible should be done to prevent any unforeseen problems or risks through careful planning and close consultation with the physician/psychiatrist, receiving partner, relatives or guardian.

Post arrival assistance and reintegration

For migrants with an SMC, post arrival assistance and reintegration consists of identifying relevant health partners and institutions in the community of origin for the continuity of care. Upon arrival, the returnee should be met along with his or her family, friends or guardian, as well as the receiving partner. Referral is made to the aforementioned entities and the returnee's situation should also be carefully monitored by the receiving partner.

Any other reintegration assistance as outlined in chapter 4 can be implemented once the returned migrant's medical condition is deemed stable. Such assistance should follow the process outlined in chapter 4. A migrant's vulnerability or medical condition should not be an obstacle to standard reintegration procedures. However, medical and psychological assistance may constitute the main reintegration assistance if it is considered to be the most pressing need for the individual's continued rehabilitation.

Difficulties experienced

It can be a challenge for the physician conducting the health assessment to understand the psychological, social and cultural background of a migrant. When assessing a migrants' state of health, the lack of knowledge of this, coupled with a language barrier, prejudices or preconceptions, means that fully understanding migrants' needs and problems can be difficult. This can distort the doctor's ability to assess the migrant's health and may prevent the understanding or detection of a medical need.

RECOMMENDATION

It could be useful to provide cultural competency training to caseworkers and medical staff on the social and cultural backgrounds of the migrant populations and to avoid prejudices, especially when dealing with mental health conditions. Furthermore, adequate counselling time should be allowed to ensure that decisions made are based on as accurate information as possible. Employing staff with experience in multi-cultural settings and dealing with vulnerable persons is also a crucial aspect to ensuring integral assistance.

There can also be difficulties in ensuring funding in cases which need expensive treatment that they cannot afford and the AVRR funding cannot provide for. This is especially complicated when an AVRR framework does not have a medical unit or even a doctor, and have to rely on external services or the generosity of civil society. IOM in North Africa has often relied on civil society to provide health services.

> **TIP**
>
> Since it may be difficult to provide certain services to each returnee in need, it is helpful to have permanent health staff and ongoing health activities with sufficient financial and human resources where possible. Such a unit can strive to build referral networks in both sending and return countries, build a database of competent medical escorts and keep abreast of health trends among returnees and available treatment in each country to facilitate the entire process. Such a unit can ensure that migrants are fit to travel, as well as fit to return.

> **TIP**
>
> To ensure the appropriate assistance to migrants with a medical condition, it is worthwhile to define, in collaboration with all stakeholders, a specific standard operating procedure to be followed by all staff that will ensure coherency and effectiveness.

Victims of trafficking and risk assessments

Overview

The trafficking of persons is defined as the "recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation" (IOM, 2011e). Trafficking of persons is a global crime that generates billions of dollars in profit for traffickers (UNODC, 2012).

While many cases of trafficking in persons start as an attempt to improve their conditions of life, for example a migrant pays a person to smuggle him or her to another country, sometimes circumstances transform those attempts into incidences of exploitation and abuse and therefore trafficking in persons (UNODC, 2012). Often, opportunities for trafficking arise where poverty, underdevelopment, weak legal institutions, civil war and political unrest and corruption are rife (Arab Initiative to Combat Human Trafficking, 2012). In North Africa, the aftermath of the Arab Spring in 2011 has led to an increase of the levels of risks and vulnerabilities facing migrants with more migrants migrating irregularly through smugglers (IOM, 2012o). Traffickers have taken advantage of these circumstances and numbers of victims of trafficking in and through North Africa have increased (IOM, 2013b). For example, taking advantage of the lack of patrolling of North African waters, North Africans were squeezed into boats, and landings in Europe became more frequent and smugglers and traffickers, much more violent (IOM, 2013b). Moreover, with instability in particular in Libya and Mali, this has consequently aggravated trafficking in other areas of Africa, for example, in Niger by December 2011, 97,820 migrants returned to Niger from Libya. With Niger already struggling with limited resources, the sudden influx of return migrants escaping the instability and the consequent social and economic pressures were exploited by trafficking networks to traffic Nigerians out of Nigeria

(IOM, 2013b). In North Africa, the main exploitation reasons for trafficking are forced labour, sexual exploitation, exploitation of children in labour, trafficking of women and girls for the purpose of marriage and trafficking of organs.

International and regional laws in play

All four North African countries addressed in this manual have ratified the UN Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children which supplements the UN Convention against Transnational Organized Crime (UNGA, 2000). Moreover, the Arab League of States, through Article 9 of the Arab Charter on Human Rights, prohibits trafficking in human organs and trafficking for the use of 'medical experimentation'. Furthermore, Article 10 prohibits all forms of slavery and trafficking in human beings (League of Arab States, 1994). The Arab League has also put into place the Arab Strategy to Combat Trafficking in Persons (The Arab Initiative to Combating Human Trafficking, 2012). It is worth noting that the League of Arab States Anti-Trafficking Law, as well as some national laws, are more comprehensive than the United Nations Palermo protocol when it comes to protection and the rights of victims of trafficking, however the countries in North Africa have not become signatories of the law as of yet.

Among North African countries, only Egypt has a national law, Regarding Combating Human Trafficking, although Libya, Morocco and Tunisia currently have draft laws in the making. Egyptian Law no. 64 of 2010 provides the most comprehensive definition of trafficking in the region since it expands exploitation to acts of prostitution and all forms of "sexual exploitation of children in such acts and in pornography, forced labor or services, slavery or practices similar to slavery or servitude, or begging or removal of human organs, tissues or a part thereof" (Arab Republic of Egypt, 2010).

AVRR and victims of trafficking

Egypt, through its aforementioned law No. 64, aims to protect the rights of victims of trafficking stipulated in Article 23 and include: "The right to physical, psychological and mental safety; The right to protect their inviolability and identity; The right to be informed of all administrative, legal and judicial procedures; The right to be heard in court; The right to have legal assistance and; the right to protection for the victims and witnesses when a case is taken to court" Arab Republic of Egypt, 2010). According to a recent proposal by the League of Arab States' to renew the Strategy for Combating Trafficking in Human Beings the rights of victims of trafficking should also include, inter alia, such rights as the right to a recovery and reflection period; the right to compensation for damages and; the right to return to one's home country.[14] However, as aforementioned, this is not yet in force. In this sense, it is important to apply a rights-based approach to protecting the victim by promoting his or her rights and sustainable rehabilitation. AVRR is one such way in which this can be achieved and involves the additional procedures outlined below.

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14 The Arab Initiative to Combating Human Trafficking, 2012

GOOD PRACTICE:

Given the increase in trafficking and of irregular migrants' risk of exposure to trafficking, IOM Tunisia has invested in the first in-depth study carried out on Trafficking in Persons in Tunisia. The research was carried out in cooperation with various government institutions, IOM and other civil society actors and international organizations. The study strives to understand the types, trends and risks of trafficking in Tunisia and should contribute to policy making on this issue and the design of responses to combat trafficking and assist VoT, particularly in AVRR. It is available online here: http://www.tn.iom.int/pdf/Baseline_Study_on_trafficking_n_persons_in_Tunisia_ IOM%20_LR.pdf.pdf

Returning victims of trafficking

AVRR should be carried out in accordance with the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UNGA, 2000) as well as adhere to the Office of the High Commissioner for Human Rights' Recommended Principles and Guidelines on Human Rights and Human Trafficking (UNHCHR, 2002). When providing AVRR to victims of trafficking, it is paramount to ensure that the return respects the individual rights of each victim of trafficking as outlined above; that the return can be facilitated safely and that it is sustainable.

Actors involved

When providing AVRR to victims of trafficking, the collaboration and dialogue with a number of stakeholders is imperative to ensure the integral and successful assistance to the victims of trafficking as with AVRR of non-trafficking victims. However, a solid relationship with public prosecutors and ministries responsible for combating human trafficking as well as civil society providing shelter and research on trafficking are especially important. These actors ensure, respectively, the prosecution of perpetrators, help refer victims to services and provide support and legitimacy to AVRR procedures, as well as providing the victims of trafficking with direct assistance including shelter, health care and psychological care (IOM, 2011f). IOM, for example, has built up a strong and sound framework for assisting victims of trafficking. However, if it is suspected that the migrant may have grounds to seek asylum, return may not be the most suitable option, IOM refers migrants to UNHCR or national asylum bodies.

Identifying victims of trafficking

Correctly identifying a victim of trafficking is of extreme importance. In many destination countries, trafficking victims may be mistaken for irregular migrants and can end up deported or detained or even returned through normal AVRR procedures. When returned or deported, victims of trafficking can be, and have been, re-trafficked.

> ## OBSTACLE
>
> Victims of trafficking are often reluctant to admit being trafficked or discuss the details of their experience due to: fear of reprisals on him or herself and his or her family by traffickers; fear of law enforcement for having entered the country irregularly; loyalty to traffickers if they had a personal relationship with the trafficker; lack of trust in general given their traumatic experience or; due to memory loss caused by trauma or drug or alcohol use.

> ## TIP
>
> Identification of Victims of trafficking should be integrated into general AVRR procedures and AVRR caseworkers trained in issues of trafficking and in identifying possible victims of trafficking. To assist in doing so, VoT screening questions can be integrated into AVRR registration forms. For more information on VoT indicators and questions that can be included, see the example screening form on page 50 of the IOM Handbook on Direct Assistance for Victims of Trafficking.

Counselling

The AVRR counseling recommendations made in chapter 4 are also applicable in this context. However, once a victim of trafficking is identified, before proceeding with AVRR, the victim of trafficking should go through a VoT screening interview by a trained VoT caseworker. This VoT caseworker should confirm that the migrant is indeed a victim of trafficking and refer him or her to appropriate entities for direct assistance after assessing the trafficking victim's immediate needs. Further counseling should aim to: restore emotional and physical stability and well-being; ensure personal safety of the victims of trafficking and family members from trafficking; cooperate with law enforcement agencies in legal proceedings against traffickers; help the victims of trafficking assess the likely reaction by the family and the community members regarding the possible return of the victims of trafficking; carry out a risk assessment to ascertain whether return to home community is in the best interest of the victims of trafficking and is safe to do so (see the following section, Risk Assessment, for further details); conduct a reintegration needs assessment to assess and help prepare a reintegration plan; provide the victims of trafficking with a realistic assessment of the prospects for successful and safe reintegration; share risk and needs assessments and any mental and physical health needs with the receiving partner along with the reintegration plan and notification of return; provide the victims of trafficking, even after return, with information related to the trafficking experience such as the outcome of any criminal case involving the trafficker, length of sentence, any compensation given and the release of the perpetrator from detention; refer victims of trafficking to UN-HCR or relevant national asylum systems if suspected having a well-founded fear of persecution in their home country.

Risk assessment

Risk assessment is used to assess the potential risk of being re-trafficked or any reprisals against the returned victims of trafficking and family members or any other negative consequences arising from return. For further information on risk assessment and assisting victims of trafficking, consult the IOM publication Caring for Trafficked Persons: Guidance for Health Providers (IOM, 2009a). Risk assessments should take into account the following aspects:

(a) The extent and impact of trafficking in the beneficiary's country or community of origin;
(b) The extent to which trafficking is controlled by organized criminal groups;
(c) The known or estimated capacity of organized criminal groups to plan and implement reprisals;
(d) The capacity of local law enforcement agencies to provide appropriate protection;
(e) Whether corruption is endemic and the extent to which it adds to the level of risk;
(f) The level of government commitment and support to combat trafficking in persons in the country of origin;
(g) The existence of an adequate support structure to protect from re-trafficking in the country and community of origin;
(h) Whether the trafficking was related to a common cultural practice, such as forced marriage;
(i) Whether the exploitation suffered is likely to be considered an offence against the family's honour;
(j) Whether the beneficiary prefers voluntary return to the country of origin but does not wish to return to the family or community, or does not wish to inform family or community members of the impending return.

> **TIP**
>
> When planning an AVRR framework which will assist high numbers of victims of trafficking, it is important to ensure correct and sufficient allocation of funding and human resources to ensuring that risk assessments and reintegration are carried out correctly and efficiently. IOM often has to depend on civil society for such information and support. In addition, the complexities and specific procedures required to assist victims of trafficking also implies that such cases take longer to assist and this must be taken into consideration regarding funding for direct assistance while awaiting return and regarding timing issues with project finalization.

Direct assistance

Given the extra vulnerability of victims of trafficking and their possible immediate physical, sexual and psychosocial health needs, direct assistance to victims of trafficking

aims to facilitate their recovery and empowerment. Such assistance should include, when necessary: shelter, medical/health care, psychosocial support, education and vocational training to facilitate reintegration, legal assistance to bring perpetrators to justice and reintegration assistance. This can also include the identification of an escort to ensure safety when carrying out administrative procedures such as obtaining exit visas as well as during return until final destination where health problems or physical security is an issue. Direct assistance should be applied both in host country and country of return.

OBSTACLE

When there is a lack of existing national legislation, services for and recognition of trafficking problems, once victims of trafficking are identified, this means that there can be no governmental support or prosecution of perpetrators or access to protection services for non-nationals. Furthermore, since prostitution is illegal in many states, victims of trafficking forced into sexual slavery can be imprisoned without being correctly identified.

GOOD PRACTICE

IOM Libya, working together with the Libyan government, has carried out a Counter Trafficking campaign to raise awareness among authorities and particularly judges and prosecutors on the issue of trafficking. Having first carried out a survey to assess the extent of awareness of trafficking, training sessions were recently held for judges and prosecutors marking a step forward in building a more collaborative relationship with government institutions and to be able to provide for trafficking victims' needs and rights.

GOOD PRACTICE

In 2012, given the increase in number of trafficking victims requesting AVRR assistance, in addition to the existing AVRR framework in place, IOM Morocco carried out an extra supporting project to specifically assist victims of trafficking to return. Within this project, and recognizing the direct assistance that trafficking victims need, the project reinforced the capacity of an NGO sheltering victims of trafficking and provided extra funding for necessary medical and psychosocial care as needed. The relationships built between civil society organizations meant that, once the project finished, the services built up remained operative even without funding.

For further information and guidance on direct assistance, consult IOM's Handbook on Direct Assistance for Victims of Trafficking and Caring for Trafficked Persons: Guidance for Health Providers.

Post-arrival assistance and reintegration

Reintegration support is especially important when returning victims of trafficking since the risk of re-trafficking increases substantially if return assistance is not complemented with appropriate reintegration support. For further evidence and information on this, consult IOM publication The Causes and Consequences of Re-Trafficking: Evidence from IOM Human Trafficking Database (IOM, 2010f). It is important to note that returning to the country or community of origin is not always the best solution if, for example, the migrant runs the risk of being re-trafficked or the migrant and/or his or her family risks reprisals from the trafficker(s) and/or local law enforcement is unable to provide protective services to prevent this. In this case, declining to provide AVRR assistance and advocating for alternative durable solutions should always be an option. In the event of declining to provide assistance, alternatives must be sought and can include resettlement in another country, relocation to a different region of the country of origin or referral to UNCHR /national asylum system as a potential asylum-seeker.[15]

As outlined in chapter 4, the same key aspects to consider must be applied in order to ensure return success and sustainability though should be tailored to extra needs that the victims of traffickingmay have, ensuring complementary direct assistance such as continued psycho-social support or protection from possible reprisals of traffickers.

Difficulties experienced

Regarding return and reintegration of victims of trafficking, this supposes particularly difficult experiences, for example, in managing trafficking experiences and traumas: victims of trafficking, as aforementioned, can suffer from extreme trauma and dealing with trafficking victims' feelings and reactions requires more and intense work and if not addressed, can have negative consequences in the family and community setting after return (Surtees, 2008b).

> **TIP**
>
> Where possible, providing VoTs with the opportunity to access such assistance at all times and at a later date when needed or when traumas re-surface can ensure successful reintegration. When the AVRR provider is unable to do this, partners providing this service can play a key role in making sure victims know where to go for any additional help when needed further along the line. Such assistance can provide a safety net where assistance elsewhere cannot be found.

For returning trafficking victims, the home environment may have been socially, emotionally or uneconomically unsatisfactory or unviable. In some cases this may even have involved being trafficked by a family member. Some families may be ashamed of the activities carried out by the returnee. Returnees themselves may feel shame and wish not

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15   In the case of the Egyptian trafficking law, this also provides that Egyptian victims of trafficking in Egypt have the right to be resettled in another country.

to explain their experience, alienating themselves and reducing the possibility to receive family support (Surtees, 2008b).

> **TIP**
>
> To avoid problems arising in the family setting, acquiring the help of family mediators can play an important role in bringing families together and prepares both VoTs and the families for return and ensures families' support for VoTs.

The community itself can also not be very welcoming of trafficking victims and can alienate and marginalize them and can have a direct negative consequence on their ability to reintegrate.

> **TIP**
>
> Community based initiatives to sensitize communities on the topic of trafficking can help ease tensions and stigmas. When this is not possible and there is a recognized high risk of such behavior in a home community, return to a different region or community is a secondary option.

Further difficulties in providing AVRR to victims of trafficking can stem from security issues. Extra security measures consequently put in place meant limiting services and contact with possible returnees.

> **TIP**
>
> When security is an issue, having a well-oiled referral system where partner organizations are able to refer and even counsel victims of trafficking and help the implementing organization provide direct assistance for victims of trafficking can make a difference and ensure that contact with migrants is not lost.

Trafficking of minors

The recent 2012 Global Report on Trafficking in Persons (UNODC, 2012) shows that trafficking in minors in Africa and the Middle East region is on the rise, where 68 per cent of victims are children. The return of unaccompanied migrant children will be addressed in the next section. However, the special procedures involved in assisting victims of trafficking and unaccompanied migrant children should be integrated when dealing with both. For more information, one can also consult UNICEF publication Guidelines on the Protection of Child Victims of Trafficking (UNICEF, 2006).

CASE STUDY 2: Unaccompanied migrant child and victim of trafficking in Egypt

Mariam lived with her parents and siblings in West Africa until her father sold her to work as a domestic aide for an Egyptian doctor also residing in the same community. The Egyptian family then returned to Cairo, bringing Mariam along. Once there, treatment turned abusive and Mariam was made to work excessive hours, never received any salary and her passport was confiscated. She was locked in the house and physically and emotionally abused and was never allowed to speak to her family.

Mariam eventually managed to steal the house keys, take her passport and escape but was arrested on the grounds of migration law infringement. Thanks to the Egyptian Authorities' good cooperation with IOM and under the Egyptian Anti-Human Trafficking Law, Mariam was recognized as a victim of trafficking and assigned to a government shelter run by the National Council for Children and Motherhood (NCCM). The Public Prosecutor Office started investigating the case.

In accordance with international child protection standards, a best interest determination (BID) was carried out by NCCM, the competent authority in Egypt, with the support of IOM and UNICEF. The process envisaged the appointment of legal guardians in both host country and country of origin, the determination that the AVRR was in the best interest of the minor victim of trafficking and the identification of a temporary care giver in the home country while family tracing was undergoing. Under the Regional Assisted Voluntary Return and Reintegration Programme for Stranded Migrants in Egypt and Libya (RAVEL), IOM went on to provide Mariam with AVRR assistance including travel arrangements and an escort to accompany her to her community of origin. Once returned, Mariam was received by the child protection police of her country of origin and of a shelter specialized in providing assistance to victims of trafficking, in coordination with IOM and UNICEF. After a few weeks at the shelter where she received counselling, Miriam was finally reunited with her family. Mariam was provided with reintegration assistance in-kind to allow her to carry out her plan to open an Egyptian restaurant by paying for professional courses.

IOM airport assistance under RAVEL for unaccompanied migrant child and victim of trafficking return to her country of origin.

This example reveals the importance of inter-agency and multi-stakeholder cooperation that allows for the provision of an integral AVRR assistance through various actors, tailored to the specific needs to every returnee.

Unaccompanied migrant children, family-tracing and best interests determination

Introduction

International standards consider unaccompanied migrant children or minors "as persons under the age of majority in a country other than that of their nationality who are not accompanied by a parent, guardian, or other adult who by law or custom is responsible for them" (IOM, 2011e). A child means "every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier" (UNGA, 1989). It is important to note that national laws may provide for a different age limit from country to country and is therefore essential to take this into consideration when implementing AVRR services.

A shortage of opportunities for children to migrate safely and through regular channels may lead them to embark on dangerous journeys, including through the use of smugglers. Particularly when unaccompanied, these children are highly vulnerable to becoming victims of violence and abuse, trafficking and exploitation (IOM, 2013a). Upon arrival in the country of transit or destination, unaccompanied migrant children often also live in overcrowded settings and can be forced to work in unsafe working environments, including exposure to chemicals, heavy agricultural labour, petty crime and, in some cases, even sexual exploitation (IOM, 2011m). These settings have detrimental physical and psychological health effects and can even result in death (UNCRC, 2005). unaccompanied migrant children are therefore especially vulnerable and require specific care and protection. AVRR for unaccompanied migrant children is particularly complex for all stakeholders involved. Currently, only 1 per cent of IOM projects globally providing assistance to unaccompanied migrant children include AVRR, since youth movement is relatively new on the migration agenda. However, an increasing number of IOM missions are becoming very engaged in implementing the necessary activities related to assisting unaccompanied migrant children through AVRR. For example, there are significant numbers of Moroccan minors leaving Morocco for Europe as well as many migrant minors in Morocco. Consequently, Spain, for example, concluded a bilateral agreement with Morocco concerning unaccompanied migrant children in 2007.[16] Egypt and Tunisia also deal with small numbers of unaccompanied migrant children.

Laws at play

Various international treaties protect the rights of the child during or after the migration process. Primarily, this includes the Convention on the Rights of the Child (CRC) which outlines minimum standards that states must adhere to regarding the treatment of children in their respective territories. Egypt, Libya, Morocco and Tunisia have all ratified this convention. A further pertinent convention is the International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour which outlines how states should design and implement programmes of action to eliminate the worst forms of child labour, which include

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16   This has not been signed by the Spanish Parliament, only the Moroccan Government.

slavery, debt bondage, forced or compulsory labour, sale and trafficking of children and child pornography (ILO, 1999). All four North African countries have also ratified this convention and have national legislation regarding child protection. (See Annex 1, Country Profiles for further information).[17] However, as in most cases and given that migration of children is considered a new area of concern and focus, policy responses tend to overlook migrant children (UCRC, 2005). Under this context, the Special Rapporteur on the Human Rights of Migrants in a report in 2009 referred to the obligation of the state to ensure the protection of all children in all stages of the migration process (UNHRC, 2009).

Based on the above and in order to ensure this protection, the United Nations Committee on the Rights of the Child has outlined the principles to be held when protecting unaccompanied migrant children in General Comment 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, which include:

(a) Non-discrimination on the basis of the status of a child as being unaccompanied or separated, or as being a refugee, asylum seeker or migrant;

(b) Best interests of the child as a primary consideration in the search for short and long-term solutions, including when considering the option of AVRR, and ensuring the appointment of a competent guardian which serves as a key procedural safeguard to ensure respect for the best interests of the child;

(c) The right to life, survival and development especially given the high vulnerability of UMC to various risks that affect unaccompanied migrant children as aforementioned;

(d) Rights of the child to express his or her views freely;

(e) Respect for the principle of non-refoulement (IOM should not and does not foster return of UMC where there are substantial grounds for believing that there is a real risk of irreparable harm to the child if returned);

(f) Ensure confidentiality, whereby data keepers must protect the privacy of the child and any information kept confidentially unless necessary to share with a third party and only with the child and/or guardian of the child's consent.

Actors involved

Various actors must be involved in the decision-making process with respect to the return of a minor: the legal guardian, the authorities, social assistance services, families, teachers, childcare agencies and so on. IOM should facilitate and support the multilateral/inter-agency approach to ensure the most effective assistance. This can be achieved, for example, by organizing round tables with the partners involved to facilitate information exchange and the decision making process. The minor should participate in this when possible. It is necessary to identify and work closely with the responsible government agencies and other agencies with expertise such as UNICEF or the International Committee of the Red Cross. Such agencies can provide support in family tracing, identifying adequate care and providing reception and reintegration assistance in the countries of origin. For more information, consult the International Committee of the Red Cross publication entitled Inter-agency Guiding Principles on Unaccompanied and Separated Children (ICRC, 2004).

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17   For a more detailed list of international instruments, see Annex 1.

AVRR process and UMC

IOM experience has shown that before carrying out AVRR, it is important to confirm the identity of or appoint legal guardians in both the host country and the country of origin. Following this, any actions carried out should be based on and framed a system that ascertains the best interests of the child, in this case with regard to return to the country of origin, as stipulated in Article 3 of the UN Convention on the Rights of the Child (UNGA, 1990). In countries where there is no BID system in place, AVRR implementation partners can seek guidance from UNICEF and liaise with relevant ministries and local stakeholders responsible for child protection. If the unaccompanied migrant child is identified as a victim of trafficking, the appropriate process should be observed.

During the whole process, the child, his or her legal guardians and partner agencies must be kept informed of preparations, including the provision of information and counseling upon return.

Counselling

Counselling of unaccompanied migrant children must be carried out by staff trained to work with children given their specific needs and rights (European Commission, 2011). The CRC also establishes that children have a right to access appropriate information. This falls in line with the AVRR principles of providing accurate and ample country of origin information to ensure that return is voluntary and should be provided through counseling. Moreover, it is paramount that information is presented to children in a language that they understand and in a manner that is appropriate for children (European Commission, 201). It is also important to provide information on available services in the area of returns in coordination with receiving partners in countries of origin and/or with partner agencies in host/origin countries.

> **TIP**
>
> The provision of information is most effective when children are assisted in their review of the material and they are given an opportunity to raise questions in relation to their content and in relation to their specific situation.

Best interests of the child

Return to the country of origin is not an option if it would lead to a reasonable risk that such return would result in the violation of fundamental human rights of the child, and in particular, if the principle of non-refoulement[18] applies. The return will only be arranged, therefore, if it is in the best interests of the child.

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18 A principle laid down in the Geneva Convention Relating to the Status of Refugees, 1951 according to which "no Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." Taken from the IOM Glossary of Migration (see IOM, 2011e).

A determination of what is in the best interests of the child requires a clear and comprehensive assessment of the child's identity, upbringing, ethnic, cultural and linguistic background, particular vulnerabilities and protection needs. This assessment – normally mainstreamed into child protection structures – should be carried out in a friendly and safe atmosphere by qualified professionals and include consideration of the following: [19]

(a) Safety, security and conditions, including socioeconomic conditions awaiting the child upon return including through family tracing and family assessment, where appropriate, conducted by social network organizations;

(b) Availability of care arrangements for that particular child;

(c) Views of the child expressed in exercise of his or her right to do so under Article 12 of the CRC and those of the guardians;

(d) The child's level of integration in the host country and the duration of absence from the home country;

(e) The child's right to "preserve his or her identity, including nationality, name and family relations" as in Article 8 of the CRC;

(f) The "desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background" as stipulated in Article 20 of the CRC. (OHCHR, 2008)

For more information and guidelines on determining the best interests of the child, consult the UNHCR publication, Guidelines on Determining the Best Interests of the Child, and the UNICEF Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe.

Guardianship

Legal guardians are understood as an individual or competent entity that, under relevant national legislation, has been formally assigned responsibility for the child and is vested with the legal right and responsibility to make decisions in the place of parents, in full consultation with the child (UNICEF, 2006). The role of the legal guardian is paramount in the context of AVRR. It is best practice to have an established guardian in both host country and country of origin secure arrangements for care and make decisions based on the protection of the rights of the child at all times. Guardians should have the necessary expertise in the field of child care, so as to ensure that the interests of the child are safeguarded, acting as the link between the child and existing specialist agencies that provide care.

Direct assistance

Given the extra vulnerability of unaccompanied migrant children and their specific protection needs, unaccompanied migrant children have the right to receive accommodation; access to quality education or vocational training; health care and any other necessary service depending on the particularities of their needs. This will also include legal assistance when dealing with a victim of trafficking and specially tailored reintegration assistance upon arrival in the country of origin.

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19 OHCHR, 2008

Family tracing and family assessment

Family tracing and family assessment should be carried out in the country of origin by the competent governmental body or by social partners. These can be qualified NGO like the International Committee of the Red Cross (ICRC) or International Organizations such as UNICEF. Family tracing is carried out to find and contact the parents or family members of the unaccompanied migrant children to inform them of the child's desire to return. Family tracing should begin as early as possible and with a view to restoring contact with close or extended family members, or with previous primary caregivers. The family assessment is used to assess the sociofamilial context of the child and will consider the feasibility and sustainability of return, as well as proposals for the reintegration of migrant children and whether it is in the best interests of the child to be returned to his or her family. If a child is to be assisted by a childcare agency upon return, an assessment should be made of its capacity to provide adequate accommodation, basic care, education arrangements and medical care.

Once this contact is established and the BID approves return to the family or guardian, written consent for return should be obtained from the legal guardian in the host country as well as from the family or care provider identified to take care of the minor upon his or her return. The relevant authorities should also be informed of the return of the minor and their agreement sought.

For further guidance on family tracing, consult the ICRC publication, Inter-agency principles on Unaccompanied and Separated Children.

> **TIP**
>
> When contacting parents/guardians in country of origin, it is advisable to ensure that the child is present and can speak to them in order to convey their desire to return and explain their situation and help clarify the role of the IOM, ensuring trust and credibility in this role.

Escorts and travel assistance

IOM appoints escorts to accompany all unaccompanied migrant children to the country of origin and assist throughout the travel process. Escorts must ensure that the child is handed over to the guardian/parent identified on arrival at the airport when possible and that evidence of this is provided. To do so, the signature of a handover form by the guardian/parent is necessary. Any onward travel assistance for the family/guardian and minor should also be provided for when necessary.

It is important to note that many airlines have their own specific regulations relating to escorting minors. In some cases, an airline designated escort is obligatory when the minor is between 12 years old but under 18. Before proceeding with bookings, it is therefore essential to check such regulations with the airline and the procedures that will be carried out so as to inform the child and the guardian/parent/designated escort receiving the child upon arrival.

Post arrival and reintegration assistance

Provision of reintegration services should be arranged in close consultation with the guardian and other government agencies and NGOs involved. In relation to AVRR, children should not only receive information on the country of origin, but also be assisted in considering their future and participate in this process. In this sense, practical support in developing plans and skills necessary to enable them to actively integrate into society are essential. Therefore, unaccompanied migrant children should always have a reintegration plan that includes sufficient reintegration assistance that covers education, the re-establishment of family relationships and consideration of what support should be available to the child's family, housing, health, personal development, cultural development, social integration and future employment. This reintegration assistance should be agreed upon with the guardian and relevant agencies and include determining the duration of the reintegration, long term follow up being recommended (IOM, 2011m).

GOOD PRACTICE

Council of Europe's Life Projects Manual. This manual provides a valuable resource to support those working with UMC to engage in the process of considering what life projects to pursue. See the manual here http://www.coe.int/t/dg3/migration/archives/Source/ID10053-Life%20projects_GB.pdf.

Difficulties experienced

National and local authorities are not always aware of or trained in the vulnerabilities and experience of unaccompanied migrant children. Capacity building and support in providing for children's rights is therefore an essential aspect to ensuring the rights of unaccompanied migrant children.

In addition, assessing the best interests of a child is not an easy process and involves many stakeholders and can be a long and delayed process, particularly in remote rural settings that are difficult to access.

TIP

One of the key aspects of successful return and reintegration of unaccompanied migrant children is investigating the reasons why children are unaccompanied. This can be a delicate situation due to the family themselves possibly being involved in selling or trafficking the child for example. In this case, alternative guardianship would have to be found or other alternatives to return.

With regard to returning unaccompanied migrant children from Europe, some countries, like Italy, for example, have specific legislation that does not allow for the forced return of minors as a safety measure for their rights, though if voluntary and in the best interests of the child, AVRR is possible. This rule has provoked, as a result, an increased migratory influx of younger minors, especially from Egypt.

TIP

AVRR and combating irregular migration processes should integrate UMC concerns into existing programmes that can include such activities as training and awareness raising of the situation of UMC in destination countries and campaigns to prevent the sale or trafficking of children.

TIP

Although low in number, AVRR of unaccompanied migrant children is on the rise in the North African region. Appropriate funding and procedures should therefore be dedicated to ensure the protection of UMC's rights and their successful reintegration within any AVRR framework.

GOOD PRACTICE

IOM Morocco, given the rise in the number of unaccompanied migrant children cases, carried out a mapping exercise and analysis of the social infrastructures available in Morocco for unaccompanied migrant children in order to be able to expand on and provide them with care through civil society and government support.

CASE STUDY 3: Unaccompanied migrant child in Morocco

IOM Rabat in Morocco, working in conjunction with multiple legal and social partners, was able to assist with the repatriation of a young Nigerian minor. The child was referred to IOM by the Commissariat de Police who had found an eight year old boy wandering the streets and demanding to be returned to Nigeria. Due to IOM's continuous work with migrants in this region, the police were well aware of IOM's presence and immediately called upon IOM's services to take care of the child. Once IOM was informed, IOM contacted the Nigerian Embassy that day in order to arrange lodging and the child was taken to the embassy house where he spent the night.

Working in conjunction with UNHCR, IOM Rabat then held two interviews with the minor as well as contacting the mother. After much conversation, he admitted that he had travelled to Morocco in the company of his mother, who beat him and sent him out to beg, and that his father had remained in Nigeria. Furthermore, he also conceded that it was in fact his aunt who had raised him in Nigeria.

Given the child's obvious fear of his mother and his intense refusal to see her, IOM Rabat called upon a local shelter which specializes in aiding at-risk Moroccan women and children, and which, due to their previous contact with IOM, were willing to provide for the minor while a solution was found for his situation. Liaising with IOM Lagos and IOM Abuja, IOM Abuja was able to contact the father, do an in-country family assessment to verify the suitability of placing the boy in his father's home and if in his best interest to do so. Upon confirmation of this, IOM Abuja was able to collect the necessary documents including the father's permission for his son to travel as a beneficiary of IOM's Assisted Voluntary Return and Reintegration program (AVRR), as well as verification of the boy's identity by means of his birth certificate.

After counselling with the mother, she agreed upon the assessment and approved the AVRR assistance and signed the necessary documents to allow her son to travel as part of the AVRR programme. Travel assistance was then organized and an IOM Rabat staff member was sent with the boy as a travel escort in order to deliver him directly into his father's care. Once in Nigeria, IOM Abuja coordinated with the competent Nigerian immigration authorities in order to provide all the necessary documentation in order to allow the escort to leave the airport with the child, after verifying that the father was, in fact, awaiting his son's arrival. IOM Abuja also ensured that the father and the aunt were able to receive the child and sign all the necessary documents, hence taking legal custody of the boy and releasing IOM from further responsibility. As part of the reintegration, the boy was granted an award package focusing on restarting his studies. Throughout this entire process, IOM Rabat remained in constant communication with the boy's mother, his father in Nigeria, IOM Abuja, and the local shelter that had taken the boy in.

This case study highlights the complexities involved in assisting unaccompanied minors and the importance of having a well-functioning referral and direct assistance network, allowing IOM to react quickly and efficiently to assist minors in extremely vulnerable situations.

Elderly migrants

Overview

There is no general consensus on the definition of an elderly person. The World Health Organization (WHO) attributes this to the fact that this can depend on the state of development and culture in any given country. The United Nations agreed to an age cutoff of 60. However, this does not adapt well to the context of Africa. For this reason, defining an elderly migrant should be based on the life expectancy and cultural or religious considerations of each individual country. (For further information, consult the WHO website at www.who.int/healthinfo/survey/ageingdefnolder/en/index.html.)

The profile of returnees both to and from North Africa tends to be a majority of working age men, lesser numbers of women and a number of unaccompanied migrant children. Elderly migrants are therefore not a common case in this region and when elderly migrants have been returned, there have been no particularly difficult cases.

Key considerations

Although few in number, elderly persons may face difficulties in orienting themselves during travel due to lack of travel experience, amblyopia or the onset of mental disorders. They can also suffer from more severe health needs and risks. In this case, the following must be taken into consideration:

(a) The capacity to make a competent decision may be compromised and should be investigated thoroughly as noted above in the section for migrants with health problems.

(b) A full medical examination is recommended even if there are no immediate signs of health problems.

(c) Escorts should be chosen with care and it is recommendable to have escorts that are family members or familiar to the migrant to avoid distress or disorientation during travel.

(d) Return and reintegration assistance should be adapted to suit the needs of the migrant including the option of allocating it to family members.

(e) Elderly migrants may not be able to accomplish their daily routine on their own; this should be taken into account when establishing whether return is beneficial or not to the migrant, while also considering the wishes of the migrant and the availability of help, whether family, governmental or non-governmental, in the home community.

> **TIP**
>
> Most return frameworks do not favour cash grants or 100 per cent allocation for basic needs. However, elderly persons may not need training nor business option but food, to cover bills, medical assistance and so on and flexibility towards what grants can be used for should be considered in such cases.

Migrants in administrative immigration detention

Overview

Detention refers to "the restriction on freedom of movement through confinement that is ordered by an administrative or judicial authority" (IOM, 2011e). Places for detaining migrants can be prisons, closed camps, detention facilities or airport transit zones. Migrants may be detained for criminal or for administrative reasons. Criminal detention is imprisonment of persons charged under criminal laws and is punitive in nature post-trial. Administrative detention covers a range of situations outside the process of police arresting suspects and bringing them into the criminal justice system. Irregular migrants normally find themselves in administrative detention, held under the migration legislation of the host country and usually with the final objective of deportation. In some countries, legislation criminalizes irregular migration and allows migrants to be detained and treated like criminals. Unfortunately, countries worldwide are increasingly using detention as a migration management tool in an attempt to address irregular migration (IDC, 2011b).

It is in this context that irregular migrants often face prolonged detention or are mistreated (IDC, 2011b). In some states, to be released, migrants must be able to pay for their own travel arrangements to return, which in most cases is impossible. This results in migrants remaining in protracted detention situations. Moreover, detained migrants can suffer from elevated and/or aggravated health issues including dermatological diseases, malnutrition, flu and other respiratory problems due to being in close and cramped quarters and having complicated burns, fractures and other wounds that have worsened due to lack of access to health care. Detained migrants can also suffer from psychological problems due to the trauma of their migration and detention experience where torture and other types of abuse are not unheard of.

Laws at play

The United Nations General Assembly has recently recognized the serious problem of immigration detention in two resolutions: Resolution 63/184 of 2009, whereby the Assembly called upon States to respect the human rights and inherent dignity of migrants and to put an end to arbitrary arrest and detention (UNGA, 2009). The Assembly also called for periods of detention to be reviewed and alternatives to detention to be implemented. Then, in 2010, the Assembly also adopted a resolution on the protection of migrants and repeated its call for States to reduce the detention of undocumented migrants (UNGA, 2010).

Referrals

Access to, or knowledge of, migrant detainees that can consequently be referred to an AVRR framework can be provided by a wide array of actors including embassies, consulates, NGOs and humanitarian organizations. Often, as is typically the case in North Africa, AVRR framework actors (non-governmental) are unaware of migrants in detention until the authorities themselves or the aforementioned actors contact and inform them. Some

NGOs and humanitarian agencies also have direct access to prisons and detention centres to provide health care and can inform AVRR frameworks of new arrivals and of any migrants desiring to return.

It is therefore essential to coordinate with the host government, when the host government is not the main implementing partner, in order to:

(a) Gain access to migrants in detention and ensure that the screening process can take place in a confidential, private and dignified manner;

(b) Ensure that adequate health care can be provided to detention cases prior to departure;

(c) Establish a referral mechanism for the facilitation of the necessary immigration procedures for prospective returnees in an irregular situation (e.g. visa free of charge for all assisted returnees with expired permits);

(d) Ensure that staff and health personnel can access the airport, including the detention sections

> **TIP**
>
> It is extremely important to build good relationships with civil society and authorities involved in assisting detainees to ensure an effective communication and procedures system is put in place. This ensures that detainees wishing to return home are identified and assisted rapidly and effectively, minimizing length of detention.

Actors involved

It is important to make every effort to cooperate with humanitarian actors such as UNHCR, UNICEF, the ICRC and other organizations that work with detained migrants. Doing so can give additional credibility to the humanitarian objective of AVRR assistance to detainees. Furthermore, these actors not only provide referrals, they can provide specialized services over the long term including health care and psychosocial care both in host country and upon return in country of origin.

Access to migrants in detention

Once partners, authorities or consulates and embassies refer migrants desiring AVRR assistance, access to detainees is essential to register and counsel the detainee as per the standard AVRR process. This access also serves to ascertain whether the migrant was trafficked and/or has any special health needs whereby a doctor will do a medical checkup on every migrant and determine whether further tests are needed or they are fit to travel and return, in line with the medical process outlined at the beginning of this chapter. Furthermore, when the situation so allows, it is imperative to alleviate the dire humanitarian conditions of detained migrants by providing medicines, food and non-food items.

Travel assistance and escorts

IOM experience has shown that prior to travel, it is good practice to provide a hygiene kit and new clothing (suitable for the climate to which the migrant will return). With regard to the return process, it is important to ensure that the migrant is released, free of coercion, and escorted only by AVRR staff to the border. When the return travel is by air, detainees should be released before the departure gate. AVRR staff should then escort each detainee and assist in the check in and security process, ensuring that the migrant can change his or her mind at any time. At this stage, the migrant should have the opportunity to decline return assistance and the entity implementing AVRR should not assume the responsibility for migrants choosing to abscond.

OBSTACLE

If escort and release roles are not clear between the involved actors, it can lead to misunderstandings and has led to detainees being escorted by police authorities until point of departure and in which case voluntariness of AVRR can become unclear.

TIP

When facilitating return from detention, it is important that clear roles are identified and agreed upon in advance with regards to escorts.

Counselling

Return counselling must be factual and neutral and should allow the migrant to make an informed decision about his or her return. As explained in chapter 3, as much country of origin information must be detailed to ensure migrants have as much information before making decisions. AVRR should not be promoted in such a way as to influence or encourage a migrant to accept AVRR.

In the event that national authorities in the country of origin have a legislation that criminalizes irregular emigration, it is particularly important to advise returning detainees of the possibility of being detained for a short period on return pending interrogation by national authorities. This will allow migrants to be aware and prepared for any such event, minimizing further trauma and distress. In these cases, non-governmental entities cannot get involved with reception of returnees and country of origin AVRR partner(s) contact details must be provided before departure to returning detainees before return to ensure they are able to contact and claim their reintegration assistance from the AVRR framework once released in the country of origin.

Post arrival reintegration assistance

This should be implemented as outlined in chapter 4. Particular attention should be given to ensuring that counseling addresses psychosocial issues and the design of a reintegration plan.

Difficulties encountered

IOM experience shows that when migrants in detention require medication or further examination, it can be difficult to ensure that detainees receive the medicine or if and when access will be given again to carry out further assessment.

GOOD PRACTICE

The IOM Egypt medical unit ensures medication gets to detainees by either buying it directly while carrying out interviews or in further detention visits, whenever possible, or by relying on social partners. Since further access to carry out testing is neither guaranteed nor immediate, IOM medical staff work to use the resources available and good interpretation and clinical skills of doctors to avoid having to carry out further tests when possible.

RECOMMENDATION

Improving relations with pertinent authorities at the central government level, when the government is not the main implementing partners, could pave the way for a formal agreement on standardized access to detainees, allowing for more effective AVRR assistance.

Access to detainees can be sporadic and the time dedicated to each detainee limited. This can limit interviews with detainees and reduce them to registration only with no time to counsel the migrant or assess his or her migration story. Adequate rooms where privacy and comfort are ensured are not always available and the presence of detention officers or police can cause migrants to be less cooperative and less communicative. All of which has a detrimental effect on the quality of assistance provided. Ensuring such things as privacy and other rights that are in line with International Standards should be taken into consideration when implementing counseling of detainees.

GOOD PRACTICE

IOM Libya has built strong relationships with relevant government authorities regarding access to detainees in detention centres where detainees are interviewed with sufficient time in private quarters for both the interview and the medical check-up. Moreover, certain security concerns prohibit IOM from travelling to certain centres. In such cases, the authorities bring the detainees to IOM for their interviews and check-ups.

> **TIP**
>
> It is important to develop a good level of trust and cooperation with authorities to allow for respect of IOM guidelines and principles and at the same time be able to assist migrants in detention.

CASE STUDY 4: Pakistani detainee returning from Libya

A 45-year old Pakistani national left Pakistan, having duly acquired a visa, and arrived in Tripoli, Libya, with the hopes of acquiring a job. Upon arrival at the airport in Tripoli, immigration officials requested him to undertake a medical check-up. The check-up revealed that the man had contracted hepatitis C. As a result, he was detained at the Tweisha detention centre. Given his unsuccessful attempts to be released and his inability to finance his own return, he ended up in the detention centre for more than eight months. The Pakistani embassy, having located and contacted the migrant, promptly requested IOM's assistance to return their national. IOM responded rapidly, liaising with Libyan authorities to have access and interview the migrant. The migrant also received a medical check-up and was cleared fit to travel under the condition that he would receive treatment for his illness upon return. IOM then processed his application and arranged the flights so that the migrant was able to return to his community of origin. In-kind reintegration assistance was provided in the form of a six-month medical treatment. A visible improvement of his health condition was reported.

This example highlights the importance of establishing solid government and embassy relations in a necessarily multi-stakeholder approach where only the involvement and support of all necessary actors enabled IOM to effectively assist and safely return migrants in detention. This is particularly important when migrants suffer from serious health conditions that, without assistance, can end with tragic consequences.

Post-arrival assistance to forced returnees

"Forced return" refers to "the compulsory return of an individual to the country of origin, transit or third country, on the basis of an administrative or judicial act" (IOM, 2004). The terms "deportation," "removal" and "expulsion" are also used to describe forced returns. Measures, procedures and subjects of deportation orders are regulated by national laws. Governments carry out forced returns independently from AVRR assistance. Non-governmental entities implementing AVRR may still be involved in providing post-arrival and reintegration assistance (PARA) with activities such as onward transportation, counseling and provision of information, reintegration and community development but will not be involved in any aspect of the forced return itself. Such assistance is conditional to the request of governments in countries of origin.

Forced return is highly linked to low success of reintegration and heightened likelihood of re-emigration through irregular channels (European Commission, 2012). Forced returnees can experience more trauma than voluntary returnees, faced with stigma, feelings of failure, be unprepared for return physically and mentally, have possibly been detained for any length of time and could be suffering from psychological and physical health problems (Swedish Red Cross, 2009). In this sense it is counterproductive to any reintegration assistance provided and highlights the added value of implementing return through an AVRR framework.

Conclusion

Returnee from Libya used his RAVEL reintegration assistance to open a grocery store upon return in Gambia.

Conclusion

The multifaceted migratory flows that characterize North Africa as an origin, transit and destination point for migrants requires a comprehensive AVRR framework based on a multi-stakeholder approach that will be able to provide for the individual and varied needs of returnees. In this sense, cooperation between the many actors in both countries of origin, transit and destination is paramount to ensure that roles are clearly established and able to cover the needs of each and every migrant.

It is particularly important to establish an AVRR framework balanced between the country of origin and destination to ensure that reintegration assistance is as equally prioritized as the return itself. In order to do so, adequate financial and human resources should be oriented towards ensuring that reintegration assistance is effective and therefore sustainable, aiming to prevent further irregular migration.

Moreover, the linkages between reintegration assistance and fostering local development should not be ignored. When reintegration assistance can help not only the migrant and his or her family, but the community itself, the push factors for migration, and therefore the root causes of irregular migration, can also be mitigated. At the same time, migration and re-migration does and will occur, therefore efforts should also be made to ensure that reintegration assistance can be linked to the necessary steps migrants must take to access regular paths for labour migration.

Considering the above, AVRR therefore allows the migrants to prepare their return, identify opportunities for their socioeconomic reinsertion that can also support the development of their home communities. An AVRR framework therefore represents a more humane, dignified and cost-effective approach to return and IOM can and does work to support all AVRR actors to ensure this. AVRR should therefore be considered as a viable alternative to forced return and deportation whenever possible.

Annexes

RAVEL: Workshop with Ministry for Sudanese Working Abroad to set up an Information Counseling and Referral System (ICRS) that will also assist Sudanese returnees.

ANNEX 1

Country Profiles

Introduction

This annex provides an overview of AVRR in the region country-by-country, providing information on AVRR activities, statistics, experience and expertise gained and pertinent laws and agreements to take into consideration when planning an AVRR framework in this region.

Sources for Country Profiles	
Source	**Data**
United Nations Development Programme Human Development Report 2013	Country population
	Stock immigrants % population (2010)
	Stock emigrants % population (2010)
	Net migration rate per 1,000 people,(2010)
	Average annual rate of population change per cent (2010-15)
	Human Development Index (HDI)
	Gender Inequality Index (GINI)
	Gross Daily Product (GDP)
	Foreign direct investment as a percentage of GDP (FDI)
	Official Development Assistance as percentage of GDP (ODA)
	Outflow of remittances as percentage of GDP
	Employment to population rate (age 25+)
	Youth unemployment (ages 15-24)
Transparency International	Corruption perceptions index
Internal reports from each IOM country mission	AVRR statistics for 2012
See links available or contact the corresponding IOM mission	National laws regarding migration
See corresponding links	EU/Bilateral agreements

ARAB REPUBLIC OF EGYPT: AVRR Country Profile

In 1991 IOM opened its Country Office for Egypt to assist third-country nationals displaced by the Gulf War (through voluntary repatriation or resettlement in third countries). Currently, Cairo hosts both IOM regional and country offices. IOM's Regional Office for the Middle East and North Africa (MENA) provides policy, technical and administrative support to IOM's offices in Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen. The Country Office in Cairo is responsible for the programming, implementation and coordination of all IOM activities in Egypt. In addition to the main office in Cairo, IOM Egypt has three sub-offices around the country. IOM Cairo's Migrant Assistance Division consists of a Counter Trafficking, AVRR and Medical Health Units. With regard to AVRR, all three units work together to ensure the correct classification, direct assistance and safe and sustainable return of vulnerable migrants. At the time of writing, AVRR from Egypt is being implemented under the three year RAVEL project running from December 2010 to December 2013, jointly implemented by IOM Egypt and Libya. IOM Cairo deals with increasingly vulnerable migrants, both women and men on equal levels. Main countries of origin of RAVEL returnees are Ethiopia, Nigeria, South Sudan and Sudan. In addition, IOM Cairo provides follow-ups and monitor also to Egyptian returnees from Europe who are entitled to reintegration assistance under various European AVRR projects.

Given its history in AVRR, IOM Egypt has built up experience and expertise in:

(a) Creating and sustaining well-functioning referral and direct assistance networks of governmental, and non-governmental entities and international organizations that regularly meet to ensure an integral AVRR assistance is provided that is tailored to vulnerable migrants' needs;

(b) Supporting receiving IOM missions, authorities and civil society to build reintegration and continued assistance networks for migrants in countries of origin;

(c) Promoting cooperation, information and best practice exchange among sending, transit and destination countries through study tours, meetings and exchanges;

(d) Managing and assisting mixed flows of stranded vulnerable migrants from the Horn of Africa travelling across Sinai through sub-offices and a mobile unit granting IOM access to all migrants in the region.

ESSENTIAL AVRR STATISTICS

	Aged 18-50	**VoTs**	**Detainees**	**UMC**	**Female**	**Male**	**Total**
No. of migrants assisted with AVRR from January 2012 to October 2013							
	227	69	104	2	242	301	545
No. of Egyptian nationals assisted for return	-	-	-	-	-	-	632
No. of Egyptian nationals assisted with reintegration	78	-	-	-	14	93	109
Main countries of origin of returnees	**South Sudan**		**Ethiopia**		**Nigeria**	**Sudan**	**Others**
	207		97		38	35	219
Main sending countries of national returnees	**Syria**		**Greece**		**Netherlands**	**UAE**	**Others**
	316		207		21	18	70

ESSENTIAL DEVELOPMENT STATISTICS

HDI:	112 of 186 (Medium)
GINI:	126 of 148
GDP:	USD 229.5 billion (2011)
FDI as a percentage of GDP 2007–11:	2.9
ODA as a percentage of GNI (2010):	0.3
Private capital flows as a percentage of GDP (2007–11):	7.2
Inflows of remittances as a percentage of GDP (2010):	3.53
Outflows of remittances as a percentage of GDP (2010):	0.12
Employment to population rate (age 25+):	51.3
Youth unemployment (ages 15–24):	54.1
Corruption perceptions index:	118 of 174

ESSENTIAL MIGRATION STATISTICS

Country population (2012):	84 million
Stock immigrants as a percentage of the population (2010):	0.3
Stock emigrants as a percentage of the population (2010):	4.4
Net migration rate (per 1,000 people, 2010):	-0.9
Average annual rate of population change 2010–15:	1.7%

PERTINENT NATIONAL LAWS

Law No. 12 of 1996 Promulgating the Child Law.[i]

Law No. 26 of 1975 Concerning Egyptian Nationality.[ii]

Law No. 64 of 2010 Regarding Combating Human Trafficking.[iii]

Law No. 154 of 2004 Amending Certain Provisions of Law No. 26 of 1975 Concerning Egyptian Nationality.[iv]

ESSENTIAL EU/BILATERAL AGREEMENTS

EU Association Agreement:	Signed 25 June, 2001, entered into force 1 June 2004; establishes a free trade agreement and other areas of cooperation, including migration.[v]
European Neighbourhood Policy:	Implemented in 2007. Refer to the EU–Egypt Action Plan[vi] and the Country Strategy Paper for 2007–2013.[vii]
Barcelona Process/Union for the Mediterranean:	Member
Readmission agreements with:	Italy and Greece
EU Association agreement:	Currently no agreement

LIBYA: AVRR Country Profile

IOM Libya has its office in Tripoli and runs AVRR under its Operations Unit, which also carries out resettlement and other operational activities. The AVRR team implements counseling, reintegration and logistical operations through a team of six people. There is currently no Counter-Trafficking Unit, but there is one staff member dedicated to raising awareness and carrying out training in trafficking issues among government institutions as a first phase in paving the way to assisting victims of trafficking, which also includes screening and identification of cases where needed. Currently, AVRR from Libya is being implemented under two main projects: Return and Reintegration Programme for Stranded Migrants in Libya (RAVL) managed by IOM Libya, and Regional Assisted Voluntary Return and Reintegration programme for Stranded Migrants in Egypt and Libya (RAVEL), carried out in conjunction with IOM Egypt. Through both projects, returnees are sent mainly to Benin, Burkina Faso, Ethiopia, Gambia, Ghana, Mali, Pakistan, Senegal and Sudan. In addition to RAVEL and RAVL, there are small AVRR components under the Prevention and Management of Irregular Migration Flows from Sahara Desert to MEDiterranean Sea (SAHMED) and the Stabilizing At-risk Communities and Enhancing Migration Management to Enable Smooth Transition (START) projects, both scheduled for the fourth quarter of 2013.

IOM Libya assists a majority of migrants in administrative detention (over 95% of returnees from Libya were migrants in detention in 2012) who are mainly male adults of working age. AVRR operations were still underway early in 2012 in the Libyan crisis context, where mass evacuations were also implemented under an adapted AVRR system, evacuating migrants to Niger, Nigeria, Chad and Sudan among others. IOM Libya also implements return and reintegration for small numbers of returning Libyans from various European countries. Given its history in AVRR, IOM Libya has built up experience and expertise in:

(a) Building and consolidating relations with pertinent government institutions in order to facilitate access to detainees and implementation of the exit visa acquisition process for returnees (this is especially important given the ongoing changes within government institutions where the role of the government liaison officer was a key element for success);

(b) Building and consolidating essential relations with embassies and consulates, which act as a referral system, informing IOM of detained migrants desiring to return, in addition to facilitating travel documents;

(c) Agility in tailoring AVRR to migrants' needs while adjusting AVRR procedures to cater for mass evacuation and re-directing AVRR reintegration assistance to assist communities in areas with high return rates within the context of the 2011 Libyan crisis.

ESSENTIAL AVRR STATISTICS

No. of migrants assisted with RAVL and RAVEL AVRR from January 2012 to June 2013	Detainees		Male		Female		Total	
	409		618		34		652	
Main countries of origin of returnees	Gambia	Mali		Burkina Faso		Benin		Sudan
	139	123		103		61		59
	Ghana	Togo		Senegal		Pakistan		Ethiopia
	44	36		30		20		16
Number and main countries of origin of third-country national returnees in the emergency context	Niger		Nigeria		Sudan		Chad	
	2,238		751		629		332	
	Ghana		Mali		Others		Total	
	316		313		355		4,924	

No. Libyan nationals returning to Libya in 2012 and main sending countries	Netherlands	Italy	Czech Republic	Switzerland	Norway	Others	Total
	18	9	9	7	7	4	54

ESSENTIAL DEVELOPMENT STATISTICS

HDI:	64 of 186 (High)
GINI:	36 of 148
GDP:	USD 62.36 billion (2009)
FDI as a percentage of GDP 2007–11:	2.2
ODA as a percentage of GNI (2010):	0.1
Private capital flows as a percentage of GDP (2007–11):	-5.0
Inflows of remittances as a percentage of GDP (2010):	0.03
Outflows of remittances as a percentage of GDP (2010):	N/A
Employment to population rate (age 25+):	53.6
Youth unemployment (ages 15–24):	N/A
Corruption perceptions index:	160 of 174

ESSENTIAL MIGRATION STATISTICS

Country population (2012):	6.5 million
Stock immigrants as a percentage of the population (2010):	10.4
Stock emigrants as a percentage of the population (2010):	1.7
Net migration rate (per 1,000 people, 2010):	-0.7
Average annual rate of population change 2010–15:	1.7%

PERTINENT NATIONAL LAWS

Law No. 19 of 2010 for Controlling Illegal Migration (Unavailable online).

Law No. 6 of 1987 on Regulating the entry, residence and exit of foreign nationals in Libya (Unavailable online).

ESSENTIAL EU/BILATERAL AGREEMENTS

EU Association agreement:	Currently no agreement.
European Neighbourhood Policy:	Signed in 2008[viii], in implementation since 2011. Due to the crisis, special measures were set up in 2011[ix] to assist in post-crisis stabilization. See also the Country Strategy Paper and National Indicative Programme for 2011-2013.[x]
Barcelona Process/Union for the Mediterranean:	Observer status only (However, initiatives are in place under EuropeAid's Thematic line in Asylum and Migration).[xi]
Readmission agreements with:	Italy, Malta and the United Kingdom.
EU Association agreement:	Currently no agreement.

MOROCCO: AVRR Country Profile

IOM Morocco has its main office in Rabat and runs an AVRR unit with a group of three staff members. Currently, the reintegration assistance of Moroccan nationals is implemented under different AVRR programmes implemented from different EU Member States. The main sending countries are Belgium, Italy and Switzerland; however, lately, there has also been an increase of returns from other EU transit countries, notably, Bulgaria, Greece and Romania. Beneficiaries tend to be majority working age males. AVRR of non-Moroccan migrants is carried out through the project Assisted Voluntary Return of Irregular Migrants in Morocco and Reintegration in their Countries of Origin where main countries of return are Cameroon, Cote d'Ivoire and Nigeria.

Given its history in AVRR, IOM Morocco has built experience and expertise in:

(a) Providing assistance to extremely vulnerable cases, be it victims of trafficking, accompanied minors or migrants with medical needs;

(b) Constructing good relations with governmental institutions and promoting awareness of and training in human rights of migrants, and the issue of trafficking in persons in particular;

(c) Assuring excellent collaboration and response from consulates and embassies by building relations and involving them in AVRR from the beginning, thus ensuring a rapid response and efficient travel documents procedures for third-country nationals returning to their countries of origin.

ESSENTIAL AVRR STATISTICS

No. of returnees assisted on arrival from January 2012 to June 2013	VoTs	UMC		Others	Total
	3	1		135	139
No. of migrants assisted with AVRR from January 2012 to June 2013	47	9		349	405
Main sending countries of national returnees	Italy	Belgium	Netherlands	Switzerland	Others
	24	24	21	17	53
Main countries of origin of returnees	Nigeria	Ivory Coast	Cameroon	Guinea	Others
	113	83	53	45	111

ESSENTIAL DEVELOPMENT STATISTICS

HDI:	130 of 186 (Medium)
GINI:	84 of 148
GDP:	USD 100.2 billion (2011)
FDI as a percentage of GDP 2007–11:	2.5
ODA as a percentage of GNI (2010):	1.1
Private capital flows as a percentage of GDP (2007–11):	2.0
Inflows of remittances as a percentage of GDP (2010):	7.07
Outflow of remittances as a percentage of GDP (2010):	0.07
Employment to population rate (age 25+):	50.9
Youth unemployment (ages 15–24):	18.1
Corruption perceptions index:	88 of 174

ESSENTIAL MIGRATION STATISTICS

Country population (2012):	32.6 million
Stock immigrants as a percentage of the population (2010):	0.2
Stock emigrants as a percentage of the population (2010):	9.3
Net migration rate (per 1,000 people, 2010):	-4.3
Average annual rate of population change 2010–15:	1.7

PERTINENT NATIONAL LAWS

Declaration of Rabat: Common Declaration of the Ministers of Interior of Morocco, Spain, France and Portugal of 25 January 2013 on joint cooperation for the management of migratory flows and combating drug trafficking and terrorism.[xii]

Law No. 02–03 Regarding the Entry and Residence of foreign nationals in the Kingdom of Morocco and irregular emigration and immigration.[xiii]

Currently, the National Human Rights Council and various inter-ministerial commissions are working on a comprehensive policy on migration which will include new laws for asylum and trafficking of persons.

ESSENTIAL EU/BILATERAL AGREEMENTS

EU Association agreement:	Signed 26 February 1996 and entered into force 1 March 2000. Establishes a free trade agreement and other areas of cooperating including in migration.[xiv]
European Neighbourhood Policy:	In implementation since 2004, see EU–Morocco Action Plan[xv] here and the current Country Strategy paper for 2007–2013.[xvi]
Barcelona Process/Union for the Mediterranean:	Member.
Readmission agreements with:	France and Spain.
EU Association agreement:	Signed on 1st March, 2013.[xvii]

TUNISIA: AVRR Country Profile

IOM Tunisia has its main office in Tunis, a sub-office in the southern town of Zarzis, near the Libyan border, as well as a Field Office in Sfax. At the present moment, the AVRR projects processed by IOM Tunisia consist mainly of the return of Tunisian nationals under the Swiss-assisted Voluntary Return and Reintegration Programme from Switzerland to Tunisia. The majority of the Tunisian returnees from the EU to Tunisia are working-age males immigrating to Europe searching for work and better life conditions. Many of them took the opportunity provided by the Swiss authorities to benefit from the AVRR program. The project met unforeseen large numbers of returnees; the AVRR Swiss activities are coordinated between IOM Berne and IOM Tunis, while IOM Tunis has different sub offices within the country for implementing the reinsertion micro-projects funded to the beneficiaries.

Smaller numbers of Tunisians are also returning to Tunisia from various other European countries such as Norway, Romania and Italy under their respective AVRR programmes. The other project that also provides AVRR assistance is the Promoting Return and Reintegration for Individuals with Rejected Asylum Claims programme (or PRIRAC, launched in May 2012). The aim of this project is to grant AVRR assistance to rejected asylum-seekers and stranded migrants willing to return to their countries of origin.

Given its history in AVRR, IOM Tunisia has built experience and expertise in:

(a) Fostering reintegration activities that support local development through the implementation of community projects linked to promoting income and employment creation within the framework of the Swiss AVRR programme;

(b) Providing organized and efficient post-arrival return counseling to large numbers of returnees to Tunisia before they embark on any specific business training;

(c) Building and maintaining a strong relationship with government entities and civil society for their involvement in AVRR activities as in the case of tailored business training for returnees;

(d) Working successfully at the local level with local authorities and civil society promoting sustainable return and reintegration.

ESSENTIAL AVRR STATISTICS

No. of Tunisian returnees assisted on arrival from January 2012 to October 2013 under the Swiss programme	Male		Female		Total
	726		1		727
No. of Tunisian assisted on arrival from January 2012 to Oct 2013 under other EU programme	50		6		56
Main sending countries of national returnees	Switzerland	Italy	Netherlands	Norway	Belgium
	727	17	11	9	8
Main countries of origin of returnees	Poland	Romania	Luxembourg	Bulgaria	Total
	4	4	2	1	783
No. of migrants assisted with AVRR from Tunisia in 2012	Male		Female		Total
	43		1		44
No. of rejected asylum seekers assisted under PRIRAC project from January 2012 to September 2013	113		16		129
Main countries of origin of returnees (PRIRAC)	Nigeria	Morocco	Ghana	Ivory Coast	Pakistan	Nepal
	85	25	9	5	4	1

ESSENTIAL DEVELOPMENT STATISTICS

HDI:	94 of 186 (High)
GINI:	46 of 148
GDP:	USD 46.3 billion (2011)
FDI as a percentage of GDP 2007–11:	3.2
ODA as a percentage of GNI (2010):	1.3
Private capital flows as a percentage of GDP (2007–11):	3.0
Inflows of remittances as a percentage of GDP (2010):	4.45
Outflow of remittances as a percentage of GDP (2010):	0.03
Employment to population rate (age 25+):	46.3
Youth unemployment (ages 15–24):	31.4
Corruption perceptions index:	75 of 174

ESSENTIAL MIGRATION STATISTICS

Country population (2012):	10.7 million
Stock immigrants as a percentage of the population (2010):	0.3
Stock emigrants as a percentage of the population (2010):	6.3
Net migration rate (per 1,000 people, 2010):	-0.4
Average annual rate of population change 2010–15:	1.7

PERTINENT NATIONAL LAWS

Decree No. 198 of 1968 Regulating the Entry and Residence of foreign nationals in Tunisia.[xviii]

ESSENTIAL EU/BILATERAL AGREEMENTS

EU Association agreement:	Signed 17 July 1995 and entered into force 1 March 1998; establishes a free trade agreement and other areas of cooperating including in migration.[xix]
European Neighbourhood Policy:	In force since 2002, see the EU–Tunisia Action plan[xx] and the current Country Strategy Paper 2007-2013.[xxi]
Barcelona Process/Union for the Mediterranean:	Member
Readmission agreements with:	Austria, France, Greece, Italy and Spain.
EU Association agreement:	Currently under negotiation

List of links to resources referred to in country profiles

Reference	link
i	http://www.nccm-egypt.org/e7/e2498/e2691/infoboxContent2692/ChildLawno126english_eng.pdf
ii	http://www.carim.org/public/legaltexts/EGYLaw_No._26_1975__Nationality_.pdf
iii	http://www.protectionproject.org/wp-content/uploads/2010/09/Egypt_TIP-Law_2010-Ar+En.pdf
iv	(Arabic)http://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=4c56e2f52
v	http://eeas.europa.eu/egypt/eu-egypt_agreement/index_en.htm
vi	http://ec.europa.eu/world/enp/pdf/action_plans/egypt_enp_ap_final_en.pdf
vii	http://ec.europa.eu/world/enp/pdf/action_plans/egypt_enp_ap_final_en.pdf
viii	http://ec.europa.eu/europeaid/documents/aap/2011/aap-spe_2011_lby_en.pdf
ix	http://ec.europa.eu/europeaid/where/neighbourhood/country-cooperation/libya/libya_en.htm)
x	http://ec.europa.eu/world/enp/pdf/country/2011_enpi_csp_nip_libya_en.pdf
xi	http://ec.europa.eu/europeaid/where/neighbourhood/country-cooperation/libya/libya_en.htm
xii	(French)http://www.ambafrance-es.org/france_espagne/IMG/pdf/_Declaration_commune_G4__V_D__.pdf
xiii	http://www.consulat.ma/admin_files/Loi_02_031.pdf
xiv	http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:22000A0318(01):EN:HTML
xv	http://ec.europa.eu/world/enp/pdf/action_plans/morocco_enp_ap_final_en.pdf
xvi	http://ec.europa.eu/world/enp/pdf/country/enpi_csp_morocco_en.pdf
xvii	http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2013/docs/20130607_decla ration_conjointe-maroc_eu_version_3_6_13_en.pdf
xviii	http://www.google.tn/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0CDgQFjAC&url=http%3A%2F%2Fwww.imldb.iom.int%2FviewDocument.do%3Fid%3D%257B21C84972-B44A-46F7-AA69-.0C5FE2B649CB%257D&ei=2JNeUsqZAYmPi AfL_YH4Bw&usg=AFQjCNGkRjQM6CONSvuSzQCqQ3mGFVtelA&sig2=QI6
xix	http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21998A0330(01):EN:NOT
xx	http://ec.europa.eu/world/enp/pdf/action_plans/tunisia_enp_ap_final_en.pdf
xxi	http://ec.europa.eu/world/enp/pdf/country/enpi_csp_nip_tunisia_summary_en.pdf

Annex 2

Principal international and regional laws at play protecting migrants' rights and their status and date of ratification by Egypt, Libya, Morocco and Tunisia

Year	Convention	Brief Description	Egypt	Libya	Morocco	Tunisia
		INTERNATIONAL INSTRUMENTS				
1948	Universal Declaration of Human Rights[20]	Equal rights for all without distinction of any kind including the right to exit one's country and to return to one's country.	N/A	N/A	N/A	N/A
1951	Convention Relating to the Status of Refugees[21]	Outlining the definition of and protection for refugees including the right to non-refoulement.	1981	NO	1956	1957
1957	ILO Abolition of Forced Labour Convention[22]	States undertake to suppress any form of forced labour.	1958	1961	1966	1959
1965	International Convention on the Elimination of All Forms of Racial Discrimination[23]	State parties must work toward the elimination of racial discrimination and condemn all propaganda and organizations based on ideas of racial superiority.	1967	1968	1970	1967
1966	Protocol Relating to the Status of Refugees[24]	States agree to the deletion of criteria for refugee status as a result of events occurring before 1 January 1951 in order to protect all refugees at all times.	1981	NO	1971	1968
1966	International Covenant on Civil and Political Rights[25]	Protects civil and political freedom for all whereby each state must ensure the human rights outline to all within its territory and subject to its jurisdiction without distinction of any kind.	1982	1970	1979	1969

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20   Available here http://www.un.org /en/documents/udhr/
21   Available here http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfRefugees.aspx
22   Available here http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312174
23   Available here: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx
24   Available here http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfRefugees.aspx
25   Available here: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx

1966	International Covenant on Economic, Social and Cultural Rights[26]	Equal rights for all men and women for the enjoyment of all economic, social and cultural rights including the right to work, enjoy favourable conditions in work, join trade unions, family protection and assistance, to an adequate standard of living, right to education and cultural life.	1982	1970	1979	1969
1979	Convention on the Elimination of All Forms of Discrimination against Women[27]	State parties must take all appropriate measures to eradicate discrimination against women, including all forms of trafficking in women and exploitation of prostitution of women.	1981	1989	1993	1985
1984	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[28]	Protection from refoulement on grounds for believing the person would be in danger of torture and overall protection against acts of torture in any territory under the state's jurisdiction.	1986	1989	1993	1988
1985	UN Declaration on the Human Rights of Individuals who are not Nationals of the Country in which they live[29]	Recognizing all migrants' rights to life, security, protection against arbitrary detention and regular migrant workers' rights for equal labour rights and right to family reunification.	N/A	N/A	N/A	N/A
1990	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families[30]	Protecting human rights, particularly in work, working conditions, protection against forced labour and slavery and promoting equal working rights between migrant workers and nationals.	1993	2004	1993	NO
1990	Convention on the Rights of the Child[31]	Protecting all rights of children under the state jurisdiction and without discrimination of any kind and according to the best interests of the child.	1990	1993	1993	1992

26 Available here: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx
27 Available here: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx
28 Available here: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx
29 Available here: http://www.un.org/documents/ga/res/40/a40r144.htm
30 Available here: http://www2.ohchr.org/english/bodies/cmw/cmw.htm
31 Available here: http://www.ohchr.org/en/professionalinterest/pages/crc.aspx

1999	ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour[32]	States must take effective measures to prohibit and eliminate the worst forms of child labour including the sale and trafficking in children, slavery, debt bondage and child sexual exploitation.	2002	2000	2001	2000
2000	Protocol Against the Smuggling of Migrants by Land, Sea and Air[33]	Supplements against Transnational Organized Crime and works to prevent and combat smuggling of migrants, protect the rights of smuggled migrants and promote cooperation among State Parties to achieve these goals.	2005a	2004	2011	2003
2000	Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children[34]	Supplements the UN Convention against Transnational Organized Crime and works to prevent trafficking, assist victims with full respect for their human rights and promote cooperation among State Parties to achieve these goals.	2004	2004	2011	2003
2000	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography[35]	Supplementing the Convention on the Rights of the child, States agree to prohibit and duly punish the sale of children, child prostitution and child pornography and protect child victims of such practices.	2002^A	2004^A	2001	2002
2002	Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment[36]	Establishing a Subcommittee, all States parties are obliged to submit regular reports and to establish an independent national prevention mechanism. The Committee also has a mandate to carry out visits to assess such situations including inspection in places of detention.	NO	NO	NO	2011^A

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32 Available here: http://www.ilo.org/public/english/standards/relm/ilc/ilc87/com-chic.htm
33 Available here: http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_smug_eng.pdf
34 Available here: http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx
35 Available here: http://www1.umn.edu/humanrts/instree/childprotsale.html
36 Available here: http://www2.ohchr.org/english/bodies/cat/opcat/

REGIONAL INSTRUMENTS						
1969	Organization of the African Union Convention Governing the Specific Aspects of Refugee Problems in Africa[37]	Extends the definition of refugee to: "shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality."	1980	1981	NO	1989
1979	African Charter on Human and People's Rights[39]	To promote and protect human rights and basic freedoms in the African continent. Article three stipulates that every individual shall be equal before the law and be entitled to equal protection of the law.	1984	1987	NO[38]	1983
1998	Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights.[41]	Establishing the African Court of Human and People's Rights as a legal entity.	1999[S]	2003	NO[40]	2007
1990	African Charter on the Rights and Welfare of the Child[42]	Establishing the rights of the child and duties of the state to protect the rights of the child and establishing the Committee on the Rights and Welfare of the Child	2001	2000	NO	1995s
2003	African Union Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa[43]	State parties agree to combat all forms of discrimination against women through a set of objectives set out in the Protocol.	NO	2004	NO	NO

A – accession, a – acceptance, s – signed, N/A - not applicable

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37 Available here:
    http://www.au.int/en/sites/default/files/Convention_En_Refugee_Problems_in_Africa AddisAbaba_10September1969_0.pdf
38 Available here: http://www.achpr.org/instruments/achpr/
39 Morocco withdrew in 1985 following the admittance of the disputed state of Western Sahara as a member in 1984
40 Available here: http://www.achpr.org/instruments/court-establishment/
41 See previous footnote
42 Available here: http://www.achpr.org/instruments/child/
43 Available here: http://www.achpr.org/instruments/women-protocol/

Annex 3

European Union policies, laws, directives and programmes related to migration, readmission and AVRR

Year	Policy	Main objective and reference to return and readmission
1958	Treaty of Rome [44]	To put measures into place to give the EU more competencies in foreign policy, including migration issues.
1985	Schengen Agreement [45]	To eradicate internal borders within the EU and set up a common external border.
1990	Dublin Convention [46]	To limit the number of asylum seekers and stop abuse of asylum system.
1992	Maastricht Treaty [47]	To strengthen existing country cooperation by aiming to develop closer cooperation in the areas of justice and internal affairs or common interest including asylum policy, immigration legislation and control, immigration policy and irregular immigration.[48]
1995	Barcelona Process [49]	Euro-Med Partnership as a framework to manage both bilateral and regional relations whereby future Euro–Mediterranean relations would be given a new dimension based on cooperation and solidarity with the objective of turning the Mediterranean Basin into an area of dialogue, exchange and cooperation, guaranteeing peace, stability and prosperity. The partnership acknowledged the role of migration in their relationships and agreed to strengthen their cooperation to reduce migratory pressures including combating irregular migration by adopting bilateral agreements or arrangements in order to readmit their nationals in irregular situations.[50]

44 Available here: http://ec.europa.eu/economy_finance/emu_history/documents/treaties/rometreaty2.pdf

45 Available here: http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/l33020_en.htm

46 Available here: http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/l33153_en.htm

47 Available here: http://europa.eu/legislation_summaries/institutional_affairs/treaties/treaties_maastricht_en.htm

48 European Union, 1992

49   Available here: http://eeas.europa.eu/euromed/barcelona_en.htm

50 European Union, 1995a

1995	EU Association Agreement with Tunisia [51]	In the area of dialogue in social matters this agreement addresses: the living and working conditions of the migrant communities; migration; illegal migration and the conditions governing return of individuals who are in breach of the legislation dealing with the right to stay and the right of establishment in their host countries. [52]
1995	Schengen Convention [53]	To strengthen common border control policies and instruments.
1996	EU Association Agreement with Morocco [54]	To promote human rights, democratic principles and economic freedom, political stability and economic development. Specifically for migration, main priorities include combating irregular migration and the conditions governing the return of individuals who are in breach of the legislation dealing with the right to stay and the right of establishment in their host countries. The agreement also establishes cooperation in the field of reducing migratory pressure in Morocco and resettling those repatriated because of their illegal status under the legislation of the state in question. [55]
1997	Amsterdam Treaty [56]	To place immigration and asylum issues as an area of Community competence under the European Council and incorporate the Schengen agreement into the European Union . [57]
1999	Tampere Programme [58]	To ensure increased security for all European citizens where accompanying measures to be drawn up were required particularly in the areas of external border controls and the mitigation of illegal immigration. [59] Measures included establishing a coherent EU policy on return and readmission.
2001	Laeken Conclusions [60]	European Council reiterates the encouragement of readmission agreements. [61]

51   Available here: http://eeas.europa.eu/tunisia/association_agreement/index_en.htm
52   European Union, 1995b
53   Available here: http://www.hri.org/docs/Schengen90/
54   Available here: http://eeas.europa.eu/morocco/association_agreement/
55   European Union, 1996
56   Available here: http://eur-lex.europa.eu/en/treaties/dat/11997D/htm/11997D.html
57   European Union, 1997
58   Available at: http://www.europarl.europa.eu/summits/tam_en.htm
59   Ibidem
60   Available at: http://www.europarl.europa.eu/summits/tam_en.htm
61   European Council, 2001

2001	EU Association Agreement with Egypt [62]	In the area of dialogue in social matters will address: the living and working conditions of the migrant communities; migration; illegal migration and the conditions governing return of individuals who are in breach of the legislation dealing with the right to stay and the right of establishment in their host countries. Egypt agreed to readmit any of its nationals illegally present on the territory of a Member State under the area of combating irregular migration (applying only to Egyptian nationals).[63]
2002	Seville Conclusions [64]	European Council met to discuss progress of the Tampere programme and highlight its priorities. These included speeding up the conclusion of readmission agreements and approval of new agreements and adoption of a repatriation programme by the end of the year.[65]
2002	5+5 Dialogue [66]	(With Member States of the Western Cooperation Process of 1990 – Algeria, France, Italy, Libya, Malta, Mauritania, Morocco, Portugal, Spain, Tunisia) to lay the foundations for comprehensive b alanced and integrated cooperation between all the countries in the region to address the issue of immigration in a coordinated manner. [67]
2003	Dublin Regulation [68]	To strengthen existing common asylum and immigration policies to increase effectiveness, replacing the Dublin Convention (Regulation 2003/343/CE or Dublin II). This was complemented by the Eurodac regulation establishing a Europe-wide fingerprints database for unauthorized immigrants in the EU. Both together essentially allow Member States to rapidly and easily establish which Member should deal with an asylum claim and hence to transfer the asylum seeker to that state.[69]

62 Available at: http://eeas.europa.eu/egypt/eu-egypt_agreement/index_en.htm
63 European Union, 2011
64 Available at: http://eeas.europa.eu/egypt/eu-egypt_agreement/index_en.htm
65 European Council, 2011
66 Available at: http://www.iom.int/cms/en/sites/iom/home/what-we-do/regional-processes-1/rcps-by-region/5-
    -5-dialogue.html
67 More information available on International Organization for Migration official website, Policy Research,
    Regional Consultative Processes, "5+5 Dialogue" http://www.iom.int/cms/en/sites/iom/home/what-we-do/
    regional-processes-1/rcps-by-region/5--5-dialogue.html
68 Available at: http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_
    asylum_immigration/l33153_en.htm
69 European Council, 2003

2004	European Neighbourhood Policy [70]	Created to offer a deeper political relationship and economic integration based on democracy and human rights and as the general framework for EU development cooperation in the EuroMed area including in areas of migration and development. Under this, the AENEAS programme was created for financial and technical assistance to third countries in the area of migration and asylum.
2005	Global Approach to Migration [71]	To formulate genuine partnerships with third countries and establish an inter-sectorial framework to manage migration through political dialogue and close practical cooperation with third countries. Initiatives include setting up mobility partnerships. [72]
2005	The Hague Programme [73]	Replacing the Tampere programme, built on Tampere in order to implement a comprehensive approach at all stages of migration and asylum policy with respect to the root causes of migration, entry and admission policies and integration and readmission policies. This programme continued to develop the policy to combat irregular migration which included special focus on return policies and appointment of a special representative for common readmission policies. [74]
2006	EU Development Consensus [75]	A general consensus on EU development policy among EU institutions which included fighting irregular migration and trafficking of human beings as well as promoting policy coherence between migration and development policies.

70 Available at: http://eeas.europa.eu/enp/index_en.htm
71 Available at: http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/jl0008_en.htm
72 European Commission, 2008
73 Available at: http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/jl0008_en.htm
74 European Council, 2005
75 Available at: http://ec.europa.eu/development/icenter/repository/Consensus_on_Development_November_2005_en.pdf

2006	Rabat Declaration and process [76]	Adopted at the first Euro-African Conference of Migration and Development whose main objective was to create a framework for dialogue and consultation within which, concrete practical initiatives were to be implemented. African countries were to pursue a policy aimed at preventing and reducing irregular migration while promoting the connections between migration and development. This replaced the AENEAS programme and included the objective to fight irregular migration and facilitate the readmission of irregular migrants [77].
2007	Africa-EU Strategic Partnership [78]	To reinforce and elevate the Africa-EU political partnership to address issues of common concern with specific focus on institutional ties, peace and security, migration and development and a clean environment and through a horizontal partnership.[79]
2008	European Immigration and Asylum Pact [80]	With five basic commitments to be transposed into concrete measures following on from the Hague programme: organize legal immigration to take account of the priorities, needs and reception capacities determined by each Member State, and to encourage integration; to control illegal immigration by ensuring that illegal immigrants return to their countries of origin or to a country of transit; to make border controls more effective; to construct a Europe of Asylum and; to create a comprehensive partnership with the countries of origin and of transit in order to encourage the synergy between migration and development.[81]
2008	EU Return Directive [82]	Sets out common standards and procedures to be applied in Member States for returning illegally staying third-country nationals, underlining the need for Community and bilateral readmission agreements with third countries to facilitate the return process.[83]

76 Available at: http://www.dialogueuroafricainmd.net/web/the-rabat-process
77 More information on the Euro-African Migration and Development Process Website available at http://www.dialogueuroafricainmd.net/web/the-rabat-process
78 Available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/97496.pdf
79 European Council, 2007
80 Available at: http://register.consilium.europa.eu/pdf/en/08/st13/st13440.en08.pdf
81 European Council, 2008b
82 Available here: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:pdf
83 European Commission, 2008b

2008	Union for the Mediterranean [84]	The Euro-Mediterranean Partnership is re-launched as the Union for the Mediterranean in order to render relations more concrete and visible through new regional and sub-regional projects in areas including migration. [85]
2009	Lisbon Treaty [86]	To reiterate the obligation to develop a common immigration policy and give further legislative competences on legal migration to the EU. [87]
2009	Stockholm Programme [88]	Follows on from the five main objectives of the European Pact on Immigration and Asylum in migration issues. Specifically, it calls for serious efforts to be made in building and strengthening dialogue and partnerships between the EU and third countries on migration issues. To do, it call for the implementation of Mobility Partnership instruments which should bring added value to existing bilateral agreements and under which the EU prioritizes readmission agreements in the area of combating irregular migration. [89]
2011	Global Approach to Migration and Mobility [90]	To adapt policies in response to the challenges of changing migration trends particularly in light of the economic crisis. It also established a comprehensive framework to manage migration and mobility with partner countries in a coherent and mutually beneficial way through policy dialogue and close practical cooperation under the belief that, without well-functioning border controls, lower levels of irregular migration and an effective return policy, it will not be possible for the EU to offer more opportunities for legal migration and mobility». [91]

84 Available here: http://www.eeas.europa.eu/euromed/index_en.htm
85 European Council, 2008a
86 Available at: http://europa.eu/lisbon_treaty/full_text/
78 European Union, 2007
88 Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:en:PDF
89 European Council, 2010
90 Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0743:FIN:EN:PDF
91 European Commission, 2011a

Annex 4

Further reading references

Below is a list of pertinent publications to facilitate further reading on the various AVRR areas covered in this handbook. It is also recommendable to explore and join the Voluntary Return European Network (VREN) for continuous updates on new AVRR-related publications. *http://www.vren-community.org*

Good/best/other practices

Ferri, A. and S. Rainero (eds.)

2010   *Managing Return Migration: Policy and Practice in Europe: Collection of Regional and National Practice in the Field of Return Migration.* VenetoLavoro, Venice, Italy. Available at: *http://supaproject.files.wordpress.com/2011/06/survey-2-1-policy-practices_def.pdf*

International Organization for Migration

2005   *Compilation of Best Practices in Return Management in Selected EU Countries and Romania, IOM Vienna.* Available at: *http://www.ch.iom.int/fileadmin/media/pdf/publikationen/handbook_argo.pdf*

2006   *Compendium of Best Practices in Return, Readmission and Reintegration, IOM, Tirana* Available at:*http://www.iomtirana.org.al / en / E Library / Books / Compendium%2 of%20 best%20practices%20in%20return%20readmission%20and%20reintegration.pdf*

2008   *Exchange of Information and Best Practices on First Reception, Protection and Treatment of Unaccompanied Minors: Manual of best practices and recommendations.* European Commission DG JFS ARGO Programme, IOM Brussels. Available at: *http://www.iomvienna.at/mwg-internal/de5fs23hu73ds/progress?id=mf6Enhudp9*

European Commission, Directorate-General Home Affairs

2011   *Comparative Study on best practices in the field of return of minors, (European Council on Refugees and Exiles in strategic partnership with Save the Children EU Office), Brussels.* Available at: *http://www.ecre.org/mwg - internalde5fs23hu73dsprogress?id= / cfalerPtx*

2012   *Comparative Study on Best Practi es to Interlink Pre-Departure Reintegration Measures Carried out in Member States with Short- and Long-Term Reintegration Measures in the Countries of Return,* International Centre for Migration Policy Development and European Council on Refugees and Exiles, Brussels. Available at: *http://ec.europa.eu/mwg-internal/de5fs23hu73ds/progress?id=er1sAJ2Epv*

Danish Refugee Council

2008   *Recommendations for the Return and Reintegration of Rejected Asylum Seekers: Lessons learned from Returns to Kosovo, Danish Refugee Council, Copenhagen.* Available at: *http://www.refworld.org/docid/484022172.html*

Successful and sustainable return and reintegration

Cassarino, J. P.

2008 *Return Migrants to the Maghreb: Reintegration and development challenges, Robert Schuman Centre for Advanced Studies, Florence, Italy.* Available at: *http://cadmus.eui.eu/handle/1814/9050*

European Red Cross Return Initiative

2009 *European Red Cross R turn Initiative: A study on how to support sustainable return in safety and dignity, Swedish Red Cross, Stockholm.* Available here: *http://www.ifrc.org/Global/Publications/migration/perco/perco-ercri-en.pdf*

International Organization for Migration

2010d *Practical Guide on Information Provision Regarding Return and Reintegration in Countries of Origin,* IOM Geneva.

2011l *Reintegration Assistance Illustrated, IOM, UE, Fedasil, Caritas International, Brussels.* Available at: *http://ec.europa.eu/mwg-internal/de5fs23hu73ds/progress?id=4hfmczEwoL*

United Nations Commissioner for Refugees Regional Representation in Egypt, Cairo

2004 *Handbook for Repatriation and Reintegration Activities, UNHCR, Geneva.* Available at: *http://www.unhcr.org/411786694.html*

Migrants with health needs

International Organization for Migration

2009 *Care for Trafficked Persons: Guidance for Health Providers, Geneva.* Available at: *http://publications.iom.int/bookstore/free/CT_Handbook.pdf*

Inter-Agency Standing Committee (IASC)

2007 *Guidelines on Mental Health and Psychological Support in Emergency Settings.* Available at: *http://www.who.int/mental_health/emergencies/guidelines_iasc_mental_health_psychosocialjune_2007.pdf*

Unaccompanied migrant children

International Organization for Migration

2008 *Exchange of Information and Best Practices on First Reception, Protection and Treatment of Unaccompanied Minors: Manual of best practices and recommendations. European Commission DG JFS ARGO Programme, IOM Brussels.* Available at: *http://www.iomvienna.at/mwg-internal/de5fs23hu73dsprogress?id=mf6Enhudp9*

International Committee of the Red Cross (ICRC)

2004 *Inter-agency Guiding Principles on Unaccompanied and Separated Children, Geneva.* Available here: *http://www.unicef.org/violencestudy/pdf/IAG_UASCs.pdf*

Defense for Children International (DIC)

2011 *Core Standards for Guardians of Separated Children in Europe: Goals for Guardians and Authorities, Leiden.* Available at: *http://www.defenceforchildren.nl/images/69/1632.pdf*

United Nations High Commissioner for Refugees

2008 *UNHCR Guidelines on Determining the Best Interests of the Child, Geneva.* Available at: *http://www.unhcr.org/4566b16b2.pdf*

United Nations High Commissioner for Human Rights (OHCHR)

2010 *Study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration,* New York. Available at: *http://www2. ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.15.29_en.pdf*

United Nations Children's Fund (UNICEF)

2006 *Guidelines on the Protection of Child Victims of Trafficking, New York.* Available at*: http:// www.unicef.org/ceecis/0610-Unicef_Victims_Guidelines_en.pdf*

AVRR for Victims of Trafficking

International Organization for Migration

2007 *The IOM Handbook on Direct Assistance for Victims of Trafficking, IOM Geneva.* Available at: *http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/ published_docs/books/CT%20handbook.pdf*

2009 *Care for Trafficked Persons: Guidance for Health Providers, Geneva.* Available at: *http:// publications.iom.int/bookstore/free/CT_Handbook.pdf*

United Nations High Commissioner for Human Rights

2002 *Recommended Principles and Guidelines on Human Rights and Human Trafficking, (OHCHR), Brussels.* Available at: *http://www.ohchr.org/Documents/Publications/Traffickingen.pdf*

Surtees, R.,

2008a *Re/integration of trafficked persons: handling 'difficult' cases, NEXUS Institute, Washington.* Available at: *http://www.nexusinstitute.net/mwg-internal/de5fs23hu73ds/ progress?id=rjArLRP8O+*

2008b *Re/integration of trafficked persons: how can our work be more effective, NEXUS Institute, Washington.* Available at: *http://www.nexusinstitute.net/publications/pdfs/ Reintegration%20 of%20trafficked%20 persons %20- %20how%20can%2 our%20work%20 be%20more%20effective.pdf*

2010 *Monitoring anti-trafficking re/integration programmes. A manual. NEXUS Institute, Washington.* Available at: *http://www.nexusinstitute.net/mwg-internal/ de5fs23hu73ds/progress?id=0W9QCygKOy*

2012 *Re/integration of trafficked persons: supporting economic empowerment. NEXUS Institute, Washington.* Available at: *http://www.nexusinstitute.net/mwg-internal/de5fs23hu73ds/ progress?id=KVzLee8MvO*

United Nations Children's Fund (UNICEF)

2006   *Guidelines on the Protection of Child Victims of Trafficking, New York.* Available at: *http:// www.unicef.org/ceecis/0610-Unicef_Victims_Guidelines_en.pdf*

Migrants in Detention

International Detention Coalition

2011a *There are alternatives: A handbook for preventing unnecessary immigration detention. Introducing CAP: The Community Assessment and Placement model for working withrefugees, asylum seekers and irregular migrants, International Detention Coalition, Melbourne, Australia.* Available at: *http://idcoalition.org/cap/handbook/*

2012   *Captured Childhood: Introducing a new model to ensure the rights and liberty of refugee, asylum seeker and irregular migrant children affected by immigration detention, International Detention Coalition, Melbourne,* Australia. Available at: *http://idcoalition. org/mwg-internal/de5fs23hu73ds/progress?id=j1HZXSp+56*

AVRR, local development and labour migration

International Organization for Migration

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Annex 5

Good Practices in AVRR from outside the North African Region

Introduction

For the purpose of this handbook, good practices in AVRR can be understood as programmes, projects or activities that contribute to or ensure the success and sustainability of voluntary return and reintegration. The following list of good practices from outside the North African region aims to provide further information exchange, reflection and comparison for the improvement of AVRR services. It is important to note that a model of good practice cannot be entirely duplicated given the different national settings and contexts. Moreover, good practices will have disadvantages and must be taken into consideration before being replicated in another environment. The best practices here are grouped into several of the categories addressed within this handbook.

Overall AVRR Processes

Providing accurate and up to date country of origin information to migrants contemplating return: IRRiCO II Enhanced and Integrated Approach Regarding Information on Return and Reintegration in Countries of Origin. This project is carried out by IOM and aims to provide information for migrants considering returning to their countries of origin. IRRiCO II provides information about return and reintegration possibilities in around 20 countries of origin through information sheets on health care, housing, education, employment, business opportunities, custom issues, and transportation. In addition, for each country of origin, a contact list is provided with the addresses of relevant organizations and services providers [92] (More information at http://irrico.belgium.iom.int).

Promoting ownership over return plans through participation of migrants in the process of acquiring country of origin information IOM Hungary. IOM Hungary offers potential returnees access to the Internet, which enables the returnees to inform himself or herself with regard to the situation in the country of origin. The NGO "Caritas," the main implementing partner for IOM Austria, invites returnees to pick up their own return documents from the embassies in order to involve the migrants in their return preparations on neutral ground. Such initiatives ensure migrants are self-sufficient and promote ownership over return plans, which can increase motivation and contribute to a sustainable return[93].

More effective outreach through mapping exercises. IOM Dublin conducted a series of migrant community 'mapping exercises' of selected communities in order to better inform their information and outreach activities. These ran over a few years and focused on different communities at a time. The exercises involved analyzing four specific aspects: the demographics of the target community; the social and community networks of

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92 Ferri, A. and S. Rainero (eds), 2010

93 IOM, 2005

the community; the information channels used by the community and any barriers to accessing migration related information experienced by the migrant community. This allowed IOM to adapt outreach strategies to be able to assist more migrants desiring to return to their countries of origin. Lessons learned show that migrants are more likely to fill out questionnaires distributed by members of their own community.

Extensive network of partners and a decentralized approach to AVRR application. IOM Belgium has worked over many years to build an AVRR network of 87 partners that covers the entire Belgian territory. This decentralized and sustainable counseling and information mechanism ensures that migrants have the opportunity to access the programme easily at any stage of their migration experience and from all over Belgium.

Voluntary Return European Network (VREN). Implemented by IOM, the network was established in 2010 and aims to facilitate exchanges among stakeholders in the EU Member States, as well as in Switzerland and Norway, on AVRR of third-country nationals to their countries of origin. VREN is an online platform that provides the e-community of members to exchange information, promote their visibility and coordinate activities. It also serves as a reference source with many publications, reports and other materials available for all members. For more information, consult the website: www.vren-community.org

Country of origin information practical guide. This guide was elaborated by IOM and funded by the European Union in order to help improve systems for acquiring and utilizing country of origin information. The report is divided into two main parts: Section I provides an overview of the AVRR process and the concept of return information. Section II looks at the EU IRRiCO project (see first good practice above) and ends with a set of recommendations. Download the publicationhere.

Understanding the profiles of return migrants in order to refine AVRR programmes and projects. The Robert Schuman Centre for Advanced Studies of the European University Institute in Florence conducted a study entitled Return Migrants to the Maghreb: Reintegration and Development Challenges, which allowed for the identification of the profiles of return migrants to Algeria, Morocco and Tunisia. Such studies are extremely important when it comes to the design and implementation of any AVRR initiative since they reveal important information and trends in returnees which can be utilized to refine activities and overall project design to ensure returnees needs and rights are fully taken into consideration, thus ensuring a more integral and successful return experience.[94]

Reintegration Assistance

Flexibility in facing challenges of reintegration. With IOM Italy's Programme for the Assistance in Voluntary Return from Italy and Reintegration in the Country of Origin (P.A.RT.I.R III), recognizing that in some cases, it is not always possible for IOM to purchase the items directly from the supplier, operational and financial guidelines allow for two

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94 Cassarino, J. P., 2008

alternatives: (a) directly purchase goods and provide IOM with invoices or receipts, upon which the returnee can be reimbursed; and (b) if it is impossible to collect any documents that justify the expense, it would be possible to transfer limited amounts of cash to returnees to purchase the goods or services. Whichever option is chosen requires approval by IOM Rome before implementation. The difficulties experienced in providing such documents can, at times, be off-putting for migrants and can lead to abandonment of the reintegration assistance. Such a flexible approach therefore facilitates the reintegration process.

Fostering family support for returnees. The social and economic resources provided by a returnee's family are an essential element for successful reintegration. However, family reintegration can be problematic. To mitigate this, pre-departure psychosocial counseling assistance and post-arrival family counseling is recommended. In Spain, organizations such as AESCO and ACCEM inform beneficiaries about the difficulties they may face reuniting with their families and provide advice on the best way to deal with the issue. Moreover, AESCO's offices in countries of return offer social support for the whole family unit.[95]

Unaccompanied migrant children

Catalonia Magrib Project (PCM), Morocco. PCM in Morocco was jointly established by the Catalan authorities and the pertinent Moroccan authorities and aims to: (a) prevent irregular migration through the provision of training, education and job opportunities and (b) facilitate the voluntary return of children through contacts with family members, provision of training and job opportunities and support in the reintegration process. Under this second objective, post-return training takes place in high schools and children are guaranteed employment until their twenty-first birthday and provided with support and monitoring until then.[96]

Pilot project for an enhanced reintegration approach as a durable solution for UMC and former UMC identified in Belgium (focus on Morocco). Given the growing number of unaccompanied migrant children originating from Morocco identified in Belgium, this pilot project was led by IOM Belgium in partnership with government institutions and IOM Morocco, IOM Paris, IOM Rome and IOM Madrid, in order to strengthen the available options for the UMC at risk in the host country as well as in their country of origin. Specifically, it aims to strengthen the reintegration approach with the identification of durable solutions in their country of origin, as well as contribute to a better understanding of the issue of AVRR for UMC.

IOM Ireland system of AVRR for UMC living in Ireland. IOM Dublin has been providing AVRR to unaccompanied migrant children since 2003 and boasts of a well-functioning procedure. In line with IOM principles and policies, IOM Dublin strives to reintegrate unaccompanied migrant children in countries of origin on a more long-term basis by integrating a Return, Reintegration and Care Plan for Unaccompanied Minors into the AVRR process. This records and highlights the immediate, medium-term and long-term

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95 European Commission, Directorate-General Home Affairs, 2012
96 European Commission, Directorate-General Home Affairs, 2012

needs of the minor upon return. This approach fosters a reintegration plan that takes the child's future into account, ensuring sustainable and effective reintegration.

IOM Belgium - Training guardians: Within the Belgian REAB programme, and given IOM Belgium's extensive contacts with and upon request of the Justice department, IOM works in close cooperation with the Guardianship Service by contributing to the counseling and training of new legal guardians as well as for existing legal guardians. IOM has also inserted its training component on AVRR policies and procedures with regard to unaccompanied migrant children in the overall government training provided by the Justice department.[97]

Migrants with health problems

IOM Belgium: Escort databases. IOM Belgium has created an Escorts Database containing medical and non-medical escorts to ensure qualified and consistent escort services are available. When none of these contacts can and/or are willing to do a specific mission, the IOM counselor may also recruit an escort from the hospital, psychiatric institute or through the relatives' of the migrant.

IOM Ireland: Flexibility with regard to health cases and reintegration assistance. The same in-kind grant for income generation is provided for medical cases as for all returnees in the programme. IOM Ireland allows this to be given to the family instead of the returnee for income-generation activities, when appropriate.

Return, labour migration and development

Fundación Crea Empresas, Spain: AVRR based on the development of capacities in business management. The overall objective of this project was to promote the participation of migrants in the social and economic development of their communities of origin by establishing productive activities through permanent or temporary return or through distance management. Target countries were Bolivia, Colombia, Ecuador and Uruguay. Activities included: (a) the development of a network to disseminate the initiative; (b) implementation of an entrepreneurship creation programme to train migrants; (c) channeling of remittances towards productive activities; (d) organization of entrepreneurial networks; and (e) implementation of a monitoring and evaluation programme. This programme showed strong political support, which was strengthened with various bilateral agreements.[98] More information at www.fundacioncreaempresa.com.

IOM Rome: Encouraging Moroccan Migrants to become Agents of Development. This programme focused on Moroccan migrants as potential agents of development. Its objective was to create favourable conditions in Italy and Morocco for Moroccan migrants in Italy to invest at home, either through temporary or permanent return programmes, targeted investment of remittances or through the creation of a transnational network of firms, migrants' associations and public administrations in both countries.[99] For more information, contact IOM Rome.

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97 IOM, 2008
98 Ferri, A. and S. Rainero (eds), 2010
99 Ferri, A. and S. Rainero (eds), 2010

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